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(Part II begins on page 8225)



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Latest Edition

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[Revised as of January 1, 1972]

This useful reference tool is designed to keep businessmen and the general public informed concerning the many published requirements in Federal laws and regulations relating to record retention.

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Title 3—The President

EXECUTIVE ORDER 11668

Providing for a National Center for Housing Management

By virtue of the authority vested in me as President of the United States and in accordance with the provisions of the Department of Housing and Urban Development Act, as amended (42 U.S.C. 3531 et seq.), Title VIII of the Housing Act of 1964, as amended (20 U.S.C. 801 et seq.), and Title V of the Housing and Urban Development Act of 1970 (12 U.S.C. 1701z–1 et seq.), it is ordered as follows:

SECTION 1. *Policy.* The Nation's housing stock represents an important national resource which must be preserved and well managed if public and private investments are to be protected, and if we are to meet our goal of providing a decent home and suitable living environment for low and moderate income residents. The production of Federally-assisted housing has greatly expanded in recent years, creating a need for a balanced strategy to ensure that such housing remains viable for the purposes intended.

This expansion also creates a need for a growing supply of new management manpower for the years ahead. Special skills must be developed among these managers so that they can effectively overcome the social and economic problems facing many residents of Federally-assisted housing, including the elderly. Training, the improvement of career opportunities, and the upgrading of industry standards are all essential to the improvement of the Nation's housing management capability, particularly for low and moderate income housing.

SEC. 2. *Establishment of a National Center for Housing Management.* (a) The Secretary of Housing and Urban Development is directed to call upon public-spirited citizens, dedicated and experienced in the appropriate disciplines, to create, in accordance with existing laws, a new, non-governmental, not-for-profit institution to serve as a National Center for Housing Management (referred to herein as the Center).

(b) The Center should be designed to provide objective and independent leadership at the national level in helping meet the Nation's housing management and training needs and should work cooperatively with the Department of Housing and Urban Development and with the public and private organizations and institutions involved in, or affected by, its activities.

SEC. 3. *Activities of the Center.* The activities of the Center should be developed along lines that include the following objectives:

(1) Development of training and educational programs for housing management and personnel;

(2) Cooperation with public and private national, State, and local organizations and institutions in extending housing management training and educational opportunities, using to the fullest extent possible

the services and facilities of existing agencies with expertise in training and education.

(3) Cooperation with national, State, and local organizations and institutions in establishing or expanding recruitment and placement systems that will link training in housing management to job opportunities in that field.

(4) Development of improved housing management practices and assistance in professionalizing the housing management industry; and

(5) Stimulating the creation of new management entities, and strengthening the effectiveness of existing management entities.

SEC. 4. *Assistance by Federal Agencies.* To the extent consistent with law, all other Federal executive departments and agencies shall cooperate and work with the Department of Housing and Urban Development and the Center in providing appropriate advice and financial support so as to ensure that the above described objectives are carried out with the most effective and efficient use of Federal, State and local resources, both public and private.

Richard Nixon

THE WHITE HOUSE,
April 21, 1972.

[FR Doc.72-6359 Filed 4-21-72; 3:57 pm]

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Treasury Department

Section 213.3305 is amended to reflect the following title change: From Confidential Assistant to the Secretary to Secretary to the Secretary.

Effective on publication in the FEDERAL REGISTER (4–25–72), subparagraph (13) of § 213.3305(a) is amended and subparagraph (34) is revoked as set out below.

§ 213.3305 **Treasury Department.**

(a) *Office of the Secretary.* * * *

(13) Three Secretaries to the Secretary.

* * * * *

(34) [Revoked]

* * * * *

(5 U.S.C. secs. 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.72–6284 Filed 4–24–72;8:48 am]

PART 213—EXCEPTED SERVICE

Department of the Interior

Section 213.3312 is amended to show that one position of Staff Assistant to the Assistant Secretary for Mineral Resources is excepted under Schedule C.

Effective on publication in the FEDERAL REGISTER (4–25–72), subparagraph (38) is added to paragraph (a) of § 213.3312 as set out below.

§ 213.3312 **Department of the Interior.**

(a) *Office of the Secretary.* * * *

(38) One Staff Assistant to the Assistant Secretary for Mineral Resources.

* * * * *

(5 U.S.C. secs. 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.72–6283 Filed 4–24–72;8:48 am]

PART 213—EXCEPTED SERVICE

U.S. Arms Control and Disarmament Agency

Section 213.3364 is amended to reflect the following title change: From Private Secretary to the Deputy Assistant Director, Bureau of Economics, to Private Secretary to the Deputy Assistant Director, Economic Affairs Bureau.

Effective on publication in the FEDERAL REGISTER (4–25–72), paragraph (g) of § 213.3364 is amended as set out below.

§ 213.3364 **U.S. Arms Control and Disarmament Agency.**

* * * * *

(g) One Private Secretary to the Deputy Assistant Director, Economic Affairs Bureau.

(5 U.S.C. secs. 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.72–6285 Filed 4–24–72;8:48 am]

Title 7—AGRICULTURE

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

CHANGE OF AGENCY NAME

An order of the Secretary of Agriculture (37 F.R. 6327) changed the name of the Consumer and Marketing Service to the Agricultural Marketing Service and transferred to the Animal and Plant Health Inspection Service the meat and poultry inspection activities formerly administered by the Consumer and Marketing Service. An order of the Assistant Secretary for Marketing and Consumer Services (37 F.R. 6505) confirmed all delegations to the Administrator, Consumer and Marketing Service under the agency's new name, the Agricultural Marketing Service, with the exception of meat and poultry inspection activities. Accordingly, the provisions of Chapters I, IX, X, and XI, 7 CFR, are amended by changing the name "Consumer and Marketing Service" wherever it appears to "Agricultural Marketing Service."

These amendments are merely editorial. They do not affect any member of the public. Accordingly, under the provisions of 5 U.S.C. 553, it is found upon good cause that notice and other public procedure concerning the amendments are impracticable and unnecessary, and good cause is found for making amendments effective less than 30 days after publication in the FEDERAL REGISTER.

The foregoing amendments shall become effective upon publication in the FEDERAL REGISTER (4–25–72).

Done at Washington, D.C., this 20th day of April 1972.

G. R. GRANGE,
Acting Administrator.

[FR Doc.72–6298 Filed 4–24–72;8:50 am]

PART 51—FRESH FRUITS, VEGETABLES AND OTHER PRODUCTS (INSPECTION, CERTIFICATION AND STANDARDS)

U.S. Standards for Sawdust Pack Grapes (European or Vinifera Type)

On April 5, 1972, a notice of proposed rule making was published in the FEDERAL REGISTER (37 F.R. 6854) regarding the termination of United States Standards for Sawdust Pack Grapes (European or Vinifera type). These grade standards are issued under authority of the Agricultural Marketing Act of 1946 (60 Stat. 1087, as amended; 7 U.S.C. 1621–1627), which provides for the issuance of official U.S. grades to designate different levels of quality for the voluntary use of producers, buyers, and consumers. Official grading services are also provided under this act upon request of any financially interested party and upon payment of a fee to cover the cost of such services.

Statement of considerations leading to the termination of the standards. The U.S. Standards for Sawdust pack Grapes were issued in August 1928. They were last revised in October 1953 and amended in October 1962. The proposal to terminate these standards gave interested persons until April 15, 1972 to submit written data, views, or arguments regarding it. No adverse comments have been received.

The revision of the table grape standards in May 1971 provided for the certification of premium packs of grapes destined for long storage or overseas shipments. This eliminated the need for the sawdust pack standards. In the revising of the table grape standards it was stated that the U.S. Standards for Sawdust Pack Grapes would continue in effect until May 1, 1972. The termination of the sawdust pack standards was delayed so that shippers who had on hand a stock of containers marked "U.S. No. 1 Sawdust Pack" would have ample time to dispose of those containers. It was felt that one season would be sufficient time for disposal.

It is hereby found that good cause exists for not postponing the effective date of this termination beyond May 1, 1972 in that: (1) The 1972 packing season for grapes starts in May and it is in the interest of the industry that this termination be placed in effect at the earliest possible date to prevent possible confusion or error on the part of the industry; and (2) no special preparation is

required for compliance with this termination on the part of members of the grape industry or of others.

Accordingly, the U.S. Standards for Sawdust Pack Grapes (European or Vinifera type) (7 CFR 51.2150–51.2178) shall be terminated effective May 1, 1972.

G. R. GRANGE,
Acting Administrator.

APRIL 20, 1972.

[FR Doc.72-6299 Filed 4-24-72;8:50 am]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

CHANGE OF AGENCY NAME

For a document changing the name of the Consumer and Marketing Service to the Agricultural Marketing Service see F.R. Doc. 72-6298, 7 CFR Ch. I, *supra*.

[Lemon Reg. 529, Amdt. 1]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910; 36 F.R. 9061), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of lemons grown in California and Arizona.

(b) *Order, as amended.* The provision in paragraph (b)(1) of § 910.829 (Lemon Regulation 529, 37 F.R. 7482) during the period April 16, 1972, through April 22, 1972, is hereby amended to read as follows:

§ 910.829 **Lemon Regulation 529.**

* * * * *

(b) *Order.* (1) * * * 250,000 cartons.

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: April 19, 1972.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.72-6271 Filed 4-24-72;8:47 am]

Chapter X—Agricultural Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture

CHANGE OF AGENCY NAME

For a document changing the name of the Consumer and Marketing Service to the Agricultural Marketing Service see F.R. Doc. 72-6298, 7 CFR Ch. I, *supra*.

Chapter XI—Agricultural Marketing Service (Marketing Agreements and Orders; Miscellaneous Commodities), Department of Agriculture

CHANGE OF AGENCY NAME

For a document changing the name of the Consumer and Marketing Service to the Agricultural Marketing Service see F.R. Doc. 72-6298, 7 CFR Ch. I, *supra*.

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[CCC Grain Price Support Regs., 1970 and Subsequent Crops Rice Supplement, Amdt. 1]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1970 and Subsequent Crops, Rice Loan and Purchase Program

COMPLIANCE REQUIREMENTS AND WAREHOUSE CHARGES

On page 3753 of the FEDERAL REGISTER published on February 19, 1972, there was published a notice of proposed rule making to issue regulations amending §§ 1421.303 and 1421.307 of the 1970 and subsequent crops, rice loan and purchase program regulations.

Interested persons were given 30 days in which to submit written comments, suggestions or objections regarding the proposed amendments.

None have been received and the proposed amendments to the regulations are hereby adopted without change and are set forth below.

Effective date. These amendments to the regulations shall be effective upon publication in the FEDERAL REGISTER (4–25–72).

KENNETH E. FRICK,
Executive Vice President, Commodity Credit Corporation.

APRIL 18, 1972.

1. The amendment of § 1421.303 deletes the cross-compliance eligibility requirements for multiple farm producers and provides for determination of the eligibility for price support for rice on an individual farm basis. As amended, § 1421.303 reads as follows:

§ 1421.303 **Compliance requirements.**

An eligible producer shall be a producer on whose farm the rice acreage allotment established for the farm under the provisions of the Rice Acreage Allotment Regulations of Part 730 of this title has not been knowingly exceeded. If such rice was produced on a farm for which a certification is furnished under Part 718 of this title, Determination of Acreage and Compliance, and subsequent measurement of the rice acreage on such farm indicates that the acreage planted does not exceed the rice acreage allotment established for the farm by more than the larger of 0.5 acre, or 5 percent of the farm rice acreage allotment but not to exceed 15 acres, the farm rice acreage allotment will not be considered to have been knowingly exceeded.

2. The amendment to paragraph (c) of § 1421.307 provides that the receiving and loading out charges payable may not exceed those paid by Commodity Credit Corporation under its Uniform Rice Storage Agreement. The immediate effect of this amendment is to increase the maximum amount payable for such services from eight (8) cents to twelve (12) cents. As amended, paragraph (c) reads as follows:

§ 1421.307 **Warehouse charges.**

* * * * *

(c) *Refund of prepaid handling charges.* The receiving or the receiving and loading out charges on the rice referred to in paragraph (a) of this section and § 1421.23(i) shall be at the rate paid by the producer but not in excess of the rate for such services under the Uniform Rice Storage Agreement.

(Secs. 4 and 5, 62 Stat. 1070, as amended; secs. 101, 401, and 408, 63 Stat. 1051, as amended; 15 U.S.C. 714b and 714c; 7 U.S.C. 1421, 1441, and 1428)

[FR Doc.72-6304 Filed 4-24-72;8:50 am]

Title 8—Aliens and Nationality

Chapter I—Immigration and Naturalization Service, Department of Justice

PART 212—DOCUMENTARY REQUIREMENTS: NONIMMIGRANTS; WAIVERS; ADMISSION OF CERTAIN INADMISSABLE ALIENS; PAROLE

Nonresident Alien Border Crossing Cards

Correction

In F.R. Doc. 72-5815 appearing at page 7584 in the issue of Tuesday, April 18, 1972, the words "Form I-75" in the third and eighth lines of § 212.6(b) should read "Form I-175".

Title 12—BANKS AND BANKING

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

[No. 72-469]

PART 545—OPERATIONS

Real Estate Loans

APRIL 19, 1972.

Resolved that the Federal Home Loan Bank Board considers it advisable to amend Part 545 of the rules and regulations for the Federal Savings and Loan System (12 CFR Part 545) for the purpose of effecting technical revisions in several sections which relate to the Board's recent revision of § 545.6-7 of said part which was published in 37 F.R. 6285. Accordingly, the Federal Home Loan Bank Board hereby amends said Part 545 as follows, effective May 1, 1972:

1. Revise § 545.6-6 to read as follows:

§ 545.6-6 Lending area.

The regular lending area of a Federal association consists of the area: (a) Within a radius of 100 miles from such association's home office; (b) within a radius of 100 miles from each branch office of such association or other place of business approved by the Board as an agency of such association, to the extent that such area is also within the State in which such association's home office is located; and (c) in the case of a Federal association which is converted from a State-chartered institution, beyond 100 miles from its home office but within which area such association made loans while operating under State charter. Each converted association that desires to continue to make loans beyond 100 miles from its home office in the areas in which it made loans while operating under State charter shall file with the Board a map showing the areas within which such association made loans while operating under State charter. For the purpose of this section, the term "State" shall include the District of Columbia, the Commonwealth of Puerto Rico, and the possessions of the United States; and a county, parish, or similar political subdivision of a State is the unit of "area" in which a converted association made loans beyond a radius of 100 miles from its home office while operating under State charter.

§ 545.6-14 [Amended]

2. Revise § 545.6-14 by deleting paragraph (i) thereof.

3. Revise paragraph (d) of § 545.6-16 to read as follows:

§ 545.6-16 Housing facilities for the aging.

* * * * *

(d) *Relationship to the other provisions of the regulations.* Except as expressly provided by this section, the exercise of any authority conferred on or vested in any Federal association by this section shall be subject to, and limited or restricted by, all other provisions of this part.

* * * * *

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943-48 Comp., p. 1071)

Resolved further that, since the above amendments are of a technical nature to clarify references to the recent revision of § 545.6-7 above referred to and do not impose additional requirements, the Board hereby finds that notice and public procedure are unnecessary under the provisions of 12 CFR 508.11 and 5 U.S.C. 553(b); and the Board also finds, for the same reason, that publication for the 30-day period specified in 12 CFR 508.14 and 5 U.S.C. 553(d) prior to the effective date of the amendments is unnecessary; and the Board hereby provides that the amendments shall become effective as hereinbefore set forth, on the same date on which such revision of § 545.6-7 becomes effective.

By the Federal Home Loan Bank Board.

[SEAL] EUGENE M. HERRIN,
Assistant Secretary.

[FR Doc.72-6280 Filed 4-24-72;8:48 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 11171, Amdt. 39-1438]

PART 39—AIRWORTHINESS DIRECTIVES

Mitsubishi Model MU-2B Airplanes

Amendment 39-1238 (36 F.R. 12091) AD 71-14-1 requires periodic inspections of the main integral fuel tank inner surface coating and repair of peeling or blistering surfaces on Mitsubishi Model MU-2B airplanes. After issuing Amendment 71-14-1, the FAA has determined that the repetitive inspections required by the AD may be terminated if the fuel tanks undergo a rework involving the complete removal of the DV 1180 top coating material and the coating of the fuel tanks with Alodine and Finch 454-4-1 sealant in accordance with the airplane manufacturer's instructions. Therefore, the AD is being amended to provide for the termination of repetitive inspections when the fuel tanks are reworked in accordance with repair instructions provided in Mitsubishi Service Bulletin No. 143B, Method II, dated January 5, 1972. In addition AD 71-14-1 is being updated to include a reference to the current service bulletin.

Since this amendment provides an updated reference and an alternative means of compliance, and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39-1238 (36 F.R. 12091), AD 71-14-1 is amended as follows:

1. By amending the last sentence of paragraph (f) to read: * * *

Remove all defective coating and rework the affected areas in accordance with repair instructions provided in Mitsubishi Service Bulletin No. 143A or 143B, Method I, dated April 23, 1971 and January 5, 1972, respectively, or an FAA approved-equivalent, or comply with paragraph (g) of this section.

2. By adding a new paragraph (g) to read: * * *

(g) Drain the fuel tanks, remove all the top coating material, and rework the fuel tanks in accordance with Mitsubishi Service Bulletin No. 143B, Method II, dated January 5, 1972, or an FAA approved-equivalent.

3. By adding a new paragraph (h) to read: * * *

(h) The repetitive inspections specified in paragraphs (d) and (e) of this section may be discontinued when the fuel tanks are reworked in accordance with paragraph (g) of this section.

This amendment becomes effective May 1, 1972.

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

Issued in Washington, D.C., on April 17, 1972.

WILLIAM C. SHREVE, JR.,
Acting Director,
Flight Standards Service.

[FR Doc.72-6256 Filed 4-24-72;8:46 am]

[Docket No. 11890, Amdt. 39-1439]

PART 39—AIRWORTHINESS DIRECTIVES

Hawker Siddeley Aviation de Havilland Model DH-114 "Heron" Airplanes

Pursuant to the authority delegated to me by the Administrator, an airworthiness directive was adopted on February 9, 1972, and made effective immediately as to all known operators of Hawker Siddeley de Havilland Model DH-114 "Heron" airplanes because of reported cracks of the fuselage rear spar transverse keel frame which could result in the loss of a wing in flight. The directive requires visual inspections of the fuselage rear spar tranverse keel frame for signs of buckling or cracking and repair, in accordance with approved instructions, as necessary. The initial inspection is required within the next 25 hours' time in service after the effective date of the AD; periodic inspections are required at intervals not exceeding 600 hours' time in service.

Since it was found that immediate corrective action was required, notice and public procedure thereon was impracticable and contrary to the public interest and good cause existed for making the airworthiness directive effective immediately as to all known U.S. operators of Hawker Siddeley de Havilland Model DH-114 "Heron" airplanes by individual telegram dated February 9, 1972. These conditions still exist and the airworthiness directive is hereby published in the FEDERAL REGISTER as an amendment to § 39.13 of Part 39 of the Federal Aviation Regulations to make it effective as to all persons.

HAWKER SIDDELEY AVIATION. Applies to de Havilland Model DH-114 "Heron" airplanes.

Compliance required as indicated.

(a) Within the next 25 hours' time in service after the effective date of this AD, unless already accomplished within the last 575 hours' time in service, and thereafter at intervals not to exceed 600 hours' time in service from the last inspection, remove the inspection doors just forward and aft of the fuselage rear spar transverse keel frame at fuselage station 43.25 and visually inspect both the front and rear face, including reinforcing sections, if installed, of the fuselage rear spar transverse keel frame for signs of buckling and cracks.

NOTE: During the inspection required by paragraph (a) of this section, particular attention should be directed to the area near the wing rear spar attachment.

(b) If cracks or other damage is found during inspections specified in paragraph (a) of this section, before further flight, repair the keel frame in accordance with ARB approved repair instructions obtained from the Product Support Department, Hawker Siddeley Aviation Ltd. Hatfield, Hertfordshire, England or an equivalent approved by the Chief, Engineering and Manufacturing Branch of an FAA Region (or in the case of the Western Region, the Chief, Aircraft Engineering Division).

This amendment is effective April 25, 1972, and was effective upon receipt for all recipients of the telegram dated February 9, 1972, which contained this amendment.

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

Issued in Washington, D.C., on April 19, 1972.

JAMES F. RUDOLPH,
Director,
Flight Standards Service.

[FR Doc.72-6257 Filed 4-24-72;8:46 am]

[Airspace Docket No. 70-CE-98]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to make a minor alteration to the Fort Leonard Wood, Mo., transition area.

The 1,200-foot floor Fort Leonard Wood, Mo., transition area designated in 35 F.R. 18193, refers to "V-72". This airway now has been renumbered "V-238". Accordingly, it is necessary to revise the 1,200-foot floor transition area designation to affect this change.

Since this change is minor in nature, notice and public procedure hereon are neither necessary nor practicable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective June 22, 1972, as hereinafter set forth:

Amend § 71.181 of Part 71, Federal Aviation Regulations by substituting "V-238" for "V-72" in the description of the Fort Leonard Wood, Mo., 1,200-foot floor transition area.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), Department of Transportation, 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on March 31, 1972.

JOHN M. CYROCKI,
Director, Central Region.

[FR Doc.72-6254 Filed 4-24-72;8:46 am]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER A—INCOME TAX

[T.D. 7181]

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

Multiple Corporations

On September 4, 1971, there was published in the FEDERAL REGISTER (36 F.R. 17863) a notice of proposed rule making with respect to the amendment of the Income Tax Regulations (26 CFR Part 1) to reflect the provisions of section 401 of the Tax Reform Act of 1969 (Public Law 91-172), relating to multiple corporations. After consideration of all such relevant matters as were presented by interested persons regarding the rules proposed, the amendment to the regulations as proposed is hereby adopted, subject to the changes set forth below. These regulations supersede Treasury Decision 7101 (36 F.R. 5339), approved March 17, 1971.

PARAGRAPH 1. Section 1.46-1(f)(2)(i), as set forth in paragraph 4 of the appendix to the notice of proposed rule making, is changed by revising the next-to-the-last sentence to read as set forth below:

PAR. 2. The last sentences of § 1.1563-1(c)(2)(ii) and (iii), as set forth in paragraph 19 of the appendix to the notice of proposed rule making, are revised to read as set forth below:

PAR. 3. Section 1.1564-1, as set forth in paragraph 22 of the appendix to the notice of proposed rule making, is changed by revising subparagraph (2) of, and adding a new subparagraph (3) to, paragraph (b). The revised and added provisions read as set forth below:

(Secs. 46(a)(5), 179(d)(6)(B), 1562(f), 1563(b)(4), 1563(f)(3)(B), 1564(a)(2), 7805 Internal Revenue Code of 1954, 83 Stat. 603; 26 U.S.C. 46(a)(5); 83 Stat. 604; 26 U.S.C. 179(d)(6)(B); 78 Stat. 119; 26 U.S.C. 1562(f); 78 Stat. 121; 26 U.S.C. 1563(b)(4); 78 Stat. 124; 26 U.S.C. 1563(f)(3)(B); 83 Stat. 601; 26 U.S.C. 1564(a)(2); and 68A Stat. 917; 26 U.S.C. 7805)

[SEAL] JOHNNIE M. WALTERS,
Commissioner of Internal Revenue.

Approved: April 14, 1972.

FREDERIC W. HICKMAN,
Acting Assistant Secretary of the Treasury.

PARAGRAPH 1. Section 1.11 is amended by revising subsections (b), (c), and (d) of, and adding new subsections (e) and (f) to, section 11, and by revising the historical note. These new and revised provisions read as follows:

§ 1.11 Statutory provisions; tax imposed.

SEC. 11. *Tax imposed.* * * *

(b) *Normal tax.* The normal tax is equal to the following percentage of the taxable income:

(1) 30 percent, in the case of a taxable year beginning before January 1, 1964, and

(2) 22 percent, in the case of a taxable year beginning after December 31, 1963.

(c) *Surtax.* The surtax is equal to the following percentage of the amount by which the taxable income exceeds the surtax exemption for the taxable year:

(1) 22 percent, in the case of a taxable year beginning before January 1, 1964,

(2) 28 percent, in the case of a taxable year beginning after December 31, 1963, and before January 1, 1965, and

(3) 26 percent, in the case of a taxable year beginning after December 31, 1964.

(d) *Surtax exemption.* For purposes of this subtitle, the surtax exemption for any taxable year is $25,000, except that, with respect to a corporation to which section 1561 or 1564 (relating to surtax exemptions in case of certain controlled corporations) applies for the taxable year, the surtax exemption for the taxable year is the amount determined under such section.

(e) *Exceptions.* Subsection (a) shall not apply to a corporation subject to a tax imposed by—

(1) Section 594 (relating to mutual savings banks conducting life insurance business),

(2) Subchapter L (sec. 801 and following, relating to insurance companies), or

(3) Subchapter M (sec. 851 and following, relating to regulated investment companies and real estate investment trusts).

(*f*) *Foreign corporations.* In the case of a foreign corporation, the tax imposed by subsection (a) shall apply only as provided by section 882.

[Sec. 11 as amended by sec. 2, Tax Rate Extension Act 1955 (69 Stat. 114); sec. 2, Tax Rate Extension Act 1956 (70 Stat. 66); sec. 2, Tax Rate Extension Act 1957 (71 Stat. 9); sec. 2, Tax Rate Extension Act 1958 (72 Stat. 259); sec. 2, Tax Rate Extension Act 1959 (73 Stat. 157); sec. 201, Public Debt and Tax Rate Extension Act 1960 (74 Stat. 290); sec. 10(d), Act of Sept. 14, 1960 (Public Law 86-779, 74 Stat. 1009); sec. 2, Tax Rate Extension Act 1961 (75 Stat. 193); sec. 2, Tax Rate Extension Act 1962 (76 Stat. 114); sec. 2, Tax Rate Extension Act 1963 (77 Stat. 72); sec. 121, Rev. Act 1964 (78 Stat. 25); sec. 104 (b)(2), Foreign Investors Tax Act 1966 (80 Stat. 1557); sec. 401(b)(2)(B), Tax Reform Act 1969 (83 Stat. 602)]

PAR. 2. Section 1.11-1 is amended by revising paragraphs (a), (c), and (d) to read as follows:

§ 1.11-1 Tax on corporations.

(a) Every corporation, foreign or domestic, is liable to the tax imposed under section 11 except (1) corporations described in section 11(e); (2) corporations expressly exempt from all taxation under subtitle A of the Code (see section 501); and (3) corporations subject to tax under section 511(a). For definition of the terms "corporation," "domestic," and "foreign," see section 7701(a) (3), (4), and (5), respectively. It is immaterial that a domestic corporation subject to the tax imposed by section 11 may derive no income from sources within the United States. The tax imposed by section 11 is payable upon the basis of returns rendered by the corporations liable thereto, except that in some cases a tax is to be paid at the source of the income. See subchapter A (section 6001 and following), chapter 61 of the Code, and section 1442.

* * * * *

(c) The normal tax is at the rate of 22 percent and is applied to the taxable income for the taxable year.

(d) The surtax is at the rate of 26 percent and is upon the taxable income (computed without regard to the deduction, if any, provided in section 242 for partially tax-exempt interest) in excess of $25,000. However, in certain circumstances the $25,000 exemption from surtax may be disallowed in whole or in part. See sections 269, 1551, 1561, and 1564 and the regulations thereunder.

* * * * *

PAR. 3. Section 1.46 is amended by revising subsection (a)(5) of section 46 and the historical note to read as follows:

§ 1.46 Statutory provisions; amount of credit.

SEC. 46. *Amount of credit*—(a) *Determination of amount.* * * *

(5) *Controlled groups.* In the case of a controlled group, the $25,000 amount specified under paragraph (2) shall be reduced for each component member of such group by apportioning $25,000 among the component members of such group in such manner as the Secretary or his delegate shall by regulations prescribe. For purposes of the preceding sentence, the term "controlled group" has the meaning assigned to such term by section 1563(a).

* * * * *

[Sec. 46 as added by sec. 2(b), Rev. Act 1962 (76 Stat. 963); as amended by sec. 201 (d)(4), Rev. Act 1964 (78 Stat. 32); sec. 3, Act of Nov. 8, 1966 (Public Law 89-800, 80 Stat. 1514); sec. 2(a), Act of Dec. 27, 1967 (Public Law 90-225, 81 Stat. 731); sec. 401 (e)(1), Tax Reform Act 1969 (83 Stat. 603)]

PAR. 4. Section 1.46-1 is amended by revising so much of paragraph (b) as follows subparagraph (1)(ii)(*b*) thereof and paragraph (f) to read as follows:

§ 1.46-1 Determination of amount.

* * * * *

(b) *Limitation based on amount of tax*—(1) *In general.* * * *

(ii) * * *

(*b*) * * *

However, such $25,000 amount may be reduced in the case of certain married individuals filing separate returns (see paragraph (e) of this section); corporations which are component members of a controlled group (see paragraph (f) of this section); trusts and estates (see paragraph (c) of § 1.48-6); and organizations to which section 593 applies, regulated investment companies or real estate investment trusts subject to taxation under subchapter M, chapter 1 of the Code, and cooperative organizations described in section 1381(a) (see § 1.46-4). The excess of the credit earned for the taxable year over the limitation described in this paragraph for such taxable year is an unused credit which may be carried back or forward to other taxable years in accordance with § 1.46-2.

* * * * *

(f) *Apportionment of $25,000 amount among component members of a controlled group*—(1) *In general.* In determining the limitation based on amount of tax under section 46(a)(2) in the case of corporations which are component members of a controlled group of corporations on a December 31, only one $25,000 amount is available to such component members for their taxable years that include such December 31. See subparagraph (2) of this paragraph for apportionment of such amount among such component members. See subparagraph (3) of this paragraph for definition of "component member".

(2) *Manner of apportionment.* (i) In the case of corporations which are component members of a controlled group on a particular December 31, the $25,000 amount may be apportioned among such members for their taxable years that include such December 31 in any manner the component members may select, provided that each such member less than 100 percent of whose stock is owned, in the aggregate, by the other component members of the group on such December 31 consents to an apportionment plan. The consent of a component member to an apportionment plan with respect to a particular December 31 shall be made by means of a statement, signed by a person duly authorized to act on behalf of the consenting member, stating that such member consents to the apportionment plan with respect to such December 31 The statement shall set forth the name, address, employer identification number, and taxable year of each component member of the group on such December 31, the amount apportioned to each such member under the plan, and the location of the Service Center where the statement is to be filed. The consent of more than one component member may be incorporated in a single statement. The statement shall be timely filed with the Service Center where the component member having the taxable year first ending on or after such December 31 files its return for such taxable year and shall be irrevocable after such filing. If two or more component members have the same such taxable year, a statement of consent may be filed by any one of such members. Such statement shall be considered as timely filed if filed on or before the due date (including any extensions of time) of such member's income tax return which includes such December 31. However, if the due date (including any extensions of time) of the return of such member is on or before December 15, 1971, the required statement shall be considered as timely filed if filed on or before March 15, 1972. Each component member of the group on such December 31 shall keep as a part of its records a copy of the statement containing all the required consents.

(ii) An apportionment plan adopted by a controlled group with respect to a particular December 31 shall be valid only for the taxable year of each member of the group which includes such December 31. Thus, a controlled group must file a separate consent to an apportionment plan with respect to each taxable year which includes a December 31 as to which an apportionment plan is desired.

(iii) If the apportionment plan is not timely filed, the $25,000 amount specified in section 46(a)(2) shall be reduced for each component member of the controlled group, for its taxable year which includes a December 31, to an amount equal to $25,000 divided by the number of component members of such group on such December 31.

(iv) If a component member of the controlled group makes its income tax return on the basis of a 52-53-week taxable year, the principles of section 441(f)(2)(A)(ii) and paragraph (b)(1) of § 1.441-2 apply in determining the last day of such taxable year.

(3) *Definitions of controlled group of corporations and component member of controlled group.* For the purpose of this paragraph, the terms "controlled group of corporations" and "component member" of a controlled group of corporations shall have the same meaning assigned to those terms in section 1563 (a) and (b). For purposes of applying § 1.1563-1(b)(2)(ii)(*c*), an electing small business

corporation shall be treated as an excluded member whether or not it is subject to the tax imposed by section 1378.

(4) *Members of a controlled group filing a consolidated return.* If some component members of a controlled group join in filing a consolidated return pursuant to § 1.1502–3(a)(3), and other component members do not join, then, unless a consent is timely filed apportioning the $25,000 amount among the group filing the consolidated return and the other component members of the controlled group, each component member of the controlled group (including each component member which joins in filing the consolidated return) shall be treated as a separate corporation for purposes of equally apportioning the $25,000 amount under subparagraph (2)(iii) of this paragraph. In such case, the limitation based on the amount of tax for the group filing the consolidated return shall be computed by substituting for the $25,000 amount the total of the amount apportioned to each component member which joins in filing the consolidated return. If the affiliated group filing the consolidated return and the other component members of the controlled group adopt an apportionment plan, the affiliated group shall be treated as a single member for the purpose of applying subparagraph (2)(i) of this paragraph. Thus, for example, only one consent executed by the common parent to the apportionment plan is required for the group filing the consolidated return. If any component member of the controlled group which joins in the filing of the consolidated return is an organization to which section 593 applies or a cooperative organization described in section 1381(a), see paragraph (a)(3)(ii) of § 1.1502–3.

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

Example (1). At all times during 1970 Smith, an individual, owns all the stock of corporations X, Y, and Z. Corporation X files an income tax return on a calendar year basis. Corporation Y files an income tax return on the basis of a fiscal year ending June 30. Corporation Z files an income tax return on the basis of a fiscal year ending September 30. On December 31, 1970, X, Y, and Z are component members of the same controlled group. X, Y, and Z all consent to an apportionment plan in which the $25,000 amount is apportioned entirely to Y for its taxable year ending June 30, 1971 (Y's taxable year which includes December 31, 1970). Such consent is timely filed. For purposes of computing the credit under section 38, Y's limitation based on amount of tax for its taxable year ending June 30, 1971, is so much of Y's liability for tax as does not exceed $25,000, plus 50 percent of Y's liability for tax in excess of $25,000. X's and Z's limitations for their taxable years ending December 31, 1970, and September 30, 1971, respectively, are equal to 50 percent of X's liability for tax and 50 percent of Z's liability for tax. On the other hand, if an apportionment plan is not timely filed, X's limitation would be so much of X's liability for tax as does not exceed $8,333.33, plus 50 percent of X's liability in excess of $8,333.33, and Y's and Z's limitations would be computed similarly.

Example (2). At all times during 1970, Jones, an individual, owns all the outstanding stock of corporations P, Q, and R. Corporations Q and R both file returns for taxable years ending December 31, 1970. P files a consolidated return as a common parent for its fiscal year ending June 30, 1971, with its two wholly-owned subsidiaries N and O. On December 31, 1970, N, O, P, Q, and R are component members of the same controlled group. No consent to an apportionment plan is filed. Therefore, each member is apportioned $5,000 of the $25,000 amount ($25,000 divided equally among the five members). The limitation based on the amount of tax for the group filing the consolidated return (P, N, and O) for the year ending June 30, 1971 (the consolidated taxable year within which December 31, 1970, falls) is computed by using $15,000 instead of the $25,000 amount. The $15,000 is arrived at by adding together the $5,000 amounts apportioned to P, N, and O.

PAR. 5. Section 1.48 is amended by revising subsections (c) (2) (C), (3) (C), and (d) (2) of section 48 and the historical note to read as follows:

§ 1.48 Statutory provisions; definitions; special rules.

SEC. 48. *Definitions; special rules.* * * *

(c) *Used section 38 property.* * * *

(2) *Dollar limitation.* * * *

(C) *Controlled groups.* In the case of a controlled group, the $50,000 amount specified under subparagraph (A) shall be reduced for each component member of the group by apportioning $50,000 among the component members of such group in accordance with their respective amounts of used section 38 property which may be taken into account.

* * * * *

(3) *Definitions.* * * *

(C) *Controlled group.* The term "controlled group" has the meaning assigned to such term by section 1563(a), except that the phrase "more than 50 percent" shall be substituted for the phrase "at least 80 percent" each place it appears in section 1563(a)(1).

(d) *Certain leased property.* * * *

(2) If such property is leased by a corporation which is a component member of a controlled group (within the meaning of section 46(a)(5)) to another corporation which is a component member of the same controlled group, the basis of such property to the lessor.

* * * * *

[Sec. 48 as added by sec. 2(b), Rev. Act 1962 (76 Stat. 963); as amended by sec. 203(a) (1) and (3)(A), (b), and (c), Rev. Act 1964 (78 Stat. 33, 34); sec. 201(a), Act of Nov. 13, 1966 (Public Law 89–809, 80 Stat. 1575; sec. 3, Act of June 13, 1967 (Public Law 90–26, 81 Stat. 58); sec. 401(e) (2), (3), and (4), Tax Reform Act 1969 (83 Stat. 603)]

PAR. 6. Section 1.48–3 is amended by revising paragraphs (a)(1) and (2)(iii) and (e), and by redesignating paragraph (e) as paragraph (d). These revised provisions read as follows:

§ 1.48–3 Used section 38 property.

(a) *In general.* (1) Section 48(c) provides that "used section 38 property" means section 38 property acquired by purchase after December 31, 1961, which is not "new section 38 property." See §§ 1.48–1 and 1.48–2, respectively, for definitions of section 38 property and new section 38 property. In determining whether property is acquired by purchase, the provisions of paragraph (c)(1) of § 1.179–3 shall apply, except that (i) "1961" shall be substituted for "1957", and (ii) the definition of "component member" of a controlled group of corporations in paragraph (d)(4) of this section shall be substituted for the definition of such term in paragraph (e) of § 1.179–3.

(2) * * *

(iii) In determining whether a person bears a relationship described in section 179(d)(2) (A) or (B) to a person who used property before its acquisition by the taxpayer, the provisions of paragraph (c)(1) (i) and (ii) of § 1.179–3 shall apply, except that the definition of "component member" of a controlled group of corporations in paragraph (d)(4) of this section shall be substituted for the definition of such term in paragraph (e) of § 1.179–3.

* * * * *

(d) *Dollar limitation for component members of a controlled group—(1) In general.* (i) Section 48(c)(2)(C) provides that the $50,000 limitation on the cost of used section 38 property which may be taken into account for any taxable year shall, in the case of component members of a controlled group (as defined in subparagraph (4) of this paragraph) on a particular December 31, be reduced for each such member by apportioning the $50,000 amount among such component members for their taxable years that include such December 31 in accordance with their respective amounts of used section 38 property which may be taken into account, that is, in accordance with the total cost of used section 38 property placed in service by each such member during its taxable year (without regard to the $50,000 limitation or the applicable percentages to be applied in computing qualified investment).

(ii) Except as otherwise provided in this paragraph, the $50,000 amount shall be apportioned among those corporations which are component members of the controlled group on a December 31. For the taxable year of each such member which includes such December 31, the cost of used section 38 property taken into account in computing qualified investment under section 46(c)(1)(B) shall not exceed the amount which bears the same ratio to $50,000 as the cost of used section 38 property placed in service by such member for such taxable year bears to the total cost of used section 38 property placed in service by all component members of the controlled group for their taxable years which include such December 31.

(iii) If a component member of the group makes its income tax return on the basis of a 52–53-week taxable year, the principles of section 441(f)(2)(A)(ii) and paragraph (b)(1) of § 1.441–2 apply in determining the last day of such a taxable year.

(2) *Statement by the "filing member".* For purposes of this paragraph, the term "filing member" with respect to a particular December 31 means the member (or members) of a controlled group which has, among those members of the group which are apportioned part of the $50,000 amount for their taxable years which include such December 31, the taxable year including such December 31

which ends on the earliest date. The filing member of the group shall attach to its income tax return a statement containing the name, address, and employer identification number of each component member of the controlled group on such December 31 and a schedule showing the computation of the apportionment of the $50,000 amount among the component members of the group. Each such other member shall retain as part of its records a copy of the statement containing the apportionment schedule. Except as otherwise provided in subparagraph (3)(ii) of this paragraph, each member which is apportioned part of the $50,000 amount shall take such apportioned amount into account in filing its return for its taxable year which includes such December 31.

(3) *Estimate of used section 38 property to be placed in service.* (i) For purposes of subparagraphs (1) and (2) of this paragraph, if on the date (including extensions of time) for filing the income tax return of the filing member of the group with respect to a particular December 31, the total cost of used section 38 property actually placed in service by any component member of the group during such member's taxable year that includes such December 31 is not known, then such member shall estimate such cost. The estimate shall be made on the basis of the facts and circumstances known as of the time of the estimate. Any such estimate shall also be used in determining the total cost of used section 38 property placed in service by all component members for their taxable years including such December 31.

(ii) If an estimate is used by any component member of a controlled group pursuant to subdivision (i) of this subparagraph, each member may later file an original or amended return in which the apportionment of the $50,000 amount is based upon the cost of used section 38 property actually placed in service by all component members of the group during their taxable year which include such December 31. Such amended apportionment shall be made only if each component member of the group whose limitation would be changed files an original or amended return which reflects the amended apportionment based upon the cost of the used section 38 property actually placed in service by component members of the group. In such case, the new statement reflecting the amended apportionment shall be attached to the amended return of the filing member of the group, and a copy of such statement shall be retained by each such member pursuant to the requirements of subparagraph (2) of this paragraph.

(4) *Definitions of controlled group of corporations and component member of controlled group.* For purposes of this section, the terms "controlled group of corporations" and "component member" of a controlled group of corporations shall have the same meaning assigned to those terms in section 1563 (a) and (b), except that the phrase "more than 50 percent" shall be substituted for the phrase "at least 80 percent" each place it appears in section 1563(a)(1). For purposes of applying § 1.1563-1(b)(2)(ii)(c), an electing small business corporation shall be treated as an excluded member whether or not it is subject to the tax imposed by section 1378.

(5) *Members of controlled group filing a consolidated return.* For the purpose of apportioning the $50,000 amount in the case of component members of a controlled group which join in filing a consolidated return, all such members shall be treated as though they were a single component member of the controlled group. Thus, in determining the limitation on the cost of used section 38 property which may be taken into account by the group filing the consolidated return, the apportionment provided in subparagraph (1)(ii) of this paragraph shall be made by using the aggregate cost of such property placed in service by all members of the group filing the consolidated return. If all component members of the controlled group join in filing a consolidated return, the group may select the items to be taken into account to the extent of an aggregate cost of $50,000; if some component members of the controlled group do not join in filing the consolidated return, then the members of the group which join in filing the consolidated return may select the items to be taken into account to the extent of the amount apportioned to such members under subparagraph (1)(ii) of this paragraph.

(6) *Examples.* This paragraph may be illustrated by the following examples:

Example (1). (i) On December 31, 1970, corporations M, N, and O are component members of the same controlled group. The taxable years of M, N, and O end, respectively, on January 31, March 31, and April 30. During the respective taxable years of each corporation which include December 31, 1970, M places in service no used section 38 property, and N and O place in service used section 38 property with respective costs of $100,000 and $150,000. N is the "filing member" of the group since N, among the members (N and O) which are apportioned part of the $50,000 amount for their taxable years which include such December 31, has the taxable year ending on the earliest date.

(ii) The cost of used section 38 property taken into account by N for its taxable year ending March 31, 1971, may not exceed $20,000, that is, an amount which bears the same ratio to $50,000 as the cost of used section 38 property placed in service by N for its taxable year ($100,000) bears to the total cost of used section 38 property placed in service by all component members of the controlled group (M, N, and O) for their taxable years which include December 31, 1970 ($250,000). Similarly, the cost of used section 38 property taken into account by O for its taxable year ending April 30, 1971, may not exceed $30,000.

Example (2). (i) On December 31, 1971, corporations S and T are component members of the same controlled group. The taxable years of corporations S and T end, respectively, on January 31 and June 30. On April 15, 1972, S files an income tax return for its taxable year ending January 31, 1972, during which year it places in service used section 38 property costing $100,000. T estimates that it will place in service used section 38 property costing $150,000 during its taxable year ending June 30, 1972.

(ii) S, the "filing member" of the group, must file an apportionment schedule under which it may take into account as the cost of used section 38 property an amount not in excess of $20,000 ($100,000/$250,000 × $50,000). If T actually places in service during its taxable year used section 38 property costing more or less than $150,000, its income tax return for its taxable year ending June 30, 1972, may reflect the amended apportionment of the $50,000 limitation based upon the cost of used section 38 property actually placed in service by the group, provided that S attaches a new apportionment schedule to an amended return to reflect the amended apportionment. For example, if T places in service used section 38 property costing $200,000, the cost of used section 38 property taken into account by S and T for their respective taxable years could not exceed $16,667 ($100,000/$300,000 × $50,000) and $33,333 ($200,000/$300,000 × $50,000), respectively, under an amended apportionment.

PAR. 7. Section 1.48-4 is amended by revising paragraphs (c)(3)(ii) and (e) to read as follows:

§ 1.48-4 Election of lessor of new section 38 property to treat lessee as purchaser.

* * * * *

(c) *Basis of leased property.* * * *

(3) *Property transferred after February 25, 1964.* * * *

(ii) If the property is leased by a component member of a controlled group to another component member of the same controlled group (within the meaning of paragraph (f)(4) of § 1.46-1) on the date possession of the property is transferred to the lessee, the basis of the property in the hands of the lessee shall be the basis of the property in the hands of the lessor.

* * * * *

(e) *Lessor itself a lessee.* If the lessor of property is itself a lessee who is treated, under this section, as having purchased such property, and such sublessor makes a valid election under this section to treat the sublessee as a purchaser, then the basis and estimated useful life of such property in the hands of the sublessee shall be determined under paragraphs (c) and (d) of this section as if the original lessor had leased the property directly to the sublessee on the date possession of the property was transferred to the sublessee. Thus, for example, if on March 1, 1971, corporation X leases property to corporation Y, which in turn subleases the property to individual A (who is the first person to use the property for its intended function), and if both X and Y make valid elections under this section, the basis of the property to A is equal to its fair market value on the date on which possession is transferred from Y to A (regardless of whether X and Y are component members of the same controlled group), and its estimated useful life to A is the estimated useful life in the hands of X.

* * * * *

PAR. 8. Section 1.179 is amended by revising paragraphs (2)(B), (6), and (7) of section 179(d) and the historical note to read as follows:

§ 1.179 Statutory provisions; additional first-year depreciation allowance.

SEC. 179. *Additional first-year depreciation allowance for small business.* * * *

(d) *Definition and special rules.* * * *

(2) *Purchase defined.* * * *

(B) The property is not acquired by one component member of a controlled group from another component member of the same controlled group, and

* * * * *

(6) *Dollar limitation of controlled group.* For purposes of subsection (b) of this section—

(A) All component members of a controlled group shall be treated as one taxpayer, and

(B) The Secretary or his delegate shall apportion the dollar limitation contained in such subsection (b) among the component members of such controlled group in such manner as he shall by regulations prescribe.

(7) *Controlled group defined.* For purposes of paragraphs (2) and (6), the term "controlled group" has the meaning assigned to it by section 1563(a); except that, for such purposes, the phrase "more than 50 percent" shall be substituted for the phrase "at least 80 percent" each place it appears in section 1563(a)(1).

* * * * *

[Sec. 179 as added by sec. 204, Small Business Tax Revision Act 1958 (72 Stat. 1679); as amended by sec. 13(c), Rev. Act 1962 (76 Stat. 1034); sec. 401(f), Tax Reform Act 1969 (83 Stat. 603]

PAR. 9. Section 1.179–2 is amended by revising paragraph (c) to read as follows:

§ 1.179–2 Dollar limitation.

* * * * *

(c) *Component members of a controlled group.* Component members of a controlled group (as defined in paragraph (e) of § 1.179–3) on a December 31 shall be treated as one taxpayer in applying the $10,000 limitation of this section. The allowance may be taken by any one such member or allocated (for the taxable year of each such member which includes such December 31) among the several members in any manner, pursuant to allocation by the common parent corporation if a consolidated return is filed for all component members of the group, or in accordance with an agreement entered into by the members of the group if separate returns are filed. If a consolidated return is filed by some component members of the group and separate returns are filed by other component members, then the common parent of the group filing the consolidated return shall enter into an agreement with those members who do not join in filing the consolidated return allocating the amount between the group filing the consolidated return and the other component members of the controlled group who do not join in filing the consolidated return. The amount of the allowance allocated to any member, however, shall not exceed 20 percent of the cost of the section 179 property actually purchased by the member in the taxable year. If a consolidated return is filed, the common parent corporation shall file a separate statement attached to the income tax return in which an election is made to claim an additional first-year depreciation. See § 1.179–4. If separate returns are filed by some or all component members of the group, each component member to which is allocated any part of the deduction under section 179 shall file a separate statement attached to the income tax return in which an election is made to claim an additional first-year depreciation allowance. See § 1.179–4. Such statement shall include the name, address, employer identification number, and the taxable year of each component member of the controlled group, a copy of the allocation agreement signed by persons duly authorized to act on behalf of those members who file separate returns, and a description of the manner in which the deduction under section 179 has been divided among them. If a consolidated return is filed for all component members of the group, an allocation among such members of the allowance under section 179 shall not be revoked after the due date of the return (including extensions of time) of the common parent corporation for the taxable year for which an election to take an allowance is made. If some or all of the component members of the controlled group file separate returns for taxable years including a particular December 31 for which an election to take the allowance is made, the allocation as to all members of the group shall not be revoked after the due date of the return (including extensions of time) of the component member of the controlled group whose taxable year which includes such December 31 ends on the latest date.

* * * * *

PAR. 10. Section 1.179–3 is amended by revising paragraphs (c)(1)(ii) and (e) to read as follows:

§ 1.179–3 Definitions and special rules.

* * * * *

(c) *Purchase.* (1) * * *

(ii) The property is not acquired by purchase if acquired from any one component member of a controlled group (as defined in paragraph (e) of this section) by another component member of such group.

* * * * *

(e) *Definitions of controlled group of corporations and component member of controlled group.* For purposes of section 179, the terms "controlled group of corporations" and "component member" of a controlled group of corporations shall have the same meaning assigned to those terms in section 1563 (a) and (b), except that the phrase "more than 50 percent" shall be substituted for the phrase "at least 80 percent" each place it appears in section 1563(a)(1).

* * * * *

PAR. 11. Section 1.535 is amended by revising subsection (c)(5) of section 535 and the historical note to read as follows:

§ 1.535 Statutory provisions; accumulated taxable income.

SEC. 535. *Accumulated taxable income.* * * *

(c) *Accumulated earnings credit.* * * *

(5) *Cross reference.* For denial of credit provided in paragraph (2) or (3) where multiple corporations are formed to avoid tax, see section 1551, and for limitation on such credit in the case of certain controlled corporations, see sections 1561 and 1564.

[Sec. 535 as amended by sec. 31, Technical Amendments Act 1958 (72 Stat. 1631); sec. 205, Small Business Tax Revision Act 1958 (72 Stat. 1680); sec. 9(d)(2), Rev. Act. 1962 (76 Stat. 1001); sec. 401(b)(2)(C), Tax Reform Act 1969 (83 Stat. 602)]

PAR. 12. Section 1.535–3 is amended by revising paragraphs (b)(2) and (c) to read as follows:

§ 1.535–3 Accumulated earnings credit.

* * * * *

(b) *Corporation which is not a mere holding or investment company.* * * *

(2) *Minimum credit.* Section 535(c)(2) provides for the allowance of a minimum accumulated earnings credit in the case of a corporation which is not a mere holding or investment company. Except as otherwise provided in section 243(b)(3) and § 1.243–5 (relating to effect of 100-percent dividends received deduction under section 243(b)) and section 1564 (relating to transitional rules in the case of certain controlled corporations), in the case of such a corporation, this minimum credit shall in no case be less than the amount by which $100,000 exceeds the accumulated earnings and profits of the corporation at the close of the preceding taxable year. See paragraph (d) of this section for the effect of dividends paid after the close of the taxable year in determining accumulated earnings and profits at the close of the preceding taxable year. In determining the amount of the minimum credit allowable under section 535(c)(2), the needs of the business are not taken into consideration. If the taxpayer has accumulated earnings and profits at the close of the preceding taxable year equal to or in excess of $100,000, the credit, if any, is determined without regard to section 535(c)(2). It is not intended that the provision for the minimum credit shall in any way create an inference that an accumulation in excess of $100,000 is unreasonable. The reasonable needs of the business may require the accumulation of more or less than $100,000, depending upon the circumstances in the case, but such needs shall not be taken into consideration to any extent in cases where the minimum accumulated earnings credit is applicable. For a discussion of the reasonable needs of the business, see section 537 and §§ 1.537–1, 1.537–2, and 1.537–3.

* * * * *

(c) *Holding and investment companies.* Section 535(c)(3) provides that, in the case of a mere holding or investment company, the accumulated earnings credit shall be the amount, if any, by which $100,000 exceeds the accumulated earnings and profits of the corporation at the close of the preceding taxable year. Thus, if such a corporation has accumulated earnings equal to or in excess of $100,000 at the close of its preceding taxable year, no accumulated earnings credit is allowable in computing

the accumulated taxable income. See paragraph (c) of § 1.533–1 for a definition of a holding or investment company. For the accumulated earnings credit of a mere holding or investment company which is a member of an affiliated group which has elected the 100-percent dividends received deduction under section 243(b), see section 243(b)(3) and § 1.243–5. For the accumulated earnings credit of a mere holding or investment company which is a component member of a controlled group of corporations (as defined in section 1563), see section 1564.

* * * * *

PAR. 13. Section 1.804 is amended by adding a new subsection (d) to section 804 and by revising the historical note to read as follows:

§ 1.804 Statutory provisions; life insurance companies; taxable investment income.

SEC. 804. *Taxable investment income.* * * *

(d) *Cross reference.* For reduction of the $25,000 amount provided in subsection (a)(4) in the case of certain controlled corporations, see sections 1561 and 1564.

[Sec. 804 as added by sec. 2, Life Insurance Company Tax Act 1955 (70 Stat. 41); amended by sec. 2, Life Insurance Company Income Tax Act 1959 (73 Stat. 115); sec. 3, Act of Oct. 23, 1962 (Public Law 87–858, 76 Stat. 1134); sec. 214(b)(3), Rev. Act 1964 (78 Stat. 55); sec. 401(b)(2)(D), Tax Reform Act 1969 (83 Stat. 602)]

PAR. 14. Section 1.804–2 is amended by revising paragraph (d)(1) to read as follows:

§ 1.804–2 Taxable investment income.

* * * * *

(d) *Taxable investment income of a life insurance company*—(1) *Definition.* Section 804(a)(2) defines the term "taxable investment income", for purposes of part I, as an amount (not less than zero) equal to the amount (if any) by which the net long-term capital gain exceeds the net short-term capital loss, plus the sum of the life insurance company's share (as determined under paragraph (c) of this section) of each and every item of investment yield (including tax-exempt interest, partially tax-exempt interest, and dividends received), reduced by the sum of—

(i) The life insurance company's share of interest which under section 103 is excluded from gross income,

(ii) The deduction for partially tax-exempt interest provided by section 242 (as modified by section 804(a)(3) and subparagraph (2)(i) of this paragraph) computed with respect to the life insurance company's share of such interest,

(iii) The deducton for dividends received provided by sections 243, 244, and 245 (as modified by section 804(a)(5) and subparagraph (2)(ii) of this paragraph) computed with respect to the life insurance company's share of the dividends received, and

(iv) The small business deduction provided by section 804(a)(4). For purposes of part I, such small business deduction shall be an amount equal to 10 percent of the investment yield for the taxable year, except that such amount shall not exceed $25,000, or, in the case of a component member of a controlled group of corporations (as defined in section 1563), the amount allowable under section 1564(a).

* * * * *

PAR. 15. Section 1.1562 is amended by revising so much of subsection (b)(1) of section 1562 as precedes subparagraph (A) thereof and the historical note to read as follows:

§ 1.1562 Statutory provisions; privilege of groups to elect multiple surtax exemptions.

SEC. 1562. *Privilege of groups to elect multiple surtax exemptions.* * * *

(b) *Additional tax imposed*—(1) *General rule.* If an election under subsection (a)(1) by a controlled group of corporations is effective with respect to the taxable year of a corporation, there is hereby imposed for such taxable year on the taxable income of such corporation a tax equal to 6 percent of so much of such corporation's taxable income for such taxable year as does not exceed the amount of such corporation's surtax exemption for such taxable year. This paragraph shall not apply to the taxable year of a corporation if—

* * * * *

[Sec. 1562 as added by sec. 235(a), Rev. Act 1964 (78 Stat. 116); amended by sec. 401(b)(2)(A), Tax Reform Act 1969 (83 Stat. 602)]

PAR. 16. Section 1.1562–1 is amended by revising paragraph (b)(2) to read as follows:

§ 1.1562–1 Privilege of controlled group to elect multiple surtax exemptions.

* * * * *

(b) *Effect of election.* * * *

(2) *Additional tax.* The additional tax imposed by section 1562(b) is an amount equal to 6 percent of so much of a corporation's taxable income for the taxable year as does not exceed the amount of such corporation's surtax exemption for such taxable year. However, if a corporation computes its tax under section 1201 (relating to alternative tax) and is subject to the additional tax imposed by section 1562(b) for such taxable year, the additional tax applies only to an amount equal to the taxable income reduced by the excess of the net long-term capital gain over the net short-term capital loss for such taxable year (to the extent such amount does not exceed the amount of such corporation's surtax exemption for such taxable year).

* * * * *

PAR. 17. Section 1.1562–5 is amended by revising paragraph (a)(2), examples (4), (5), and (6) of paragraph (b)(2), and paragraph (c) (1) and (2) to read as follows:

§ 1.1562–5 Continuing and successor groups.

(a) *Controlled group continuing in existence.* * * *

(2) *Brother-sister group.* A brother-sister controlled group of corporations shall be considered as remaining in existence as long as the requirements of paragraph (a)(3)(i) of § 1.1563–1 continue to be satisfied with respect to at least two corporations, taking into account the stock ownership of only those five or fewer persons whose stock ownership was taken into account with respect to the election under section 1562(a)(1).

* * * * *

(b) *Controlled group no longer in existence.* * * *

(2) *Examples.* * * *

Example (4). Smith, an individual, owns 80 percent of the only class of stock of corporations W and X on each day of 1966 and 1967. W, in turn, owns 80 percent of the only class of stock of corporation Y on each day of 1966. On April 15, 1967, X purchases 80 percent of the only class of corporation Z and on April 30, 1967, W sells all its stock in Y. Under paragraph (a)(3) of this section, the combined group remains in existence throughout 1966 and 1967 since (i) the brother-sister controlled group of corporations referred to in paragraph (a)(4)(i) of § 1.1563–1 in respect of such combined group remains in existence, and (ii) at least one corporation is a common parent of a parent-subsidiary controlled group referred to in such paragraph.

Example (5). Assume the same facts as in example (4) except that Y and Z are life insurance companies subject to taxation under section 802 of the Code. Further assume that throughout 1966 and 1967 Y owns all the stock of corporation S, and Z owns all the stock of corporation T. S and T are life insurance companies subject to taxation under section 802. Before April 15, 1967, under paragraph (a)(5)(i) of § 1.1563–1, Y and S are treated as an insurance group of corporations. After April 30, 1967, under paragraph (a)(4) of this section, Z and T are treated as an insurance group which remains in existence throughout 1966 and 1967, since the combined group remains in existence within the meaning of paragraph (a)(3) of this section throughout 1966 and 1967, and there are at all times at least two insurance companies which satisfy the requirements of paragraph (a)(5)(i) of § 1.1563–1. (However, after April 30, 1967, Y and S cease to be members of the combined group and are considered to be a new controlled group of corporations.)

Example (6). Jones, an individual, owns all the stock of corporations M and N on each day of 1966. On February 1, 1967, he gives all the stock of M to his 18-year-old son who continues to hold the M stock throughout the remainder of 1967. Since Jones (or his son) owns, or is considered as owning under paragraph (b)(6)(i) of § 1.1563–3, all the stock of M and N on each day of 1967, under paragraph (a)(2) of this section the brother-sister controlled group consisting of M and N remains in existence throughout 1967.

* * * * *

(c) *Successor groups*—(1) *Transactions involving a former owner or owners.* If, as a result of the transfer of stock of a corporation or corporations (whether by sale, exchange, distribution, contribution to capital, or otherwise), a controlled group ("old group") goes out of existence, and a new controlled group ("new group") comes into existence, then the new group shall be considered to be a successor to the old group, provided one of the following applies:

(i) A person or persons who own stock of the new group that meets the more-than-50-percent stock ownership requirement of section 1563(a)(2)(B) owned stock which met such stock ownership requirement with respect to the old group;

(ii) A person or persons who owned more than 50 percent of the fair market value of the stock of the common parent of the old group owns, with respect to the new group, stock that meets the more-than-50-percent stock ownership requirement of section 1563(a)(2)(B); or

(iii) A person or persons who owned stock that met the more-than-50-percent stock ownership requirement of section 1563(a)(2)(B) with respect to the old group owns more than 50 percent of the fair market value of the stock of the common parent of the new group.

For purposes of this paragraph, the term "owns" includes direct ownership and ownership with the application of the rules contained in paragraph (b) of § 1.1563–3. For purposes of this subparagraph, if as a result of the transfer of stock, a parent-subsidiary controlled group or a brother-sister controlled group becomes a part of a combined group, then such parent-subsidiary or brother-sister group shall be considered as going out of existence as a result of such transfer. Also for purposes of this subparagraph, if as a result of the transfer of stock, a combined group goes out of existence and a parent-subsidiary or brother-sister group which was part of such combined group remains, then such parent-subsidiary or brother-sister group shall be considered to be a new controlled group which came into existence as a result of such transfer.

(2) *Examples.* The principles of subparagraph (1) of this paragraph may be illustrated by the following examples:

Example (1). On each day of 1971, unrelated individuals Grey, Black, and Green own the following amounts of the only class of outstanding stock of each of corporations R and T: Grey owns 40 percent, Black owns 40 percent, and Green owns 20 percent. On March 1, 1972, Grey sells all his stock in both corporations to unrelated individual Clay. As a result of the transfer, the brother-sister controlled group consisting of R and T goes out of existence. Since Black and Green, who owned stock which met the more-than-50-percent stock ownership requirement of section 1563(a)(2)(B) with respect to the old group, own stock of the new group (consisting of R and T) that meets the more-than-50-percent stock ownership requirement of section 1563(a)(2)(B), the new group is considered to be the successor to the old group. If Green also sold all his stock in both corporations to unrelated individual Barnes, Black would be the only stockholder of the new group whose stock ownership was taken into account in meeting the more-than-50-percent stock ownership requirement of section 1563(a)(2)(B) with respect to the old group. Since Black would not own stock of the new group that meets the more-than-50-percent stock ownership requirement of section 1563(a)(2)(B), the new group would not be considered a successor to the controlled group which went out of existence.

Example 2. On each day of 1971, all the outstanding stock of corporation P is owned in the following manner: Smith owns 30 percent, Jones owns 30 percent, and White owns 40 percent. P owns all the stock of corporation S_1, S_2, W_1, and W_2. On December 31, 1971, P, S_1, S_2, W_1, and W_2 are component members of the same controlled group. If on March 1, 1972, P distributes all the stock of S_1 and S_2 equally to Smith and Jones and all the stock of W_1 and W_2 to White, the controlled group consisting of P, S_1, S_2, W_1, and W_2 goes out of existence. Since Smith and Jones, who together owned stock which met the more-than-50-percent stock ownership requirement of section 1563(a)(2)(B) with respect to the old group, now together own stock of the new group (consisting of S_1 and S_2) that meets the more-than-50-percent stock ownership requirement of section 1563(a)(2)(B), such new group is considered the successor to the old group. On the other hand, since White, the sole shareholder of W_1 and W_2, did not own stock which met such stock ownership requirement with respect to the old group, the new group consisting of W_1 and W_2 is not considered a successor of the old group.

* * * * *

PAR. 18. Section 1.1563 is amended by revising subsection (a)(2), so much of subsection (c)(2)(A) as follows clause (i) thereof, and subsection (c)(2)(B), of section 1563 and the historical note to read as follows:

§ 1.1563 Statutory provisions; definitions and special rules.

SEC. 1563. *Definitions and special rules—*

(a) *Controlled group of corporations.* * *

(2) *Brother-sister controlled group.* Two or more corporations if five or fewer persons who are individuals, estates, or trusts own (within the meaning of subsection (d)(2)) stock possessing—

(A) At least 80 percent of the total combined voting power of all classes of stock entitled to vote or at least 80 percent of the total value of shares of all classes of the stock of each corporation, and

(B) More than 50 percent of the total combined voting power of all classes of stock entitled to vote or more than 50 percent of the total value of shares of all classes of stock of each corporation, taking into account the stock ownership of each such person only to the extent such stock ownership is identical with respect to each such corporation.

* * * * *

(c) *Certain stock excluded.* * *

(2) *Stock treated as "excluded stock".*

(A) *Parent-subsidiary controlled group.* * * *

(ii) Stock in the subsidiary corporation owned by an individual (within the meaning of subsection (d)(2)) who is a principal stockholder or officer of the parent corporation. For purposes of this clause, the term "principal stockholder" of a corporation means an individual who owns (within the meaning of subsection (d)(2)) 5 percent or more of the total combined voting power of all classes of stock entitled to vote or 5 percent or more of the total value of shares of all classes of stock in such corporation,

(iii) Stock in the subsidiary corporation owned (within the meaning of subsection (d)(2)) by an employee of the subsidiary corporation if such stock is subject to conditions which run in favor of such parent (or subsidiary) corporation and which substantially restrict or limit the employee's right (or if the employee constructively owns such stock, the direct owner's right) to dispose of such stock, or

(iv) Stock in the subsidiary corporation owned (within the meaning of subsection (d)(2)) by an organization (other than the parent corporation) to which section 501 (relating to certain educational and charitable organizations which are exempt from tax) applies and which is controlled directly (or indirectly by the parent corporation or subsidiary corporation, by an individual, estate, or trust that is a principal stockholder (within the meaning of clause (ii)) of the parent corporation, or by any combination thereof.

(B) *Brother-sister controlled group.* For purposes of subsection (a)(2), if five or fewer persons who are individuals, estates, or trusts (referred to in this subparagraph as "common owners") own (within the meaning of subsection (d)(2)), 50 percent or more of the total combined voting power of all classes of stock entitled to vote or 50 percent or more of the total value of shares of all classes of stock in a corporation, the following stock of such corporation shall be treated as excluded stock—

(i) Stock in such corporation held by an employees' trust described in section 401(a) which is exempt from tax under section 501(a), if such trust is for the benefit of the employees of such corporation,

(ii) Stock in such corporation owned (within the meaning of subsection (d)(2)) by an employee of the corporation if such stock is subject to conditions which run in favor of any of such common owners (or such corporation) and which substantially restrict or limit the employee's right (or if the employee constructively owns such stock, the direct owner's right) to dispose of such stock. If a condition which limits or restricts the employee's right (or the direct owner's right) to dispose of such stock also applies to the stock held by any of the common owners pursuant to a bona fide reciprocal stock purchase arrangement, such condition shall not be treated as one which restricts or limits the employee's right to dispose of such stock, or

(iii) Stock in such corporation owned (within the meaning of subsection (d)(2)) by an organization to which section 501 (relating to certain educational and charitable organizations which are exempt from tax) applies and which is controlled directly or indirectly by such corporation, by an individual, estate, or trust that is a principal stockholder (within the meaning of subparagraph (A)(ii)) of such corporation, by an officer of such corporation, or by any combination thereof.

* * * * *

[Sec. 1563 as added by sec. 235(a), Rev. Act 1964 (78 Stat. 116); amended by sec. 401(c) and (d); Tax Reform Act 1969 (83 Stat. 602)]

PAR. 19. Section 1.1563–1 is amended by revising paragraphs (a)(3), (4), and (5)(i), example (1) of paragraph (b)(4), and paragraph (c) to read as follows:

§ 1.1563–1 Definition of controlled group of corporations and component members.

(a) *Controlled group of corporations.* * * *

(3) *Brother-sister controlled group.* (i) The term "brother-sister controlled group" means two or more corporations if the same five or fewer persons who are individuals, estates, or trusts own (directly and with the application of the rules contained in paragraph (b) of § 1.1563–3), singly or in combination, stock possessing—

(*a*) At least 80 percent of the total combined voting power of all classes of stock entitled to vote or at least 80 percent of the total value of shares of all classes of the stock of each corporation; and

(*b*) More than 50 percent of the total combined voting power of all classes of stock entitled to vote or more than 50 percent of the total value of shares of all classes of stock of each corporation, taking into account the stock ownership of each such person only to the extent

such stock ownership is identical with respect to each such corporation.

(ii) The principles of this subparagraph may be illustrated by the following examples:

Example (1). The outstanding stock of corporations P, Q, R, S, and T, which have only one class of stock outstanding, is owned by the following unrelated individuals:

Individuals	Corporations					Identical ownership
	P	Q	R	S	T	
A	60%	60%	60%	60%	100%	60%
B	40%					
C		40%				
D			40%			
E				40%		
Total	100%	100%	100%	100%	100%	60%

Corporations P, Q, R, S, and T are members of a brother-sister controlled group.

Example (2). The outstanding stock of corporations U and V, which have only one class of stock outstanding, is owned by the following unrelated individuals:

Individuals	Corporations		Identical ownership
	U	V	
F	5%		
G	10%		
H	10%		
I	20%		
J	55%	55%	55%
K		10%	
L		10%	
M		10%	
N		10%	
O		5%	
Total	100%	100%	55%

Corporations U and V are not members of a brother-sister controlled group because at least 80 percent of the stock of each corporation is not owned by the same five or fewer persons.

(4) *Combined group.* (i) The term "combined group" means any group of three or more corporations, if—

(*a*) Each such corporation is a member of either a parent-subsidiary controlled group of corporations or a brother-sister controlled group of corporations, and

(*b*) At least one of such corporations is the common parent of a parent-subsidiary controlled group and also is a member of a brother-sister controlled group.

(ii) The definition of a combined group of corporations may be illustrated by the following examples:

Example (1). Smith, an individual, owns stock possessing 80 percent of the total combined voting power of all classes of the stock of corporations X and Y. Y, in turn, owns stock possessing 80 percent of the total combined voting power of all classes of the stock of corporation Z. Since—

(*a*) X, Y, and Z are each members of either a parent-subsidiary or brother-sister controlled group of corporations, and

(*b*) Y is the common parent of a parent-subsidiary controlled group of corporations consisting of Y and Z, and also is a member of a brother-sister controlled group of corporations consisting of X and Y,

X, Y, and Z are members of the same combined group.

Example (2). Assume the same facts as in example (1), and further assume that corporation X owns 80 percent of the total value of shares of all classes of stock of corporation T. X, Y, Z, and T are members of the same combined group.

(5) *Insurance group.* (i) The term "insurance group" means two or more insurance companies subject to taxation under section 802 each of which is a member of a controlled group of corporations described in subparagraph (2), (3), or (4) of this paragraph. Such insurance companies shall be treated as a controlled group of corporations separate from any other corporations which are members of the controlled group described in such subparagraph (2), (3), or (4). For purposes of this section and § 1.1562–5, the common parent of the controlled group described in subparagraph (2) of this paragraph shall be referred to as the common parent of the insurance group.

* * * * *

(b) *Component members.* * * *

(4) *Examples.* * * *

Example (1). Brown, an individual, owns all of the stock of corporations W and X on each day of 1964. W and X each uses the calendar year as its taxable year. On January 1, 1964, Brown also owns all the stock of corporation Y (a fiscal year corporation with a taxable year beginning on July 1, 1964, and ending on June 30, 1965), which stock he sells on October 15, 1964. On December 1, 1964, Brown purchases all the stock of corporation Z (a fiscal year corporation with a taxable year beginning on September 1, 1964, and ending on August 31, 1965). On December 31, 1964, W, X, and Z are members of the same controlled group. However, the component members of the group on such December 31 are W, X, and Y. Under subparagraph (2)(i) of this paragraph, Z is treated as an excluded member of the group on December 31 1964, since Z was a member of the group for less than one-half of the number of days (29 out of 121 days) during the period beginning on September 1, 1964 (the first day of its taxable year) and ending on December 30, 1964. Under subparagraph (3) of this paragraph, Y is treated as an additional member of the group on December 31, 1964, since Y was a member of the group for at least one-half of the number of days (107 out of 183 days) during the period beginning on July 1, 1964 (the first day of its taxable year) and ending on December 30, 1964.

* * * * *

(c) *Overlapping groups* — (1) *In general.* If on a December 31 a corporation is a component member of a controlled group of corporations by reason of ownership of stock possessing at least 80 percent of the total value of shares of all classes of stock of the corporation, and if on such December 31 such corporation is also a component member of another controlled group of corporations by reason of ownership of other stock (that is, stock not used to satisfy the at-least-80-percent total value test) possessing at least 80 percent of the total combined voting power of all classes of stock of the corporation entitled to vote, then such corporation shall be treated as a component member only of the controlled group of which it is a component member by reason of the ownership of at least 80 percent of the total value of its shares.

(2) *Brother-sister controlled groups.* (i) If on a December 31, a corporation would, without application of this subparagraph, be a component member of more than one brother-sister controlled group on such date, such corporation shall be treated as a component member of only one such group on such date. Such a corporation may select which group in which it is to be included by filing an election as provided in this subparagraph. The election shall be in the form of a statement designating the group in which the corporation is to be included. The statement shall provide all the information with respect to stock ownership which is reasonably necessary to satisfy the Internal Revenue officer with whom it is filed that the corporation would, but for the election, be a component member of more than one controlled group. Once filed, the election is irrevocable and effective until such time that a change in the stock ownership of the corporation results in termination of membership in the controlled group in which such corporation has been included.

(ii) Except as provided in subdivision (iii) of this subparagraph, the statement shall be signed by a person duly authorized to act on behalf of such corporation and shall be filed on or before the due date (including extension of time) for the filing of the income tax return of such corporation for the taxable year. However, in the case of an election with respect to December 31, 1970, the statement shall be considered as timely filed if filed on or before December 15, 1971. In the event no election is filed in accordance with the provisions of this subdivision, then the district director with audit jurisdiction of such corporation's return for the taxable year which includes such December 31 shall determine the group in which such corporation is to be included, and such determination shall be binding for all subsequent years unless the corporation files a valid election with respect to any such subsequent year.

(iii) If more than one corporation would, without application of this subparagraph, be a component member of more than one controlled group, a single statement shall be signed by persons duly authorized to act on behalf of each such corporation. Such statement shall designate the group in which each corporation is to be included. The statement shall be attached to the income tax return of the corporation that, among those corporations which would (without the application of this subparagraph) belong to more than one group, has the taxable year including such December 31 which ends on the earliest date. However, in the case of an election with respect to December 31, 1970, the statement may be filed by December 15, 1971, with the service center director with whom such corporation's return is filed for the taxable year which includes such December 31. In the event no election is filed in accordance with the provisions of this subdivision, then the district director with audit jurisdiction of such corporation's return for the taxable year that includes such December 31 shall determine the

group in which each corporation is to be included, and such determination shall be binding for all subsequent years unless the corporations file a valid election with respect to any such subsequent year.

(iv) The provisions of this subparagraph may be illustrated by the following examples (in which it is assumed that all the individuals are unrelated):

Example (1). On each day of 1970 all the outstanding stock of corporations M, N, and P is held in the following manner:

Individuals	Corporations		
	M	N	P
A	60%	40%	0
B	40%	20%	40%
C	0	40%	60%

Since the more-than-50-percent stock ownership requirement of section 1563(a)(2)(B) is met with respect to corporations M and N and with respect to corporations N and P, but not with respect to corporations M, N, and P, corporation N would, without the application of this subparagraph, be a component member on December 31, 1970, of overlapping groups consisting of M and N and of N and P. If N does not file an election in accordance with subdivision (ii) of this subparagraph, the district director with audit jurisdiction of N's return will determine the group in which N is to be included.

Example (2). On each day of 1970, all the outstanding stock of corporations S, T, W, X, and Z is held in the following manner:

Individuals	Corporations				
	S	T	W	X	Z
D	60%	60%	60%	60%	60%
E	40%	0	0	0	0
F	0	40%	0	0	0
G	0	0	40%	0	0
H	0	0	0	40%	0
I	0	0	0	0	40%

On December 31, 1970, the more-than-50-percent stock ownership requirement of section 1563(a)(2)(B) may be met with regard to any combination of the corporations but all five corporations cannot be included as component members of a single controlled group because the inclusion of all the corporations in a single group would be dependent upon taking into account the stock ownership of more than five persons. Therefore, if the corporations do not file a statement in accordance with subdivision (iii) of this subparagraph, the district director with audit jurisdiction of the return of the corporation whose taxable year ends on the earliest date will determine the group in which each corporation is to be included. The corporations or the district director, as the case may be, may designate that three corporations be included in one group and two corporations in another, or that any four corporations be included in one group and that the remaining corporation not be included in any group.

PAR. 20. Section 1.1563–2 is amended by adding a new subdivision (iv) to paragraph (b)(2), by revising paragraph (b)(3), and by revising subdivision (ii) of, and adding a new subdivision (iii) to, paragraph (b)(4). These revised and added provisions read as follows:

§ 1.1563–2 Excluded stock.

* * * * *

(b) *Stock treated as excluded stock.* * * *

(2) *Stock treated as not outstanding.* * * *

(iv) *Controlled exempt organization.* Stock in the subsidiary corporation owned (directly and with the application of the rules contained in paragraph (b) of § 1.1563–3) by an organization (other than the parent corporation)—

(*a*) To which section 501 (relating to certain educational and charitable organizations which are exempt from tax) applies, and

(*b*) Which is controlled directly or indirectly by the parent corporation or subsidiary corporation, by an individual, estate, or trust that is a principal stockholder of the parent corporation, by an officer of the parent corporation, or by any combination thereof.

The terms "principal stockholder of the parent corporation" and "officer of the parent corporation" shall have the same meanings in this subdivision as in subdivision (ii) of this subparagraph. The term "control" as used in this subdivision means control in fact and the determination of whether the control requirement of (*b*) of this subdivision is met will depend upon all the facts and circumstances of each case, without regard to whether such control is legally enforceable and irrespective of the method by which such control is exercised or exercisable.

(3) *Brother-sister controlled group.* If five or fewer persons (hereinafter referred to as common owners) who are individuals, estates, or trusts own (directly and with the application of the rules contained in paragraph (b) of § 1.1563–3) stock possessing 50 percent or more of the total combined voting power of all classes of stock entitled to vote or 50 percent or more of the total value of shares of all classes of stock in a corporation, the provisions of subparagraph (4) of this paragraph shall apply. In determining whether the stock owned by such person or persons possesses the requisite percentage of the total combined voting power of all classes of stock entitled to vote of a corporation, see paragraph (a)(6) of § 1.1563–1.

(4) *Stock treated as not outstanding.* * * *

(ii) *Employees.* Stock in such corporation owned (directly and with the application of the rules contained in paragraph (b) of § 1.1563–3) by an employee of such corporation if such stock is subject to conditions which run in favor of a common owner of such corporation (or in favor of such corporation) and which substantially restrict or limit the employee's right (or if the employee constructively owns such stock, the record owner's right) to dispose of such stock. The principles of subparagraph (2)(iii) of this paragraph shall apply in determining whether a condition satisfies the requirements of the preceding sentence. Thus, in general, a condition which extends, directly or indirectly, to a common owner or such corporation preferential rights with respect to the acquisition of the employee's (or record owner's) stock will be considered to be a condition which satisfies such requirements. For purposes of this subdivision, if a condition which restricts or limits an employee's right (or record owner's right) to dispose of his stock also applies to the stock in such corporation held by such common owner pursuant to a bona fide reciprocal stock purchase arrangement, such condition shall not be treated as one which restricts or limits the employee's (or record owner's) right to dispose of such stock. An example of a reciprocal stock purchase arrangement is an agreement whereby a common owner and the employee are given a right of first refusal with respect to stock of the employer corporation owned by the other party. If, however, the agreement also provides that the common owner has the right to purchase the stock of the employer corporation owned by the employee in the event that the corporation should discharge the employee for reasonable cause, the purchase arrangement would not be reciprocal within the meaning of this subdivision.

(iii) *Controlled exempt organization.* Stock in such corporation owned (directly and with the application of the rules contained in paragraph (b) of § 1.1563–3) by an organization—

(*a*) To which section 501(c)(3) (relating to certain educational and charitable organizations which are exempt from tax) applies, and

(*b*) Which is controlled directly or indirectly by such corporation, by an individual, estate, or trust that is a principal stockholder of such corporation, by an officer of such corporation, or by any combination thereof.

The terms "principal stockholder" and "officer" shall have the same meanings in this subdivision as in subparagraph (2)(ii) of this paragraph. The term "control" as used in this subdivision means control in fact and the determination of whether the control requirement of (*b*) of this subdivision is met will depend upon all the facts and circumstances of each case, without regard to whether such control is legally enforceable and irrespective of the method by which such control is exercised or exercisable.

* * * * *

PAR. 21. Section 1.1563–3 is amended by revising paragraphs (d)(2)(iv) and (d)(3) to read as follows:

§ 1.1563–3 Rules for determining stock ownership.

* * * * *

(d) *Special rule of section 1563(f)(3)(B).* * * *

(2) *Component member of more than one group.* * * *

(iv) If the application of subdivision (ii) or (iii) of this subparagraph does not result in a corporation being treated as a component member of only one controlled group of corporations on a December 31, then the determination of that group of which such corporation is to be treated as a component member

shall be made by the district director with audit jurisdiction of such corporation's return for the taxable year that includes such December 31 unless such corporation files an election as provided in this subdivision. The election shall be in the form of a statement, signed by a person authorized to act on behalf of such corporation, designating the group in which the corporation has elected to be included. The statement shall provide all the information with respect to stock ownership which is reasonably necessary to satisfy the district director that the corporation would, but for the election, be a component member of more than one controlled group. The statement shall be filed on or before the due date (including extensions of time) for the filing of the income tax return of such corporation for the taxable year. However, in the case of an election with respect to December 31, 1970, the statement shall be considered as timely filed if filed on or before December 15, 1971. Once filed, the election is irrevocable and effective until subdivision (ii) or (iii) of this subparagraph applies or until there is a substantial change in the stock ownership of such corporation.

* * * * *

(3) *Examples.* The provisions of this paragraph may be illustrated by the following examples, in which each corporation referred to uses the calendar year as its taxable year and the stated facts are assumed to exist on each day of 1970 (unless otherwise provided in the example):

Example (1). Jones owns all the stock of corporation X and has an option to purchase from Smith all the outstanding stock of corporation Y. Smith owns all the outstanding stock of corporation Z. Since the Y stock is considered as owned by two or more persons, under subparagraph (2)(ii) of this paragraph the Y stock is treated as owned only by Smith since he has direct ownership of such stock. Therefore, on December 31, 1970, Y and Z are component members of the same brother-sister controlled group. If, however, Smith had owned his stock in corporation Z for less than one-half of the number of days of Z's 1970 taxable year, then under subparagraph (1) of this paragraph the Y stock would be treated as owned only by Jones since his ownership results in Y being a component member of a controlled group on December 31, 1970.

Example (2). Individual H owns directly all the outstanding stock of corporation M. W (the wife of H) owns directly all the outstanding stock of corporation N. Neither spouse is considered as owning the stock directly owned by the other because each of the conditions prescribed in paragraph (b)(5)(ii) of this section is satisfied with respect to each corporation's 1970 taxable year. H owns directly 60 percent of the only class of stock of corporation P and W owns the remaining 40 percent of the P stock. Under subparagraph (2)(iii) of this paragraph, the stock of P is treated as owned only by H since H owns (directly and with the application of the rules contained in paragraph (b)(1), (2), (3), and (4) of this section) the stock possessing the greatest percentage of the total value of shares of all classes of stock of P. Accordingly, on December 31, 1970, P is treated as a component member of a brother-sister group consisting of M and P.

Example (3). Unrelated individuals A and B each owns one-half of all the outstanding stock of corporation R, which in turn owns 70 percent of the only class of outstanding stock of corporation S. The remaining 30 percent of the stock of corporation S is owned by unrelated individual C. Under the attribution rule of paragraph (b)(4) of this section, A and B each is considered as owning 35 percent of the stock of corporation S. Accordingly, since five or fewer persons own at least 80 percent of the stock of corporations R and S and also own more than 50 percent identically (A and B's identical ownership each is 35 percent), on December 31, 1970, corporations R and S are treated as component members of the same brother-sister controlled group.

PAR. 22. There is added immediately following § 1.1563–4 the following new sections:

§ 1.1564 Statutory provisions; transitional rules in the case of certain controlled corporations.

SEC. 1564. *Transitional rules in the case of certain controlled corporations*—(a) *Limitation on additional benefits*—(1) *In general.* With respect to any December 31 after 1969 and before 1975, the amount of—

(A) Each additional $25,000 surtax exemption under section 1562 in excess of the first such exemption.

(B) Each additional $100,000 amount under section 535(c)(2) and (3) in excess of the first such amount, and

(C) Each additional $25,000 limitation on the small business deduction of life insurance companies under sections 804(a)(4) and 809(d)(10) in excess of the first such limitation,

otherwise allowed to the component members of a controlled group of corporations for their taxable years which include such December 31 shall be reduced to the amount set forth in the following schedule:

Taxable years including—	Surtax exemption	Amount under sec. 535(c) (2) and (3)	Small business deduction limitation
Dec. 31, 1970	$20,833	$83,333	$20,833
Dec. 31, 1971	16,667	66,667	16,667
Dec. 31, 1972	12,500	50,000	12,500
Dec. 31, 1973	8,333	33,333	8,333
Dec. 31, 1974	4,167	16,667	4,167

(2) *Election.* With respect to any December 31 after 1969 and before 1975, the component members of a controlled group of corporations shall elect (at such time and in such manner as the Secretary or his delegate shall by regulations prescribe) which component member of such group shall be allowed for its taxable year which includes such December 31 the surtax exemption, the amount under section 535(c)(2) and (3), or the small business deduction limitation which is not reduced under paragraph (1).

(b) *Dividends received by corporations*—(1) *General rule.* If—

(A) An election of a controlled group of corporations (as defined in paragraph (1), or in so much of paragraph (4) as relates to paragraph (1), of section 1563(a)) under section 1562(a) (relating to privilege of a controlled group of corporations to elect to have each of its component members make its returns without regard to section 1561) was made on or before April 22, 1969, and

(B) Such election is effective with respect to the taxable year of each component member of such group which includes December 31, 1969,

then, with respect to a dividend distributed on or before December 31, 1977, out of earnings and profits of a taxable year which includes a December 31 after 1969 and before 1975, subsections (a)(3) and (b) of section 243 (relating to dividends received by corporations) shall be applied to such component members comprising an affiliated group (as defined in section 243(b)(5)) in the manner set forth in paragraph (2).

(2) *Special rules.* (A) An election under section 243(b)(2) may be made for a taxable year which includes a December 31 after 1969 and before 1975, notwithstanding that an election under section 1562(a) is in effect for the taxable year.

(B) Section 243(b)(1)(B)(ii) shall not apply with respect to a dividend distributed on or before December 31, 1977, out of earnings and profits of a taxable year which includes a December 31 after 1969 and before 1975 for which an election under section 1562(a) is in effect, and in lieu of the percentage specified in section 243(a)(3) with respect to such dividend, the percentage shall be the percentage set forth in the following schedule:

If the dividend is distributed out of the earnings and profits of the distributing corporation's taxable year which includes—	The percentage shall be—
December 31, 1970	87½ percent.
December 31, 1971	90 percent.
December 31, 1972	92½ percent.
December 31, 1973	95 percent.
December 31, 1974	97½ percent.

(C) For taxable years which include a December 31 after 1969 for which an election under section 1562(a) is in effect, section 243(b)(3)(C)(v) shall not be applied to limit the number of surtax exemptions.

(c) *Certain short taxable years.* If—

(1) A corporation has a short taxable year beginning after December 31, 1969, and ending before December 31, 1974, which does not include a December 31, and

(2) Such corporation is a component member of a controlled group of corporations with respect to such taxable year (determined by applying section 1563(b) as if the last day of such taxable year were substituted for December 31),

then subsections (a) and (b) shall be applied as if the last day of such taxable year were the nearest December 31 to such day.

[Sec. 1564 as added by sec. 401(b), Tax Reform Act 1969 (83 Stat. 600)]

§ 1.1564–1 Limitations on additional benefits for members of controlled groups.

(a) *In general.* Section 1564(a)(1) provides that, with respect to any December 31 after 1969 and before 1975, only one component member of a controlled group of corporations (as defined in section 1563(a)) shall be allowed the full amount of—

(1) The $25,000 surtax exemption under section 1562 (relating to election of multiple surtax exemptions),

(2) The $100,000 amount under section 535(c)(2) and (3) (relating to the accumulated earnings credit), and

(3) The $25,000 limitation on the small business deduction of life insurance companies under sections 804(a)(4) and 809(d)(10).

The amounts otherwise allowed to the other component members of such controlled group for their taxable years which include such December 31

shall be reduced to the amounts set forth in the following schedule:

Taxable years including—	Surtax exemption	Amount under sec. 535(c) (2) and (3)	Small business deduction limitation
Dec. 31, 1970	$20,833	$83,333	$20,833
Dec. 31, 1971	16,667	66,667	16,667
Dec. 31, 1972	12,500	50,000	12,500
Dec. 31, 1973	8,333	33,333	8,333
Dec. 31, 1974	4,167	16,667	4,167

(b) *Election.* (1) Section 1564(a)(2) provides that, with respect to any December 31 after 1969 and before 1975, the component members of a controlled group of corporations shall elect which component member or members of such group shall be allowed for their taxable years which includes such December 31 the full amounts described in paragraph (a)(1),(2), and (3) of this section. In making such election, the members may allocate such full amounts among themselves in any manner they choose. For example, the group may select one of its members to receive the full amount of the $25,000 surtax exemption under section 1562 and another of its members to receive the full $100,000 amount under section 535(c)(2), or it may select one of its members to claim both such full amounts.

(2) The election shall be made with respect to a particular December 31 and shall be valid only if each corporation which is a component member of the controlled group on such December 31 gives its consent. The consents shall be made by means of a statement, signed by persons duly authorized to act on behalf of each of the component members (other than wholly owned subsidiaries), stating which member has been selected to receive the amount which is not reduced under paragraph (a) of this section. The member so selected shall attach the statement to its income tax return for the taxable year including such December 31. The statement shall set forth the name, address, employer identification number, and taxable years of each of the other component members (including wholly owned subsidiaries) of the controlled group. Such other members shall attach a copy of the statement to their income tax returns for their taxable years including such December 31. An election plan adopted by a controlled group with respect to a particular December 31 shall be valid only for the taxable year of each member of the group which includes such December 31.

(3) Each component member of a controlled group which is a wholly owned subsidiary of such group with respect to a December 31 shall be deemed to consent to an election with respect to such December 31, provided each component member of the group which is not a wholly owned subsidiary consents to the election plan. A component member of a controlled group shall be considered to be a wholly owned subsidiary of the group with respect to a December 31 if, on each day preceding such date during its taxable year which includes such date, all of its stock is owned directly by one or more corporations which are component members of the group on such December 31.

[FR Doc.72-6306 Filed 4-24-72;8:51 am]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 3—Department of Health, Education, and Welfare

PART 3-4—SPECIAL TYPES AND METHODS OF PROCUREMENT

Subpart 3-4.54—Procurement Clearance of Audio Visual Productions

On January 18, 1972, a notice of proposed rule making was published in the FEDERAL REGISTER (37 F.R. 743) stating that the Department of Health, Education, and Welfare was considering an amendment to 41 CFR Chapter 3 by revising Subpart 3-4.54, Procurement Clearance of Audio Visual Productions. The purpose of this revision is to clarify the scope of coverage to include all steps and techniques used to procure a finished motion picture, video tape, slide show, film strip, audio recording, exhibitry, display, or similar productions.

Interested persons were invited to submit relevant data, views, or arguments within 30 days after publication. No comments were received, so the regulation is revised and hereby adopted as set forth below.

(5 U.S.C. 301; 40 U.S.C. 486(c))

Effective date. This amendment shall be effective upon publication in the FEDERAL REGISTER (4-25-72).

Dated: April 11, 1972.

N. B. HOUSTON,
Deputy Assistant Secretary for Administration.

1. The table of contents for Part 3-4 is amended by changing the title of Subpart 3-4.54 as follows:

Subpart 3-4.54—Procurement Clearance of Audio Visual Productions

The revision to subpart 3-4.54 is as follows:

Subpart 3-4.54—Procurement Clearance of Audio-Visual Productions

§ 3-4.5400 Scope of subpart.

This subpart provides for prior clearance and methods of contracting for the procurement of audiovisual productions. Refer to Chapter 1-121 of the General Administration Manual. The term "audio visual production," as used in this subpart, refers to all steps and techniques leading to the realization of a finished motion picture, video tape, slide show, film strip, audio recording, exhibitry, display, or similar materials, including design, layout, preparation of scripts, filming or taping, sound recording, editing, fabrication, or other activities leading to the creation of an audiovisual production regardless of intended use. Instructions relating to procurement of such productions obtained with grant funds are contained in Chapter 1-450 of the HEW Grants Administration Manual.

§ 3-4.5401 Responsibility.

No procurement action for acquisition of audiovisual productions shall be initiated without first obtaining proper clearance and approvals as set forth below. The Office of the Assistant Secretary for Public Affairs, Office of the Secretary (ASPA-OS), has been designated as the office of primary responsibility for the review and approval of all audiovisual productions. Requests for the procurement of audiovisual productions shall be submitted to ASPA-OS for review and approval (or disapproval).

§ 3-4.5402 Clearance for procurement.

(a) Clearances shall apply to contracts dealing, in whole or in part, with development of audiovisual productions, whether for public information, education or training purposes.

(b) All requests for approval of audiovisual productions, except requests for exhibitry shall be submitted on revised Form HEW-524, Request for Audiovisual Material. Requests for audiovisual materials will be submitted to ASPA-OS for review and approval prior to initiating any procurement action. Requests for approval of exhibitry shall be submitted to ASPA-OS in memorandum form stating the purpose as well as a general description of the content, and the circumstances under which the exhibitry will be used.

(c) Each request shall include the name of the assigned project officer. Failure to assign a project officer whose experience in audiovisual production is suitable to the project will constitute sufficient reason for disapproval of the project.

(d) Each request shall have been approved at the agency level by not lower than the principal public information officer, i.e., Assistant Commissioner for Public Affairs, Assistant Administrator for Information, etc., prior to submission to ASPA-OS.

(e) Requests shall be forwarded to ASPA-OS in triplicate by the approving agency level information officer. Two copies shall be returned by ASPA-OS to the agency level information officer together with (1) a memorandum of approval designating subsequent stages of the project at which ASPA-OS will review the material, or (2) a memorandum of disapproval documenting the reason for withholding approval.

(f) The approved original of the request shall be made a part of the permanent procurement file.

§ 3-4.5403 Methods of contracting.

(a) All procurements shall be conducted on a competitive basis whenever possible. The requirement for publicizing proposed procurements by synopsis in the Commerce Business Daily, as set forth in § 1-1.1003, Federal Procurement Regulations, shall be followed.

(b) When considered desirable and appropriate to do so, current approved

bidders lists, call contracts, or procurement arrangements of another Federal agency or department may be used subject to prior concurrence of ASPA–OS, and Office of Procurement and Materiel Management, Office of the Assistant Secretary for Administration and Management (OPMM–OASAM).

(c) When operating agencies wish to supplement any qualified bidders list or call contract list with additional contractors, such additions shall be coordinated with ASPA–OS and OPMM–OASAM.

§ 3–4.5404 Competition.

(a) Contracts shall be awarded after competition and on a fixed price basis whenever feasible. Requests for sole source procurement shall receive the concurrence of ASPA–OS and OPMM–OASAM.

(b) When call contracts or procurement arrangements have already been synopsized, no further synopsis is necessary when issuing calls against the basic contract. However, this procedure does not eliminate the requirement to obtain adequate competition from sources described in § 3–4.5403(b) consistent with the nature and size of the requirement.

[FR Doc.72–6275 Filed 4–24–72;8:47 am]

Chapter 5B—Public Buildings Service, General Services Administration

PART 5B–2—PROCUREMENT BY FORMAL ADVERTISING

Subpart 5B–2.2—Solicitation of Bids

LISTING OF SUBCONTRACTORS

This order amends the procedures for the listing of subcontractors by clarifying the term "subcontractor," defining the term "subcontract," and requiring that the designations for categories of subcontractors agree with the titles (including numbers) of the appropriate sections of the project specification.

Section 5B–2.202–70 is amended to read as follows:

§ 5B–2.202–70 Listing of subcontractors.

(a) Except as otherwise provided in paragraph (b) of this section, invitations for bids shall require the bidder to name the principal subcontractors (or his own firm when it will perform the work). Contracting officers shall determine the categories of work for which subcontractors' names are to be submitted. The mechanical, electrical, and elevator and/or escalator divisions of the project specifications shall be included in the subcontractor listing by title and division number. In addition, such listing shall include, by titles and section numbers, all other general construction categories of work in the project specifications which, individually, are determined by the contracting officer to comprise at least 3½ precent of the estimated cost of the entire contract; categories estimated to cost less shall not be included.

* * * * *

(e) The following clause shall be included in the Special Conditions:

LISTING OF SUBCONTRACTORS

(a) For each category on the List of Subcontractors which is included as part of the bid form, the bidder shall submit the name and address of the individual or firm with whom he proposes to contract for performance of such category: *Provided*, That the bidder may enter his own name for any category which he will perform with personnel carried on his own payroll (other than operators of leased equipment) to indicate that the category will not be performed by subcontract.

(b) If the bidder intends to subcontract with more than one subcontractor for a category or to perform a portion of a category with his own personnel and subcontract with one or more subcontractors for the balance of the category, the bidder shall list all such individuals or firms (including himself) and state the portion (by percentage or narrative description) of the category to be furnished by each.

(c) If alternate bids are required under this invitation, the bidder may list both the name of the individual or firm with whom he proposes to subcontract (or his own name) if awarded the contract on the base bid only, and the name of a different individual or firm with whom he proposes to subcontract for a category (or his own name) if award is made on the basis of base bid plus an alternate (or alternates) which affects the category for which alternate subcontractors are so listed, provided that the bidder clearly indicates after each such listing the basis upon which each named individual or firm shall be deemed to be the listed subcontractor for that category.

(d) The list may be submitted with the bid or separately by telegraph, mail, or otherwise. If mailed separately, the envelope must be sealed, identified as to content, and addressed in the same manner as prescribed for submission of bids. Failure to submit the list by the time set for bid opening shall cause the bid to be considered nonresponsive except under the conditions set out in Instruction No. 7 of the Instructions to Bidders (Standard Form 22).

(e) Except as otherwise provided herein, the successful bidder agrees that he will not have any of the listed categories involved in the performance of this contract performed by any individual or firm other than those named for the performance of such categories.

(f) The term "subcontractor" for the purpose of this requirement shall mean the individual or firm with whom the bidder proposes to enter into a subcontract for manufacturing, fabricating, installing, or otherwise performing work under this contract pursuant to the project specifications applicable to any category included on the list.

(g) The term "subcontract" includes, in addition to a two-signature document, all transactions resulting from acceptance of offers by awards or notices of awards; agreements and job orders; letter agreements; letters of intent; and orders, such as purchase orders, under which the subcontract becomes effective by written acceptance or performance. It also includes modifications thereto.

(h) Nothing contained in this clause shall be construed as changing the percentage requirement in the General Conditions for the Contractor to perform with his own forces.

(i) The Contractor shall be responsible for all aspects of performance by subcontractors.

(j) No substitutions for the individuals or firms named will be permitted except in unusual situations and then only upon the submission in writing to the Contracting Officer of a complete justification therefor and receipt of the Contracting Officer's written approval. In the event the Contracting Officer finds that substitution is not justified, the Contractor's failure or refusal to proceed with the work by or through the named subcontractor shall be grounds for termination of the contract under the provisions of Clause 5 of the General Provisions.

(k) Notwithstanding any of the provisions of this clause, the Contracting Officer shall have authority to disapprove or reject the employment of any subcontractor he has determined nonresponsible or who does not meet the requirements of an applicable Specialists or Competency of Bidder clause.

(l) The Contracting Officer shall have the right to require any information and supporting evidence he may deem relevant and necessary in connection with the approval or disapproval of a request for substitution and the appropriate adjustment of the contract price in the event substitution is approved, including but not limited to certified copies of the original worksheets used in the preparation of the bid on the prime contract, certified copies of the offers submitted to the successful bidder by the named subcontractor and the proposed substitute, and affidavits as to the circumstances relating to the request for substitution or the estimated cost of performance by any subcontractor named or proposed as a substitute. The Contractor's failure or refusal to proceed with the work by or through a named subcontractor after failing or refusing for an unreasonable period of time to furnish information and supporting evidence as required by the Contracting Officer in connection with a request for approval for a substitution shall be grounds for termination under the provisions of clause 5 of the general provisions.

(m) Nothing contained in this clause shall in itself be construed to create any contract or property rights in the successful bidder or any subcontractor. The imposition of any requirements under subparagraph (k) of this clause or the Contracting Officer's refusal to approve a substitution pursuant to the provisions of subparagraphs (j) and (l) of this clause shall not give rise to any cause of action against the Government by the successful bidder or by any subcontractor engaged or proposed to be engaged by the successful bidder.

(n) If the bidder fails to comply with the requirements of subparagraph (a) or (b) or (c) of this clause, the bid will be rejected as nonresponsive to the invitation.

(o) In order to effectively implement the objectives of the foregoing provisions and to ensure the timely receipt of accurate bids, the bidder is requested to urge all subcontractors intending to submit a proposal for work involved in the project to submit to all bidders to whom they intend to bid a written proposal (or written abstract) with or without price outlining in detail the specific sections of the specifications to be included in their work as well as any exceptions or exclusions therefrom. It is suggested that such written proposal be submitted to the bidder at least 48 hours in advance of the bid opening.

* * * * *

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. This amendment is effective upon publication in the FEDERAL REGISTER (4–25–72).

Dated: April 17, 1972.

A. F. SAMPSON,
Commissioner,
Public Buildings Service.

[FR Doc.72–6277 Filed 4–24–72;8:48 am]

Chapter 60—Office of Federal Contract Compliance, Equal Employment Opportunity, Department of Labor

PART 60–7—ST. LOUIS PLAN

Requirements, Terms, and Conditions of Awarding Federal Construction Contracts

On February 8, 1972, notice of proposed rule making was published in the FEDERAL REGISTER (37 F.R. 2847) with regard to amending Chapter 60 of Title 41 of the Code of Federal Regulations by amending Part 60–7 thereof dealing with the St. Louis Plan for equal employment opportunities in the construction trades. Interested persons were invited to submit written comments regarding the proposed amendment to the Deputy Assistant Secretary for Employment Standards, U.S. Department of Labor, 14th Street and Constitution Avenue NW., Washington, DC 20210, within 30 days of publication of that notice in the FEDERAL REGISTER.

Having considered all relevant material submitted, I have decided to, and do hereby amend Chapter 60, Title 41 of the Code of Federal Regulations by amending 60–7.30 thereof to read as follows:

Subpart D—Appendix A

§ 60–7.30 Appendix A.

* * * * *

REQUIREMENTS, TERMS, AND CONDITIONS

1. No contracts or subcontracts shall be awarded for Federal or federally-assisted construction in the city of St. Louis or St. Louis County, Mo., on projects whose estimated cost exceeds $500,000 unless the bidder completes and submits, prior to bid openings, this document designated as Appendix A, or a substantially similar document, which shall include specific goals of minority manpower utilization for each trade designated below which will be used by the contractor on all his work (both Federal and non-Federal) within the city of St. Louis and St. Louis County, Mo., during the term of his performance of the contract, such goals to be established by the contractor at least within the ranges established by this appendix in section 2 thereof. Minority manpower means, for the purposes of this appendix, Negroes, Spanish surnamed Americans, Orientals, and American Indians. The trades utilizing the following classifications of employees are covered by this appendix:

Asbestos workers.
Boilermakers.
Bricklayers.
Carpenters.
Cement and concrete finishers.
Electricians.
Elevator constructors.
Glaziers.
Ironworkers.
Lathers and plasterers.
Operating engineers.
Painters and paperhangers.
Plumbers and pipefitters.
Roofers and slaters.
Sheetmetal workers.
Tile setters and terrazzo workers.

The above designated trades are those in which the underutilization of minorities is most apparent and as to which goals of minority manpower utilization falling within the range designated herein could be developed and achieved, without displacing incumbents in the trades.

Included in the above listing is the trade of Carpenters as to which there has been developed and approved by the OFCC a Supplemental Manpower Agreement to which the Carpenters District Council of St. Louis and the Associated General Contractors of St. Louis are signatories. That Agreement which meets or exceeds the requirements of the St. Louis Plan which would otherwise be applicable to this trade provides, inter alia, for a 5-year goal of twenty percent (20%) minority manpower representation in the trade.

Additionally, an affirmative action agreement has been executed by and between the National Electrical Contractors Association and Local Union No. 1, International Brotherhood of Electrical Workers, which has been accepted by the OFCC. That Agreement also meets or exceeds the requirements of the St. Louis Plan which would otherwise be applicable to this trade and provides, inter alia, for a 5-year goal of seventeen percent (17%).

Those contractors who are signatories to the aforementioned affirmative action programs and who continue to satisfactorily participate therein, shall, so long as such programs remain approved by the OFCC be relieved of their obligations to meet their goals of minority manpower utilization designated in this appendix for the trades of Carpenters and Electricians, as appropriate.

A bidder who fails or refuses to complete or submit the goals required by this Appendix A and who is not otherwise relieved from his obligation to do so, shall not be deemed a responsive bidder and may not be awarded the contract or subcontract, but such goals need not be submitted only for those trades which the contractor contemplates to be used in the performance of the federally-involved contract. In no case shall there be any negotiations over the provisions of the specific goals submitted by the bidder after the opening of bids and prior to the award of the contract.

* * * * *

Signed at Washington, D.C., this 10th day of April 1972.

J. D. HODGSON,
Secretary of Labor.

R. J. GRUNEWALD,
Assistant Secretary for Employment Standards.

GEORGE L. HOLLAND,
Director, Office of Federal Contract Compliance.

[FR Doc.72–6282 Filed 4–24–72;8:48 am]

Title 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 170—FEES FOR FACILITIES AND MATERIALS LICENSES UNDER THE ATOMIC ENERGY ACT OF 1954, AS AMENDED

Revised Fees for Facilities and Materials Licenses

On January 25, 1972, the Atomic Energy Commission published in the FEDERAL REGISTER (37 F.R. 1121) proposed amendments to 10 CFR Part 170 of its regulations which would revise fees charged for facilities and materials licenses. Interested persons were invited to submit written comments and suggestions for consideration within 30 days after publication of the notice of proposed rule making in the FEDERAL REGISTER.

The fees set out in the notice of proposed rule making covered the costs related to health and safety compliance and inspection, which were not included in the previous fee schedule, and also reflected increased licensing costs. The proposed revised fees were based on the principle of full cost recovery. The cost of each function or element making up the total fee base was examined separately and was assigned to the appropriate fee category. The regulatory costs associated with the processing of licenses and health and safety compliance and inspection activities were used in developing the fees. No costs related to rule making, development of standards, codes and criteria, safeguards activities, and administration of the State relations program were included. Costs associated with licenses exempt from fees were identified and excluded.

After consideration of the comments received and other factors involved, the Commission has adopted the proposed amendments with certain modifications discussed below.

A number of persons commented that the Commission's fee schedule should take into account, with more particularity, the size and nature of licensed operations involving the use of byproduct material. Pending further consideration of these comments, the Commission is deferring adoption of the revised fee schedule for certain byproduct material licenses.

A new subparagraph (9) has been added to § 170.11(a) to exempt from fees license applications from, or licenses issued to, an agency of a State or any political subdivision thereof for byproduct material, source material, or special nuclear material.

The footnote to § 170.12(b) has been modified to clarify the intent of the Commission that fees for provisional construction permits or provisional operating licenses, which are payable, under the footnote to § 170.12(b) of Part 170, on the date of issuance of such provisional construction permits or provisional operating licenses, must be paid according to the fee schedules in effect on the date of issuance.

Paragraph 170.12(c) has been revised to clarify the due date for annual fees for licenses issued after February 5, 1971.

In view of the change in the fee schedule for nuclear power plants, footnote 1 of § 170.21 has been modified to clarify that in the case of license amendments authorizing higher power levels, the increased fees apply only to the increment. For example, if the power level of a reactor is increased from 1,800 Mw(t) to 2,000 Mw(t), the fee which must accompany the application is $19,000 (200×95=$19,000).

The Commission is required to keep the matter of license fees under continuing review. If costs of licensing services change, it may be expected that the fee schedule will be adjusted.

Pursuant to the Atomic Energy Act of 1954, as amended, and section 552 and section 553 of title 5 of the United States Code, the following amendments to Title 10, Chapter 1, Code of Federal Regulations, Part 170 are published as a document subject to codification to be effective thirty (30) days after publication in the FEDERAL REGISTER.

1. A new subparagraph (9) is added to § 170.11(a) of 10 CFR Part 170 to read as follows:

§ 170.11 Exemptions.

(a) No application filing fees, license fees, or annual fees shall be required for:

* * * * *

(9) A license for possession and use of byproduct material, source material, or special nuclear material applied for by, or issued to, an agency of a State or any political subdivision thereof.

* * * * *

2. In § 170.12 the footnote to the heading of paragraph (b) and paragraph (c) is amended to read as follows:

§ 170.12 Payment of fees.

* * * * *

(b) *Construction permit fees and operating license fees.*[1] Fees for construction permits and operating licenses are payable when the construction permit or operating license is issued. No construction permit or operating license will be issued by the Commission until the full amount of the fee prescribed in this part has been paid.

(c) *Annual fees.* All licenses outstanding on February 5, 1971, are subject to payment of the annual fee prescribed by this Part 170, as amended, within 30 days after February 5, 1971, and annually thereafter: *Provided, however,* That, in the case of licenses which have been subject to license fees prior to February 5, 1971, the next annual fee will be payable 1 year from the due date of the last fee payment and annually thereafter. In the case of licenses issued after February 5, 1971, annual fees are payable 1 year following the date of issuance of the license and annually thereafter.

3. Section 170.21 of 10 CFR Part 170 is amended to read as follows:

§ 170.21 Schedule of fees for production and utilization facilities.

Applicants for construction permits or operating licenses for production or utilization facilities and holders of construction permits or operating licenses for production or utilization facilities shall pay the fees set forth below: *Provided, however,* That annual fees shall not be paid by holders of licenses which authorize the possession but not operation of production or utilization facilities.

SCHEDULE OF FEES

Facility (thermal megawatt values refer to maximum capacity stated in the permit or license)[1]	Application fee for construction permit	Construction[3] permit fee	Operating[4] license fee	Annual fee after issuance of operating license
(1) Power reactor[5]	$70,000	$60,000+$80/Mw(t)[2].	$125,000+$95/Mw(t)[2].	$12/Mw(t)[2] ($12,000 minimum).
(2) Testing facility	3,000	$10,500	$15,200	$14,500.
(3) Research reactor	600	$2,300	$3,500	$3,500.
(4) Other production or utilization facility	60,000	$155,000	$145,000	$145,000.

[1] Amendments reducing capacity shall not entitle the applicant to a partial refund of any fee; applications for amendments increasing capacity requiring a higher fee will not be accepted for filing unless accompanied by the prescribed fee, which shall be determined by multiplication of the change in power level, expressed in megawatts thermal, by $95.

[2] Thermal megawatts.

[3] When construction permits are issued for two or more power reactors of the same design at a single power station that were subject to concurrent licensing review, the construction permit fee for the first reactor will be $60,000 +$80/Mw(t) and $30,000+$30/Mw(t) for each additional reactor.

[4] When operating licenses are issued for two or more power reactors of the same design at a single power station that were subject to concurrent licensing review, the operating license fee will be $125,000+$95/Mw(t) for the first reactor and $95,000+$60/Mw(t) for each additional reactor.

[5] For construction permits and operating licenses for power reactors with a capacity in excess of 3,000 Mw(t), the fee will be computed on a maximum power level of 3,000 Mw(t).

4. Section 170.31 of 10 CFR Part 170 is amended to read as follows:

§ 170.31 Schedule of fees for materials licenses.

Applicants for materials licenses and holders of materials licenses shall pay the following fees:

SCHEDULE OF MATERIALS LICENSE FEES

Category of materials licenses[1]	Application fee[2]	Annual fee
1. Special nuclear material:		
A. Licenses for quantities of five (5) kilograms or more of contained uranium 235, uranium 233 and plutonium, except for licenses for plutonium processing and fuel fabrication plants as defined in § 70.4(r) of this chapter, licenses for storage only and licenses authorizing possession and use of special nuclear material in sealed sources as defined in Part 70 of this chapter.	$10,000+$10 per kilogram (maximum fee $26,000).	$10,000+$10 per kilogram (maximum fee $26,000).
B. Licenses for possession and use of special nuclear material in plutonium processing and fuel fabrication plants as defined in § 70.4(r) of this chapter.	$27,000	$27,000.
C. Licenses for quantities of five (5) kilograms or more of contained uranium 235, uranium 233 and plutonium for storage only except for licenses authorizing storage only of special nuclear material in sealed sources as defined in Part 70 of this chapter.	$2,440	$2,440.
D. Licenses for quantities of 350 grams to five (5) kilograms of contained uranium 235, uranium 233 and plutonium except for licenses for storage only and licenses authorizing possession and use of special nuclear material in sealed sources as defined in Part 70 of this chapter.	$2/gram (maximum fee $6,000).	$2/gram (maximum fee $6,000).
E. All other specific special nuclear material licenses	$120	$120.
2. Source material:		
A. Licenses for source material in quantities greater than 50 kilograms, except licenses for storage only and licenses for use only of source material in counterweights.	$80+$.10 per kilogram (maximum fee $1,300).	$80+$.10 per kilogram (maximum fee $1,300).
B. All other specific source material licenses	$80	$80.
3. Byproduct material:		
A. Licenses for possession and use of byproduct material issued pursuant to Parts 30 and 33 of this chapter for processing, or manufacturing of items containing byproduct material or quantities of byproduct material for commercial distribution.	$500	$50.
B. Licenses for byproduct material issued pursuant to Part 34 of this chapter for industrial radiography.	$150	$150.
C. Licenses for possession and use of byproduct material in quantities of 10,000 curies or more in sealed sources for irradiation of materials.	$375	$375.
D. Licenses issued pursuant to Part 32 of this chapter to distribute items containing byproduct material or quantities of byproduct material to persons generally licensed under Part 31 or 35 of this chapter.	$500	$500.
E. Licenses issued pursuant to Part 32, except § 32.11, of this chapter to distribute items containing byproduct material or quantities of byproduct material to persons exempt from the licensing requirements of Part 30 of this chapter.	$500	$500.
4. Waste disposal:		
A. Waste disposal licenses specifically authorizing the receipt of waste by-product material, source material or special nuclear material from other persons for the purpose of commercial disposal by land or sea burial by the waste disposal licensee.	$1,625	$1,625.
5. Well logging and well surveys:		
A. Licenses for possession and use of special nuclear material and by-product material for oil and gas well logging and well surveys.	$265	$265.
6. Nuclear laundries:		
A. Licenses for commercial collection and laundry of items contaminated with by-product material, source material and special nuclear material.	$265	$265.

See footnotes at end of table.

[1] For facilities as to which a notice of hearing on an application for a provisional construction permit or provisional operating license, or a notice of proposed issuance of a provisional operating license, has been published on or before Mar. 30, 1970, fees are payable when the provisional construction permit or provisional operating license, if any, is issued, in accordance with the fee schedules in effect on the date of issuance.

SCHEDULE OF MATERIALS LICENSE FEES—Continued

Category of materials licenses [1]	Application fee [2]	Annual fee
7. All other licenses: A. All other specific materials licenses other than licenses in Categories 1A through 6A.	$25	$25.

[1] Amendments reducing the scope of a licensee's program shall not entitle the licensee to a partial refund of any fee; applications for amendments increasing the scope of a program to a higher fee category will not be accepted for filing unless accompanied by the prescribed fee less the amount of the currently prescribed fee for the activities already licensed.

[2] Applications for materials licenses covering more than one fee category shall be accompanied by the prescribed fee for each category.

(Sec. 501, 65 Stat. 290; 31 U.S.C. 483a)

Dated at Germantown, Md., this 18th day of April 1972.

For the Atomic Energy Commission.

W. B. McCOOL,
Secretary of the Commission.

[FR Doc.72-6184 Filed 4-24-72;8:45 am]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 0—COMMISSION ORGANIZATION

Location of Field Offices and Monitoring Stations

Order. In the matter of editorial amendment of § 0.121(a) of the Commission's rules and regulations.

1. The location for the Engineer in Charge of several of the Federal Communications Commission's field offices has recently been changed. The following amendment will be made to the rules and regulations to appropriately reflect the change in address:

Radio district	From	To
5	Room 400, Federal Bldg., Norfolk, Va. 23510.	Military Circle, 870 North Military Highway, Norfolk, VA 23502.
10	1314 Wood St., Room 707, Dallas, TX 75202.	Room 13E7, 1100 Commerce St., Federal Bldg., U.S. Courthouse, Dallas, TX 75202.
19	1029 New Federal Bldg., Detroit, Mich. 48226.	1054 Federal Bldg., Washington Blvd., and Lafayette St., Detroit, MI 48226.
20	328 Federal Bldg., Buffalo, N.Y. 14203.	905 Federal Bldg., 111 West Huron St., at Delaware Ave., Buffalo, NY 14202.

2. Since the amendment is editorial in nature the prior notice and effective date provisions of the Administrative Procedure Act are not applicable. Authority for the promulgation of this amendment is contained in sections 4(i) and 5(d) of the Communications Act of 1934, as amended, and § 0.231(d) of the rules.

3. *Accordingly, it is ordered,* Effective April 25, 1972, § 0.121(a) of the rules and regulations is amended as set forth below.

(Secs. 4, 5, 48 Stat., as amended, 1066, 1068; 47 U.S.C. 154, 155)

Adopted: April 14, 1972.

Released: April 17, 1972.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] JOHN M. TORBET,
Executive Director.

In Chapter I of Title 47 of the Code of Federal Regulations, Part 0 is amended as follows:

§ 0.121 Location of field offices and monitoring stations.

(a) District offices and their suboffices are located at the following addresses:

Radio district	Address of the engineer in charge	Territory within district: States	Territory within district: Counties
• • •	• • •	• • •	• • •
5	Military Circle, 870 North Military Highway, Norfolk, Va. 23502.	North Carolina	All except District 6.
		Virginia	All except Districts 4 and 24.
• • •	• • •	• • •	• • •
10	Room 13E7, 1100 Commerce St., Federal Bldg., U.S. Courthouse, Dallas, TX 75202.	Oklahoma	All counties.
		Texas	All except District 9 and the city of Texarkana.
• • •	• • •	• • •	• • •
10	Room 13E7, 1100 Commerce St., Blvd., and LaFayette St., Detroit, MI 48226.	Oklahoma	All counties. Breathitt, Campbell-Carter, Clark, Clay, Elliott, Estill, Fayette, Fleming, Floyd, Franklin, Gallatin, Garrard, Grant, Greenup, Harlan, Harrison, Jackson, Jessamine, Johnson, Kenton, Knott, Knox, Laurel, Lawrence, Lee, Leslie, Letcher, Lewis, Lincoln, Madison, Magoffin, Martin, Mason, McCreary, Menifee, Montgomery, Morgan, Nicholas, Owen, Owsley, Pendleton, Perry, Pike, Powell, Pulaski, Robertson, Rockcastle, Rowan, Scott, Wayne, Whitley, Wolfe, and Woodford.
		Ohio	All counties.
		Michigan	All counties except District 16.
		West Virginia	All counties except District 4.
20	905 Federal Bldg., 111 West Huron St., at Delaware Ave., Buffalo, N.Y. 14202.	New York	All except District 2.
		Pennsylvania	All except District 3.

[FR Doc.72-6224 Filed 4-24-72;8:45 am]

PART 81—STATIONS ON LAND IN THE MARITIME SERVICES AND ALASKA-PUBLIC FIXED STATIONS

PART 83—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

Miscellaneous Amendments

Order. In the matter of editorial amendment of Parts 81 and 83 of the Commission's rules and regulations.

1. Preparatory to the reprinting of the revised edition of Volume IV of the Commission's rules and regulations, numerous editorial changes were made in Parts 81 and 83. The majority of the changes involve substituting the term "hertz (Hz)" for the term "cycles per second (c/s)" in its various forms.

2. Adoption of these changes is desirable in order to delete obsolete material, and to improve the rules from an included in the revised edition of volume notice and effective date provisions of section 4 of the Administrative Procedure Act (5 U.S.C. 553) are not applicable. The changes in the Appendix are included in the revised edition of Volume IV which will be on sale at the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C., 20402 after May 1, 1972.

3. *Accordingly, it is ordered,* Pursuant to authority contained in sections 4(i), 5(d), and 303(r) of the Communications Act of 1934, as amended, and § 0.231(d) of the Commission's rules and regulations, That effective April 25, 1972 Parts 81 and 83 are amended as set forth below.

(Secs. 4, 5, 303, 48 Stat., as amended, 1066, 1068, 1082; 47 U.S.C. 154, 155, 303)

Adopted: April 14, 1972.

Released: April 17, 1972.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] JOHN M. TORBET,
Executive Director.

Parts 81 and 83 of Chapter I of Title 47 of the Code of Federal Regulations are amended as follows:

A. Part 81, Stations on Land in the Maritime Services and Alaska—Public Fixed Stations, is amended as follows:

§§ 81.74 and 81.75 [Amended]

1. In footnote 1 to §§ 81.74 and 81.75, the term "Engineer in Charge" is capitalized.

2. In § 81.104 (b) and (c), footnotes 1 through 4 are revised to read as follows:

§ 81.104 Facilities required for coast stations.

* * * * *

[1] Use of emission A3 is permitted in Alaska only and shall be discontinued effective January 1, 1974.

[2] Capability to transmit using emission A3H shall be provided effective January 1, 1974, in Alaska.

[3] Capability to receive A3 emission shall be provided until January 1, 1977. This requirement may be fulfilled by provision of the capability to receive emission A3H.

[4] Capability to receive using emission A3H shall be provided effective January 1, 1974, in Alaska.

* * * * *

§ 81.207 [Amended]

3. In § 81.207, the note to paragraph (a) is deleted.

4. In § 81.304, paragraphs (b)(11) (preceding the note) and (12 and (c) (1), (2), (3), (4), and (5) are revised to read as follows:

§ 81.304 Frequencies available.

* * * * *

(b) * * *

(11) Until January 1, 1974, emission A3A, A3H, and A3J; after January 1, 1974, emission A3A and A3J: *Provided, however,* That during the period January 1, 1974, to January 1, 1978, emission A3H may be used with foreign ship stations not equipped for single sideband operation.

* * * * *

(12) This frequency is available for use with emissions A3A and A3J until January 1, 1974: *Provided,* That harmful interference is not caused to ship station receivers employing double sideband techniques receiving a transmission on a carrier frequency positioned higher in frequency by 3.1, 3.2, or 3.5 kHz.

* * * * *

(c) * * *

(1) Transmission of DSB emissions will not be permitted;

(2) [Reserved];

(3) Except as provided in § 81.142(d), the capability of using emissions A3A, A3H, and A3J is required;

(4) [Reserved];

(5) On 2182 kHz until January 1, 1977, public coast stations are required to have the capability to receive SSB full carrier and DSB emission; after January 1, 1977, such stations are required to have the capability to receive SSB full carrier emission.

* * * * *

5. In § 81.308(a), Table 2 is revised to read as follows:

§ 81.308 Frequencies available in one or more zones of the Alaska area.

* * * * *

TABLE 2

Zone [1] (kHz) [2] [3]	Zone 2 (kHz) [2] [3]	Zone 3 (kHz) [2] [3]	Zone 4 (kHz) [2] [3]	Zone 5 (kHz) [2] [3]	Zone 6 (kHz) [2] [3]
4403.0	4428.6	4399.8	4425.4	4428.6	4403.0

[1] [Reserved].
[2] Until Jan. 1, 1974, emissions 2.8A3A, 2.8A3H, and 2.8A3J; after Jan. 1, 1974, emissions 2,8A3A and 2,8A3J.
[3] Conversion from double sideband (DSB) to single sideband (SSB) emissions in the band 4361–4438 kHz shall be effected in accordance with the schedule set forth in § 81.304.

Subpart J—Limited Coast Stations and Marine-Utility Stations, Use of Telephone

6. The title of Subpart J is corrected by hyphenating the words "Marine-Utility" to read as set forth above.

§ 81.351 [Amended]

7. In § 81.351(a), the introductory text is corrected by hyphenating the words "Marine-Utility".

§ 81.356 [Amended]

8. In § 81.356, the table in paragraph (a) is amended by deleting the figures 1, 2, 3, and 4 wherever they appear in the column headed "conditions of use". In paragraph (b), subparagraphs (1), (2), (3), and (4) are deleted and designated "Reserved". Subparagraph (13) is amended by substituting the word "until" for the words "Not available for assignment prior to January 1, 1971; during the period January 1, 1971 to".

9. Section 81.360(a)(1) is amended to read as follows:

§ 81.360 Frequencies available below 4000 kHz.

(a) * * *

(1) In conversion from double sideband (DSB) to single sideband (SSB):

(i) Transmission of DSB emisisons will not be permitted;

(ii) [Reserved];

(iii) Except as provided in § 81.142(d), the capability of using emissions A3A, A3H, and A3J is required;

(iv) [Reserved];

(v) On 2182 kHz until January 1, 1977, limited coast stations are required to have the capability to receive SSB full carrier and DSB emission; after January 1, 1977, such stations are required to have the capability to receive SSB full carrier emission.

* * * * *

§ 81.372 [Amended]

10. In § 81.372(b), the term "marine-utility" is hyphenated the two places it appears.

§ 81.708 [Amended]

11. In § 81.708(b), subparagraphs (7)(iv), (8)(iv), and (14)(iv) are amended by deleting the introductory phrase, "after January 1, 1972".

B. Part 83, Stations on Shipboard in the Maritime Services, is amended as follows.

Note 1 to Part 83 [Deleted].

1. The editorial note preceding the text of Part 83 is obsolete and therefore deleted.

§ 83.137 [Amended]

2. In § 83.137(b), footnote designator 1 is removed following ±5 kHz and the text of footnote 1 is deleted at the end of the section.

§ 83.224 [Amended]

3. In § 83.224, reference to § 83.106(d)(5) is corrected to read § 83.106(b)(5).

§ 83.263 [Amended]

4. In § 83.263(a)(4), the text is amended by placing a period after the words "United States" and deleting the remainder of the sentence.

§ 83.316 [Amended]

5. In § 83.316, paragraph (b) is amended by deleting the frequency 448 kHz and paragraph (c)(4) is deleted.

§ 83.317 [Amended]

6. In § 83.317(b), Table 1A is revised by deleting the 1st, 3d, 5th, 7th, 9th, and 11th columns of frequencies and by amending the column headings to read as follows:

(b) TABLE 1A—HIGH TRAFFIC SHIP RADIOTELEGRAPH WORKING FREQUENCIES (kHz)

Symbol	4 MHz (kHz)	6 MHz (kHz)	8 MHz (kHz)	12 MHz (kHz)	16 MHz (kHz)	2z MHz (kHz)

§ 83.318 [Amended]

7. In § 83.318(b), Table 1B is revised by deleting the 1st, 3d, 5th, 7th, 9th, 11th, and 13th columns of frequencies and amending the column headings to read as follows:

(b) TABLE 1B—SHIP RADIOTELEGRAPH CALLING FREQUENCIES (kHz)

Symbol	2 MHz (kHz)	4 MHz (kHz)	6 MHz (kHz)	8 MHz (kHz	12 MHz (kHz)	16 MHz (kHz)	22 MHz (kHz)

§ 83.319 [Amended]

8. In § 83.319(b), Table 1C is revised by deleting the 1st, 3d, 5th, 7th, 9th, 11th, 13th, 15th, 17th, 19th, 21st, and 23d columns of frequencies. In the 8th column under Group "B" for 6 MHz opposite the symbol L7, the frequency 6223.25 kHz is corrected to read 6323.25 kHz. The headings for Table 1C are revised to read as follows:

(b) TABLE 10—LOW TRAFFIC SHIP WORKING FREQUENCIES [1] (kHz)

Symbol	4 MHz		6 MHz		8 MHz		12 MHz		16 MHz		22 MHz	
	Group A (kHz)	Group B (kHz)	Group A (kHz)	Group B (kHz)	Group A (kHz)	Group B (kHz)	Group A (kHz)	Group B (kHz)	Group A (kHz)	Group B (kHz)	Group A (kHz)	Group B (kHz)

§ 83.320 [Amended]

9. In § 83.320(b), Table 1D is revised to add "(kHz)" centered in each column, "Available after 7–1–69" is deleted from the heading of each column and footnote 1 is amended by deleting the words "after July 1, 1969".

§ 83.324 [Amended]

10. In § 83.324, the Notes to paragraphs (b) and (h) are deleted and

paragraph (h) is amended by substituting the frequencies "2071 kHz and 2076 kHz" for the frequencies "2072.5 kHz and 2077.5 kHz".

§ 83.351 [Amended]

11. In § 83.351(b)(64), the introductory words are amended to read: "Available until January 1, 1974; *Provided*, That * * *" and subparagraphs (c)(1) and (c)(3) are amended by deleting the words, "After January 1, 1972," at the beginning of the sentence.

§ 83.371 [Amended]

12. The introductory text of § 83.371 is amended by capitalizing the term "Engineer in Charge."

[FR Doc.72-6223 Filed 4-24-72;8:45 am]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

INCOME TAX

Use of the Full Absorption or Modified Full Absorption Method of Inventory Valuation; Cancellation of Hearing

Proposed amendments to the regulations under sections 61, 446, and 471 of the Internal Revenue Code of 1954, relating to gross income, methods of accounting and inventory valuation, appear in the FEDERAL REGISTER for December 15, 1971 (36 F.R. 23809).

A notice of public hearing on Tuesday, May 2, 1972, was published in the FEDERAL REGISTER for March 10, 1972 (37 F.R. 5131). As a result of the many comments to the Internal Revenue Service in response to the notice of proposed rule making, the Service is considering the issuance of a new notice of proposed rule making taking these comments into account. Accordingly, the previously announced public hearing is canceled.

LEE H. HENKEL, Jr.,
Acting Chief Counsel.

[FR Doc.72-6379 Filed 4-24-72;3:00 pm]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

[41 CFR Part 3-16]

GENERAL PROVISIONS APPLICABLE TO NEGOTIATED COST-REIMBURSEMENT CONTRACTS

Notice of Proposed Rule Making

Notice is hereby given in accordance with the administrative procedure provisions in 5 U.S.C. 553, that pursuant to the Federal Property and Administrative Services Act of 1949, as amended, the Office of the Secretary is considering an amendment to 41 CFR, Chapter 3, by adding a new § 3-16.950-315 under Subpart 3-16.9, Illustration of Forms.

Any person who wishes to submit written data, views, or comments pertaining to the proposed amendment may do so by filing them in duplicate with the Director, Office of Procurement and Materiel Management (OPMM), Room 3340, HEW North Building, Department of Health, Education, and Welfare, 330 Independence Avenue SW., Washington, DC 20201, within 30 days after publication of this notice in the FEDERAL REGISTER.

The proposed amendment will illustrate the revised Form 315, General Provisions (Negotiated Cost-Reimbursement Contracts). Major changes in the form, which was last revised in August 1964, are reflected in clauses entitled "Government Property," "Inspection and Reports," "Allowable Cost," and "Subcontracting." New clauses are to be entitled, "Accounts, Audit and Records," "Publication and Publicity," "Key Personnel," "Litigation of Claims," "Foreign Travel," "Questionnaires and Surveys," "Printing," and "Services of Consultants." Minor changes are being made in clauses entitled, "Definitions," "Payment," "Limitation of Cost," "Examination of Records," "Notice to the Government of Delays," "Rights in Data," "Reporting of Royalties," "Patent Rights," "Required Insurance," and "Overtime." No change is made in the clauses entitled "Changes" and "Authorization and Consent." The General Provisions will include certain clauses prescribed by Federal Procurement Regulations (41 CFR Part 1). These clauses are not being repeated here, but are identified by an appropriate cross-reference to the applicable FPR section.

As proposed, the new § 3-16.950-315 would read as follows:

§ 3-16.950-315 Form HEW-315, General Provisions (Negotiated Cost-Reimbursement Contract).

GENERAL PROVISIONS
(NEGOTIATED COST-REIMBURSEMENT CONTRACT)

1. DEFINITIONS

As used throughout this contract, the following terms shall have the meaning set forth below:

(a) The term "Secretary" means the Secretary, the Under Secretary, or any Assistant Secretary of the Department of Health, Education, and Welfare; and the term "his duly authorized representative" means any person, persons, or board (other than the Contracting Officer) authorized to act for the Secretary.

(b) The term "Contracting Officer" means the person executing this contract on behalf of the Government, and any other officer or employee who is properly designated Contracting Officer; and the term includes, except as otherwise provided in this contract, the authorized representative of the Contracting Officer acting within the limits of his authority.

(c) The term "Project Officer" means the person representing the Government for the purpose of technical direction of contract performance. The Project Officer is not authorized to issue any instructions or directions which effect any increase or decrease in the cost of this contract or which change the period of this contract.

(d) The term "Department" means the Department of Health, Education, and Welfare.

(e) Except as otherwise provided in this contract, the term "subcontract" includes purchase orders under this contract.

2. DISPUTES

(Text of this clause is set forth in FPR 1-7.101-12.)

3. LIMITATION OF COST

(a) It is estimated that the total cost to the Government for the performance of this contract will not exceed the estimated cost set forth in this contract and the Contractor agrees to use its best efforts to perform all work and all obligations under this contract within such estimated costs. If at any time the Contractor has reason to believe that the costs which it expects to incur in the performance of this contract in the next succeeding sixty (60) days, when added to all costs previously incurred, will exceed seventy-five percent (75%) of the estimated cost set forth in the contract, or, if at any time the Contractor has reason to believe that the total cost to the Government, for the performance of this contract, will be substantially greater or less than the estimated cost thereof, the Contractor shall notify the Contracting Officer in writing to that effect, giving its revised estimate of such total cost for the performance of this contract.

(b) The Government shall not be obligated to reimburse the Contractor for costs incurred in excess of the estimated cost set forth in the contract and the Contractor shall not be obligated to continue performance under the contract or to incur costs in excess of such estimated cost unless and until the Contracting Officer shall have notified the Contractor in writing that such estimated cost has been increased and shall have specified in such notice a revised estimated cost which shall thereupon constitute the estimated cost of performance of this contract. When and to the extent that the estimated cost set forth in this contract has been increased by the Contracting Officer in writing, any costs incurred by the Contractor in excess of such estimated cost prior to the increase in estimated cost shall be allowable to the same extent as if such costs had been incurred after such increase in estimated cost.

4. ALLOWABLE COST

(a) *Compensation for Contractor's performance.* Payment for the allowable cost, as herein defined and as actually incurred by the contractor shall constitute full and complete compensation for the performance of the work under this contract.

(b) *Allowable cost.* The allowable cost of performing the work under this contract shall be the costs actually incurred by the Contractor, either directly incident or properly allocable to the contract, in the performance of this contract in accordance with its terms. The allowable cost, direct and indirect, including acceptability of cost allocation methods, shall be determined by the Contracting Officer in accordance with:

(1) Subpart 1-15.3 of the Federal Procurement Regulations (41 CFR 1-15.3) as in effect on the date of this contract (For the provision applicable if the contract is not with an education institution, see paragraph 3 below).

(2) The terms of this contract.

(3) (i) "A Guide for Nonprofit Institutions Establishing Indirect Cost Rates for Research

Grants and Contracts with the Department of Health, Education, and Welfare, DHEW Publication OASC–5," *or* (i) "A Guide for State Government Agencies Establishing Cost Allocation Plans and Indirect Cost Rates for Grants and Contracts with the Department of Health, Education, and Welfare, DHEW Publication OASC–6," *or* (1) "A Guide for Hospitals, Establishing Indirect Cost Rates for Research Grants and Contracts with the Department of Health, Education, and Welfare, DHEW Publication OASC–3," *or* (i) "A Guide for Local Government Agencies, Establishing Cost Allocation Plans and Indirect Cost Proposals for Grants with the Federal Government, DHEW Publication OASC–8," as in effect on the date of this contract, the same hereby incorporated herein by reference.

5. NEGOTIATED OVERHEAD RATES

(i) The following provisions shall be applicable with organizations other than educational institutions:

(a) Notwithstanding the provisions of the clause of this contract entitled "Allowable Cost," the allowable indirect costs shall be obtained by applying negotiated overhead rates to bases agreed upon by the parties, as specified below.

(b) The Contractor, as soon as possible, but not later than six (6) months after the expiration of each of the Contractor's financial years or such period as may mutually be agreed upon by the Government and the Contractor, shall submit to the Contracting Officer, with a copy to the cognizant audit agency, a proposed final overhead rate or rates for that period based on the Contractor's cost experience during that period, together with supporting cost data. Negotiation of final overhead rates by the Contractor and the Contracting Officer shall be undertaken as promptly as practicable after receipt of the Contractor's proposal.

(c) Allowability of costs and acceptability of cost allocation methods shall be determined in accordance with the cost principles set forth in paragraph (3) of Clause 4, as in effect on the date of this contract, and the same hereby incorporated herein by reference.

(d) The results of each negotiation shall be set forth in an amendment to this contract, which shall specify (1) the agreed final rates, (2) the bases to which the rates apply, and (3) the periods for which the rates apply.

(e) Pending establishment of final overhead rates for any period, the Contractor shall be reimbursed either at negotiated provisional rates as provided in this contract or at billing rates acceptable to the Contracting Officer, subject to appropriate adjustment when the final rates for that period are established. To prevent substantial over or under payment, the provisional or billing rates may, at the request of either party, be revised by mutual agreement, either retroactively or prospectively. Any such revision of negotiated provisional rates provided in this contract shall be set forth in an amendment to this contract.

(f) Any failure by the parties to agree on any final rate or rates under this clause shall be considered a dispute concerning a question of fact for decision by the Contracting Officer within the meaning of the clause of this contract entitled "Disputes."

(g) Submission of proposed provisional and/or final overhead rates, together with appropriate data in support thereof, to the Secretary or his duly authorized representative, and agreements on provisional and/or final overhead rates entered into between the Contractor and the Secretary or his duly authorized representative, as evidenced by Negotiated Overhead Rate Agreements signed by both parties, shall be deemed to satisfy the requirements of (b), (d), and (e) above.

(ii) The following provisions shall be applicable with educational institutions when post determined rates are used:

(a) Notwithstanding the provisions of the clause of this contract entitled "Allowable Cost" the allowable indirect costs under this contract shall be obtained by applying negotiated overhead rates to bases agreed upon by the parties, as specified below.

(b) The Contractor, as soon as possible, but not later than six (6) months after the close of his fiscal year, or such other period as may be specified in the contract, shall submit to the Contracting Officer, with a copy to the cognizant audit activity, a proposed final overhead rate or rates for that period based on the Contractor's actual cost experience during that period, together with supporting cost data. Negotiation of final overhead rates by the Contractor and the Contracting Officer shall be undertaken as promptly as practicable after receipt of the Contractor's proposal.

(c) Allowability of costs and acceptability of cost allocation methods shall be determined in accordance with Subpart 1–15.3 of the Federal Procurement Regulations (41 CFR 1–15.3) as in effect on the date of contract.

(d) The results of each negotiation shall be set forth in a modification to this contract, which shall specify (1) the agreed final rates, (2) the bases to which the rates apply, and (3) the periods for which the rates apply.

(e) Pending establishment of final overhead rates for any period, the Contractor shall be reimbursed either at negotiated provisional rates as provided in the contract, or at billing rates acceptable to the Contracting Officer, subject to appropriate adjustment when the final rates for that period are established. To prevent substantial over or under payment, and to apply either retroactively or prospectively: (1) Provisional rates may, at the request of either party, be revised by mutual agreement, and (2) billing rates may be adjusted at any time by the Contracting Officer. Any such revision of negotiated provisional rates specified in the contract shall be set forth in a modification to this contract.

(f) Any failure by the parties to agree on any final rate or rates under this clause shall be considered a dispute concerning a question of fact for decision by the Contracting Officer within the meaning of the "Disputes" clause of this contract.

(g) Submission of proposed provisional and/or final overhead rates, together with appropriate data in support thereof to the Secretary or his duly authorized representative, and agreements on provisional and/or final overhead rates entered into between the Contractor and the Secretary or his duly authorized representative, as evidenced by Negotiated Overhead Rate Agreements signed by both parties, shall be deemed to satisfy the requirements of (b), (d), and (e) above.

(iii) The following provisions shall be applicable with educational institutions when predetermined rates are used:

(a) Notwithstanding the provisions of the clause of this contract entitled "Allowable Cost," the allowable indirect costs under this contract shall be obtained by applying predetermined overhead rates to bases agreed upon by the parties, as specified below.

(b) The Contractor, as soon as possible but not later than three (3) months after the close of his fiscal year, or such other period as may be specified in the contract, shall submit to the Contracting Officer, with a copy to the cognizant audit activity a proposed predetermined overhead rate or rates based on the Contractor's actual cost experience during that period, together with supporting cost data. Negotiation or predetermined overhead rates by the Contractor and the Contracting Officer shall be undertaken as promptly as practicable after receipt of the Contractor's proposal.

(c) Allowability of costs and acceptability of cost allocation methods shall be determined in accordance with Subpart 1–15.3 of the Federal Procurement Regulations (41 CFR 1–15.3) as in effect on the date of this contract.

(d) The results of each negotiation shall be set forth in a modification to this contract, which shall specify (1) the agreed predetermined overhead rates, (2) the bases to which rates apply, (3) the fiscal year unless the parties agree to a different period for which the rates apply, and (4) the specific items treated as direct costs or any change in the items previously agreed to be direct costs.

(e) Pending establishment of predetermined overhead rates for the initial period of contract performance, or for any fiscal year or different period agreed to by the parties, the Contractor shall be reimbursed either at (1) the rates fixed for the previous fiscal year or other period, or (2) billing rates acceptable to the Contracting Officer, subject to appropriate adjustment when the final rates for that fiscal year or other period are established.

(f) Any failure by the parties to agree on any predetermined overhead rate or rates under this clause shall not be considered a dispute concerning a question of fact for decision by the Contracting Officer within the meaning of the "Disputes" clause of this contract. If for any fiscal year or other period of contract performance the parties fail to agree to a predetermined overhead rate or rates, it is agreed that the allowable indirect costs under this contract shall be obtained by applying negotiated final overhead rates in accordance with the terms of the "Negotiated Overhead Rates—Postdetermined" clause set forth in § 1–3.704–2(a) of the Federal Procurement Regulations (41 CFR 1–3.704–2(a)), as in effect on the date of this contract.

(g) Submission of proposed provisional and/or final overhead rates together with appropriate data in support thereof to the Secretary or his duly authorized representative and agreements on provisional and/or final overhead rates entered into between the Contractor and the Secretary or his duly authorized representative, as evidenced by Negotiated Overhead Rate Agreements, signed by both parties, shall be deemed to satisfy the requirements of (b), (d), and (e) above.

(iv) The following provisions shall be applicable with educational institutions when fixed rates subject to carryforward adjustments are used.

(a) Notwithstanding the provisions of the clause of this contract entitled, "Allowable Cost," the allowable indirect costs under this contract shall be obtained by applying negotiated fixed overhead rates to bases agreed upon by the parties; as specified below. Such negotiated fixed rates shall be subject to carryforward adjustments in subsequent years.

(b) The Contractor, as soon as possible but no later than three (3) months after the close of his fiscal year, or such other period as may be specified in the contract, shall submit to the Secretary, or his duly authorized representative, with a copy to the cognizant audit activity, a proposed fixed overhead rate or rates based on the Contractor's actual cost experience during the fiscal year, including adjustment, if any, for amounts carried forward, together with supporting cost data. Negotiation of fixed overhead rates, including carryforward adjustments, if any, by the Contractor and the Secretary, or his duly authorized representative, shall be undertaken as promptly as practicable after receipt of the Contractor's proposal.

(c) Allowability of costs and acceptability of cost allocation methods shall be determined in accordance with Subpart 1–15.3 of the Federal Procurement Regulations (41 CFR 1–15.3), as in effect on the date of this contract.

(d) The results of each negotiation shall be set forth in an amendment to this contract, which shall specify (1) the agreed fixed overhead rates, (2) the bases to which the rates apply, (3) the fiscal year, unless the parties agreed to a different period, for which the rates apply, (4) the specific items treated as direct costs or any changes in the items previously agreed to be direct costs, and (5) the amount of any carryforward adjustment applied in determining the rates.

(e) Pending establishment of fixed overhead rates for any fiscal year or different period agreed to by the parties, the Contractor shall be reimbursed either at the rates fixed for the previous fiscal year or other period or at billing rates acceptable to the Contracting Officer, subject to appropriate adjustment when the final rates for that fiscal year or other period are established.

(f) Any failure of the parties to agree on any fixed overhead rate or rates or to the amount of any carryforward adjustment under this clause shall not be considered a dispute concerning a question of fact for decision by the Contracting Officer within the meaning of the "Disputes" clause of this contract. If for any fiscal year or other period specified in the contract, the parties fail to agree to a fixed overhead rate or rates, it is agreed that the allowable indirect costs under this contract shall be obtained by applying negotiated final overhead rates in accordance with the terms of the "Negotiated Overhead Rates—Postdetermined" clause set forth in section 1–3.704–2(a) of the Federal Procurement Regulations, as in effect on the date of this contract.

(g) Submission of proposed fixed, provisional, and/or final overhead rates, together with appropriate data in support thereof, to the Secretary or his duly authorized representative and agreements on fixed, provisional, and/or final overhead rates entered into between the Contractor and the Secretary or his duly authorized representative, as evidenced by Negotiated Overhead Rate Agreements signed by both parties, shall be deemed to satisfy the requirements of (b), (d), and (e), above.

6. PAYMENT

(a) *Payment on account of allowable costs.* Once each month (or at more frequent intervals if approved by the Contracting Officer) the Contractor may submit to the Contracting Officer, in such form and reasonable detail as may be required, an invoice or voucher supported by a statement of costs incurred by the Contractor in the performance of this contract and claimed to constitute allowable costs. Promptly after receipt of each invoice or voucher the Government shall, subject to the provisions of (b) below, make payment thereon as approved by the Contracting Officer.

(b) *Audit adjustments.* At any time or times prior to settlement under this contract the Contracting Officer may have invoices or vouchers and statements of cost audited. Each payment theretofore made shall be subject to reduction for amounts included in the related invoice or voucher which are found by the Contracting Officer, on the basis of such audit, not to constitute allowable cost. Any payment may be reduced for overpayment, or increased for underpayments, on preceding invoices or vouchers.

(c) *Completion voucher.* On receipt and approval of the invoice or voucher designated by the Contractor as the "completion invoice" or "completion voucher" and upon compliance by the Contractor with all the provisions of this contract (including without limitation, the provisions relating to patents and provisions of (d) below) the Government shall promptly pay to the Contractor any balance of allowable cost. The completion invoice or voucher shall be submitted by the Contractor promptly following completion of the work under this contract but in no event later than 6 months (or such longer period as the Contracting Officer may in his discretion approve in writing) from the date of such completion.

(d) *Applicable credits.* The Contractor agrees that any refunds, rebates, credits, or other amounts (including any interest thereon) accruing to or received by the Contractor or any assignee under this contract shall be paid by the Contractor to the Government, to the extent that they are properly allocable to costs for which the Contractor has been reimbursed by the Government under this contract. Reasonable expenses incurred by the Contractor for the purpose of securing such refunds, rebates, credits, or other amounts shall be allowable costs hereunder when approved by the Contracting Officer.

(e) *Financial settlement.* Prior to final payment under this contract, the Contractor and each assignee under this contract whose assignment is in effect at the time of final payment under this contract shall execute and deliver:

(1) An assignment to the Government in form and substance satisfactory to the Contracting Officer, of refunds, rebates, credits, or other amounts (including any interest thereon) properly allocable to costs for which the Contractor has been reimbursed by the Government under this contract; and

(2) A release discharging the Government, its officers, agents, and employees from all liabilities, obligations, and claims arising out of or under this contract, subject only to the following exceptions:

(i) Specified claims in stated amounts or in estimated amounts where the amounts are susceptible to exact statement by the Contractor;

(ii) Claims, together with reasonable expenses incidental thereto, based upon liabilities of the Contractor to third parties arising out of the performance of this contract: *Provided*, That such claims are not known to the contractor on the date of the execution of the release: *And provided further*, That the Contractor gives notice of such claims in writing to the Contracting Officer not more than 6 years after the date of the release or the date of any notice to the Contractor that the Government is prepared to make final payment, whichever is earlier; and

(iii) Claims for reimbursement of costs (other than expenses of the Contractor by reason of its indemnification of the Government against patent liability), including reasonable expenses incidental thereto, incurred by the Contractor under the provisions of this contract relating to patents.

7. EXAMINATION OF RECORDS

(a) This clause is applicable if the amount of this contract exceeds $2,500 and was entered into by means of negotiation including small business restricted advertising, but is not applicable if this contract was entered into by means of formal advertising.

(b) The Contractor agrees that the Comptroller General of the United States and the Secretary, or any of their duly authorized representatives, shall until expiration of 3 years after final payment under this contract or of the time period for the particular records in Part 1–20 of the Federal Procurement Regulations (41 CFR Part 1–20), whichever expires earlier, have access to and the right to examine any directly pertinent books, documents, papers, and records of the Contractor involving transactions related to this contract.

(c) The Contractor further agrees to include in all his subcontracts hereunder a provision to the effect that the subcontractor agrees that the Comptroller General of the United States, or his duly authorized representatives shall, until expiration of 3 years after final payment under the subcontract, or of the time periods for the particular records specified in Part 1–20 of the Federal Procurement Regulations (41 CFR Part 1–20) whichever expires earlier, have access to and the right to examine any directly pertinent books, documents, papers, and records of such subcontractor, involving transactions related to the subcontract. The term "subcontract" as used in this clause excludes (1) purchase orders not exceeding $2,500 and (2) subcontracts or purchase orders for public utility services at rates established for uniform applicability to the general public.

(d) The periods of access and examination described in (b) and (c) above, for records which relate to (1) appeals under the "Disputes" clause of this contract, (2) litigation or the settlement of claims arising out of the performance of this contract, or (3) costs and expenses of this contract as to which exception has been taken by the Comptroller General or any of his duly authorized representatives, shall continue until such appeals, litigation, claims, or exceptions have been disposed of.

8. INSPECTION AND REPORTS

(a) *Inspection of work.* The Government shall have the right to inspect the work and activities under this contract, including, without limitation, premises where any Government property may be located, at such reasonable times and in such manner as it may deem appropriate and the Contractor shall afford the Government proper facilities and assistance for such inspection.

(b) *Reports.* The Contractor shall furnish such progress reports, schedules, financial and cost reports, and other reports concerning the work under this contract as the Contracting Officer may require or as specified elsewhere in this contract. Cost and other financial data and projections furnished pursuant to this paragraph (b) shall not relieve the Contractor of the requirements for furnishing notice specified in the clause of this contract entitled, "Limitation of Cost."

9. SUBCFNTRACTING

(a) *Prior approval required.* Except as provided in (c) below, the Contractor shall not enter into any subcontract or purchase order not otherwise expressly authorized elsewhere in this contract without the prior written approval of the Contracting Officer and subject to such conditions as the Contracting Officer may require. The Contractor shall use such special and directed procurement sources as may be expressly required by the Contracting Officer.

(b) *Request for approval.* The Contractor's request for approval to enter into a subcontract pursuant to this clause shall include:

(1) A description of the supplies or services to be called for by the subcontract;

(2) Identification of the proposed subcontractor and an explanation of why and how the proposed subcontractor was selected, including the degree of competition obtained;

(3) The proposed subcontract price, together with the Contractor's cost or price analysis thereof;

(4) Identification of the type of subcontract to be used;

(5) A copy or draft of the proposed subcontract, if available; and

(6) Any other information which the Contracting Officer may require.

(c) *Certain purchases of property and services.* Prior written approval shall not be required for firm fixed-price subcontracts for the purchase or rental of items of personal property having a unit acquisition cost of less than $200 or for the purchase or rental by an educational institution of any item of permanent research equipment having a unit acquisition cost of less than $1,000 or for subcontracts in a total amount less than $1,000, unless otherwise specified elsewhere in the contract: *Provided, however,* That advance notification shall be given by the Contractor of any subcontract which exceeds in dollar amount 5 per centum of the total estimated cost of this contract.

(d) *Contractor's procurement system.* The Contractor shall use methods, practices or procedures in subcontracting or purchasing (hereinafter referred to as the Contractor's "procurement system") acceptable to the Contracting Officer. The Contracting Officer may, at any time during the performance of this contract, require the Contractor to provide information concerning its procurement system.

(e) *Effect of subcontracting.* Subcontracts shall be made in the name of the Contractor and shall not bind nor purport to bind the Government. The making of subcontracts hereunder shall not relieve the Contractor of any requirement under this contract (including, but not limited to, the duty to properly supervise and coordinate the work of subcontractors, and the duty to maintain and account for property pursuant to the clause of this contract entitled "Government Property"). Approval of the provisions of any subcontract by the Contracting Officer shall not be construed to constitute a determination of the allowability of any cost under this contract, unless such approval specifically provides that it constitutes a determination of the allowability of such cost. In no event shall approval of any subcontract by the Contracting Officer be construed as effecting any increase in the estimated cost set forth in this contract. No subcontract placed under this contract shall provide for payment on a cost-plus-a-percentage-of-cost basis.

(f) *Procurements from contractor-controlled sources.* Procurement or transfer of equipment, materials, supplies, or services from a contractor-controlled source (any division or organizational component of the prime contractor, exclusive of the contracting component, and any subsidiary or affiliate of the Contractor under a common control) shall be considered a subcontract for the purposes of this clause.

10. ACCOUNTS, AUDIT AND RECORDS

(a) The Contractor shall maintain books, records, documents, and other evidence, accounting procedures, and practices, sufficient to reflect properly all direct and indirect costs of whatever nature claimed to have been incurred and anticipated to be incurred for the performance of this contract. The foregoing constitutes "records" for the purposes of this clause.

(b) The Contractor's facility(ies), or such part thereof as may be engaged in the performance of this contract, and his records shall be subject at all reasonable times to inspection and audit by the Contracting Officer or his authorized representatives.

(c) The Contractor shall preserve and make available his records (1) until the expiration of 3 years from the date of final payment under this contract, or the time periods for the particular records specified in 41 CFR Part 1–20, whichever expires earlier, and (2) for such longer period, if any, as is required by applicable statute, or by other clauses of this contract, or by (i) or (ii) below.

(i) If this contract is completely or partially terminated, the records relating to the work terminated shall be preserved and made available for a period of 3 years from the date of any resulting final settlement.

(ii) Records which relate to (A) appeals under the "Disputes" clause of this contract, (B) litigation or the settlement of claims arising out of the performance of this contract, or (C) costs and expenses of this contract to which exception has been taken by the Contracting Officer or any of his duly authorized representatives, shall be retained until such appeals, litigation, claims, or exceptions have been disposed of.

(d) The Contractor shall insert the substance of this clause, including this paragraph (d), in each subcontract hereunder that is not firm fixed-price or fixed-price with escalation. When so inserted, changes shall be made to designate the higher-tier subcontractor at this level involved in place of the Contractor; to add "of the Government prime contract" in place of "this contract" in (B) of subparagraph (c) (ii) above.

11. CHANGES

The Contracting Officer may at any time, by a written order, and without notice to the sureties, if any, make changes, within the general scope of this contract, if any one or more of the following: (a) Drawings, designs, or specifications; (b) method of shipment or packing; (c) place of inspection, delivery, or acceptance; and (d) the amount of Government-furnished property. If any such change causes an increase or decrease in the estimated cost of, or the time required for performance of this contract, or otherwise affects any other provisions of this contract, whether changed or not by any such order, an equitable adjustment shall be made (a) in the estimated cost or delivery schedule, or both, and (b) in such other provisions of the contract as may be so affected, and the contract shall be modified in writing accordingly. Any claim by the Contractor for adjustment under this clause must be asserted within thirty (30) days from the date of receipt by the Contractor of the notification of change: *Provided, however,* That the Contracting Officer, if he decides that the facts justify such action, may receive and act upon any such claim asserted at any time prior to final payment under this contract. Where the cost of property made obsolete or excess as a result of a change is included in the Contractor's claim for adjustment, the Contracting Officer shall have the right to prescribe the manner of disposition of such property. Failure to agree to any adjustment shall be a dispute concerning a question of fact within the meaning of the clause of this contract entitled, "Disputes." However, nothing in this clause shall excuse the Contractor from proceeding with the contract as changed.

12. NOTICE TO THE GOVERNMENT OF DELAYS

Whenever the Contractor has knowledge that any actual or potential situation, including, but not limited to, labor disputes, is delaying or threatens to delay the timely performance of the work under this contract, the Contractor shall immediately give written notice thereof, including all relevant information with respect thereto, to the Contracting Officer.

13. PATENT RIGHTS

(a) *Definitions.* As used in this clause, the term (1) "Invention" or "Invention or discovery" includes any art, machine, manufacture, design, or composition of matter, or any new and useful improvement thereof, or any variety of plant, which is or may be patentable under the Patent Laws of the United States; and (2) "Made," when used in relation to any invention or discovery, means the conception or first actual or constructive reduction to practice of such invention.

(b) *Disclosure.* Whenever an invention or discovery is made by the Contractor or its employees in the course of or under this contract, the Contractor shall immediately give the Contracting Officer written notice thereof and shall promptly thereafter furnish the Contracting Officer with complete information thereon, including as a minimum (1) a complete written disclosure of each such invention, and (2) information in writing, as soon as practicable, concerning the date and identity of any public use, sale, or publication of such invention made by or known to the Contractor.

(c) *Determination of rights.* The Secretary, or his duly authorized representative, shall have the sole and exclusive power to determine whether or not and where a patent application shall be filed and to determine the disposition of all rights in any invention made under this contract, including title to and rights under any patent application or patent which may issue thereon. The Secretary, or his duly authorized representative, may, upon the request of the Contractor, determine to exercise his option to waive rights to any such invention in foreign countries. The determination of the Secretary, or his duly authorized representative, on all these matters shall be accepted as final and the provisions of the clause of this contract entitled "Disputes" shall not apply. The Contractor agrees that it will, and warrants that all of its employees who may be the inventors of any such invention will execute all documents and do all things necessary or proper to effectuate the determination of the Secretary, or his duly authorized representative, or to vest in the Government the rights granted to it under this clause and to enable the Government to apply for and prosecute any patent application, in any country, covering such invention where the Government has the right under this clause to file such application.

(d) *Contractor employee and subcontractors.* The Contractor shall:

(1) Obtain patent agreements to effectuate the provisions of this clause from all persons who perform any part of the work under this contract, except such clerical and manual labor personnel as will have no access to technical data.

(2) Insert in each subcontract having experimental, developmental or research work as one of its purposes, a provision making this clause applicable to the subcontractor and its employees.

(e) *Reports.* The Contractor shall furnish the Contracting Officer, in addition to the information called for in paragraph (b) of this clause:

(1) Interim reports on the first anniversary of the contract, where extended or renewed, and every year thereafter listing all inventions made during the period, whether or not previously reported, or certifying that no inventions were made during the applicable period; and

(2) A final report, prior to final settlement of this contract, listing all such inventions made in the course of or under this contract, including all those previously listed in interim reports, or certifying that there are no such unreported inventions.

(f) *Withholding payment for failure to comply.* At any time during the performance of this contract, the Contracting Officer may direct that payment be withheld in the amount of 10 percent of the total amount obligated by the Government with respect to this contract or $10,000, whichever is less,

if the Contracting Officer determines that the Contractor has failed to furnish any of the written notices, disclosures, or reports required by paragraphs (b) and (e) above, until such time as the Contractor shall have corrected such failure. The withholding of any amount or subsequent payment thereof to the Contractor or the failure to withhold any amount shall not be construed as a waiver of any rights accruing to the Government under the contract. This paragraph shall not be construed as requiring the Contractor to withhold any amounts from a subcontractor to enforce compliance with the patent provisions of a subcontract.

(g) *Acknowledgement.* With respect to any patent application on any invention made in the course of or under this contract, the Contractor shall incorporate in the first paragraph of the patent specification, and prominently in any patent issued thereon, the following statement:

"The invention described herein was made in the course of or under a contract with the U.S. Department of Health, Education, and Welfare."

14. RIGHTS IN DATA

(a) *Subject data.* As used in this clause, the term "subject data" means writings, sound recordings, pictorial reproductions, drawings, designs or other graphic representations, procedural manuals, forms, diagrams, workflow charts, equipment descriptions, data files and data processing or computer programs, and works of any similar nature (whether or not copyrighted or copyrightable) which are specified to be delivered under this contract. The term does not include financial reports, cost analyses, and similar information incidental to contract administration.

(b) *Government rights.* Subject only to the proviso of (c) below, the Government may use, duplicate or disclose in any manner and for any purpose whatsoever, and have or permit others to do so, all subject data delivered under this contract.

(c) *License to copyrighted data.* In addition to the Government rights as provided in (b) above, with respect to any subject data which may be copyrighted the Contractor agrees to and does hereby grant to the Government a royalty-free, nonexclusive and irrevocable license throughout the world to use, duplicate or dispose of such data in any manner and for any purpose whatsoever, and to have or permit others to do so: *Provided, however,* That such license shall be only to the extent that the Contractor now has, or prior to completion or final settlement of this contract may acquire, the right to grant such license without becoming liable to pay compensation to others solely because of such grant.

(d) *Relation to patents.* Nothing contained in this clause shall imply a license to the Government under any patent or be construed as affecting the scope of any license or other right otherwise granted to the Government under any patent.

(e) *Marking and identification.* The Contractor shall mark all subject data with the number of this contract and the name and address of the contractor or subcontractor who generated the data. The Contractor shall not affix any restrictive markings upon any subject data, and if such markings are affixed, the Government shall have the right at any time to modify, remove, obliterate, or ignore any such markings.

(f) *Subcontractor data.* Whenever any subject data is to be obtained from a subcontractor under this contract, the Contractor shall use this same clause in the subcontract, without alteration, and no other clause shall be used to enlarge or diminish the Government's rights in that subcontractor Subject Data.

(g) *Deferred ordering and delivery of data.* The Government shall have the right to order, at any time during the performance of this contract, or within 2 years from either acceptance of all items (other than data) to be delivered under this contract or termination of this contract, whichever is later, any subject data and any data not called for in the schedule of this contract but generated in performance of the contract, and the Contractor shall promptly prepare and deliver such data as is ordered. The Government's right to use data delivered pursuant to this paragraph (g) shall be the same as the rights in subject data as provided in (b) above.

The Contractor shall be relieved of the obligation to furnish data pertaining to an item obtained from a subcontractor upon the expiration of 2 years from the date he accepts such items. When data, other than subject data, is delivered pursuant to this paragraph (g), payment shall be made, by equitable adjustment or otherwise, for converting the data into the prescribed form, reproducing it or preparing it for delivery.

15. REPORTING OF ROYALTIES

If this contract involves any royalty payments in excess of $250 or if the amount of any royalty payment in excess of $250 is reflected in the estimated cost, the Contractor shall report in writing to the Contracting Officer, as soon as practicable during the performance of this contract, the amount of any royalties paid or to be paid by it directly to others in connection with the performance of this contract, together with: (a) The names and addresses of licensors to whom such payments are made; (b) the patent numbers or patents application serial numbers (with filing dates) involved or other identification of the basis of such royalties; and (c) information concerning the manner of computation of such royalties.

16. AUTHORIZATION AND CONSENT

The Government hereby gives its authorization and consent for all use and manufacture of any invention described in and covered by a patent of the United States in the performance of this contract or any part hereof or any amendment hereto, or any subcontract hereunder (including any lower tier subcontract).

17. NOTICE AND ASSISTANCE REGARDING PATENT AND COPYRIGHT INFRINGEMENT

(Text of this clause is set forth in FPR 1–7.101–13.)

18. PUBLICATION AND PUBLICITY

(a) Unless otherwise specified in this contract, the Contractor is encouraged to publish and make available through accepted channels the results of its work under this contract. A copy of each article submitted by the Contractor for publication shall be promptly sent to the Project Officer. The Contractor shall also inform the Project Officer when the article or other work is published and furnish a copy of it as finally published.

(b) The Contractor shall acknowledge the support of the Department of Health, Education, and Welfare whenever publicizing the work under this contract in any media. To effectuate the foregoing, the Contractor shall include in any publication resulting from work performed under this contract an acknowledgment substantially as follows:

"The work upon which this publication is based was performed pursuant to Contract (insert number) with the (insert name of constituent agency), Department of Health, Education, and Welfare."

19. KEY PERSONNEL

Where "key personnel" have been identified in this contract, it has been determined that such named personnel are necessary for the successful performance of the work under this contract; and the Contractor agrees to assign such personnel to the performance of the work under this contract, and shall not reassign or remove any of them without the consent of the Contracting Officer. Whenever, for any reason, one or more of the aforementioned personnel is unavailable for assignment for work under the contract, the Contractor shall immediately notify the Contracting Officer to that effect and shall, subject to the approval of the Contracting Officer without formal modification to the contract, replace such personnel with personnel of substantially equal ability and qualifications.

20. TERMINATION FOR THE CONVENIENCE OF THE GOVERNMENT

(Text of this clause is set forth in FPR 1–8.704–1.)

21. LITIGATION AND CLAIMS

The Contractor shall give the Contracting Officer immediate notice in writing of (a) any action, including any proceeding before an administrative agency, filed against the Contractor arising out of the performance of this contract, including, but not limited to, the performance of any subcontract hereunder; and (b) any claim against the Contractor the cost and expense of which is allowable under the clause entitled "Allowable Cost." Except as otherwise directed by the Contracting Officer, the Contractor shall furnish immediately to the Contracting Officer copies of all pertinent papers received by the Contractor with respect to such action or claim. To the extent not in conflict with any applicable policy or insurance, the Contractor may, with the Contracting Officer's approval, settle any such action or claim. If required by the Contracting Officer, the Contractor shall (a) effect an assignment and subrogation in favor of the Government of all the Contractor's rights and claims (except those against the Government) arising out of any such action or claim against the Contractors; and (b) authorize representatives of the Government to settle or defend any such action or claim and to represent the Contractor in, or to take charge of, any action. If the settlement or defense of an action or claim is undertaken by the Government, the Contractor shall furnish all reasonable assistance in effecting a settlement or asserting a defense. Where an action against the Contractor is not covered by a policy of insurance, the Contractor shall, with the approval of the Contracting Officer, proceed with the defense of the action in good faith. The Government shall not be liable for the expense of defending any action or for any costs resulting from the loss thereof, to the extent that the Contractor would have been compensated by insurance which was required by law or regulation or by written direction of the Contracting Officer, but which the Contractor failed to secure through its own fault or negligence.

In any event, unless otherwise expressly provided in this contract, the Contractor shall not be reimbursed or indemnified by the Government for any liability loss, cost or expense, which the Contractor may incur or be subject to by reason of any loss, injury, or damage, to the person or to real or personal property of any third parties as may accrue during, or arise from, the performance of this contract.

22. REQUIRED INSURANCE

(a) The Contractor shall procure and maintain such insurance as is required by

law or regulation, including, but not limited to, the requirements of Subpart 1–10.5 of the Federal Procurement Regulations (41 CFR 1–10.5), or by the written direction of the Contracting Officer. Prior written approval of the Contracting Officer shall be required with respect to any insurance policy the premiums for which the Contractor proposes to treat as a direct cost under this contract and with respect to any proposed qualified program of self-insurance. The terms of any other insurance policy shall be submitted to the Contracting Officer for approval upon request.

(b) Unless otherwise authorized in writing by the Contracting Officer, the Contractor shall not procure or maintain for its own protection any insurance covering loss or destruction of or damage to Government property.

23. OVERTIME

Except as authorized by Section 1–12.102–5 of the Federal Procurement Regulations as in effect on the effective date of this contract or otherwise provided in this contract, the Contractor shall not perform overtime work under or in connection with this contract for which premium compensation is required to be paid, without specific written approval from the Contracting Officer.

24. FOREIGN TRAVEL

Foreign travel shall not be performed without the prior written approval of the Contracting Officer. As used in this clause "Foreign Travel" means travel outside the United States, its Territories and Possessions, and Canada.

25. QUESTIONNAIRES AND SURVEYS

In the event the performance of this contract involves the collection of information upon identical items from 10 or more persons, other than Federal employees, the Contractor shall obtain written approval from the Contracting Officer, prior to the use thereof, of any forms, schedules, questionnaires, survey plans or other documents, and any revisions thereto, intended to be used in such collection.

26. PRINTING

Unless otherwise specified in this contract, the Contractor shall not engage in, nor subcontract for, any printing (as that term is defined in title I of the Government Printing and Binding Regulations in effect on the effective date of this contract) in connection with the performance of work under this contract: *Provided, however,* That performance of a requirement under this contract involving the duplication of less than 5,000 units of only one page, or less than 25,000 units in the aggregate of multiple pages, such pages not exceeding a maximum image size of 10¾ by 14¼ inches, will not be deemed to be printing.

27. SERVICES OF CONSULTANTS

Except as otherwise expressly provided elsewhere in this contract, and notwithstanding the provisions of the clause of this contract entitled "Subcontracting," the prior written approval of the Contracting Officer shall be required:

(a) Whenever any employee of the Contractor is to be reimbursed as a "consultant" under this contract; and

(b) For the utilization of the services of any consultant under this contract exceeding the daily rate set forth elsewhere in this contract or, if no amount is set forth, $100, exclusive of travel costs, or where the services of any consultant under this contract will exceed 10 days in any calendar year.

Whenever Contracting Officer approval is required, the Contractor will obtain and furnish to the Contracting Officer information concerning the need for such consultant services and the reasonableness of the fees to be paid, including, but not limited to, whether fees to be paid to any consultant exceed the lowest fee charged by such consultant to others for performing consultant services of a similar nature.

28. ASSIGNMENT OF CLAIMS

(Text of this clause is set forth in FPR 1–30.703.)

29. CONTRACT WORK HOURS STANDARDS ACT—OVERTIME COMPENSATION

(Text of this clause is set forth in FPR 1–12.303.)

30. WALSH-HEALEY PUBLIC CONTRACTS ACT

(Text of this clause is set forth in FPR 1–12.605.)

31. EQUAL OPPORTUNITY

(Text of this clause is set forth in FPR 1–12.803–2.)

32. CONVICT LABOR

(Text of this clause is set forth in FPR 1–12.203.)

33. OFFICIALS NOT TO BENEFIT

(Text of this clause is set forth in FPR 1–7.101–19.)

34. COVENANT AGAINST CONTINGENT FEES

(Text of this clause is set forth in FPR 1–1.503.)

35. BUY AMERICAN ACT SUPPLY AND SERVICE CONTRACTS

(Text of this clause is set forth in FPR 1–6.104–5.)

36. UTILIZATION OF SMALL BUSINESS CONCERNS

(Text of this clause is set forth in FPR 1–1.710–3(a).)

37. UTILIZATION OF LABOR SURPLUS AREA CONCERNS

(Text of this clause is set forth in FPR 1–1.805–3(a).)

38. GOVERNMENT PROPERTY

(a) *Government furnished property.*

(1) The Government reserves the right to furnish any property or services required for the performance of the work under this contract.

(2) The Government shall deliver to the Contractor, for use in connection with and under the terms of this contract, the property described elsewhere in this contract, together with such related data and information as the Contractor may request and as may reasonably be required for the intended use of such property (such property to be referred to as "Government furnished property").

In the event that Government furnished property is not delivered to the contractor by such time or times as stated, or if not stated, in sufficient time to enable the contractor to meet such delivery or performance dates under this contract, the Contracting Officer shall, upon timely written request made by the Contractor, make a determination of the delay occasioned the Contractor and make appropriate equitable adjustments to any contractual provisions affected by any such delay in accordance with the provisions of the clause of this contract entitled "Changes."

In the event that Government furnished property is received by the Contractor in a condition not suitable for the intended use, the Contractor shall, immediately upon receipt thereof, notify the Contracting Officer of such fact and, as directed by the Contracting Officer either (i) return or otherwise dispose of such property, or (ii) effect repairs or modifications thereto. Upon completion of (i) or (ii) above, the Contracting Officer, upon timely written request of the Contractor, shall make appropriate equitable adjustments to any contractual provisions affected thereby in accordance with the provisions of the clause of this contract entitled "Changes." The foregoing provisions for adjustment are exclusive and the Government shall not be liable to suit for breach or contract by reason of any delay in delivery of Government furnished property or delivery of such property in a condition not suitable for its intended use.

(b) *Title.* (For title provision applicable to contracts with educational institutions for scientific research, see paragraph (h) below.)

(1) Title to all property furnished by the Government shall remain in the Government. Title to all property purchased by the Contractor, the cost of which the Contractor is entitled to be reimbursed as a direct item of cost under this contract, shall pass to and vest in the Government upon delivery of such property by the vendor. Title to other property, the cost of which is reimburseable to the Contractor under this contract, shall pass and vest in the Government upon (i) issuance for use of such property in the performance of this contract, or (ii) commencement of processing or use of such property in the performance of this contract, or (iii) reimbursement of the cost thereof by the Government in whole or in part, whichever first occurs. All Government furnished property, together with all property acquired by the Contractor, title to which vests in the Government under this paragraph, are subject to the provisions of this clause and are hereinafter collectively referred to as "Government property."

(2) Title to the Government property shall not be affected by the incorporation or attachment thereof to any property not owned by the Government, nor shall such Government property, or any part thereof, be or become a fixture or lose its identity or personality by reason of affixation to any realty.

(c) *Use of Government property.* Government property shall, unless otherwise provided herein or approved by the Contracting Officer, be used only for the performance of this contract.

(d) *Property management and control.* The Contractor shall maintain and administer in accordance with sound business practice a program for the maintenance, repair, protection, and preservation, control of and accountability for Government property, so as to assure its full availability and usefulness for the performance of this contract. The Contractor agrees to promptly receipt for all Government property in a form and manner as prescribed by the Contracting Officer. The Contractor further agrees to take all reasonable steps to comply with all directions or instructions which the Contracting Officer may prescribe regarding the management and control of Government property.

(e) *Risk or loss.* (1) The Contractor shall not be liable for any loss of or damage to Government property, or for expenses incidental to such loss or damage, except that the Contractor shall be responsible for any such loss or damage (including expenses incidental thereto):

(i) Which results from willful misconduct or lack of good faith on the part of any of the Contractor's directors or officers, or on the part of any of its managers, superintendents, or other equivalent representatives, who have supervision or direction of (A) all or substantially all of the Contractor's operations at any one plant, laboratory or separate location in which this contract is being performed or (B) a separate and complete major organization, industrial or oth-

erwise, in connection with the performance of this contract:

(ii) Which results from a failure on the part of the Contractor, due to willful misconduct or lack of good faith on the part of any of its directors, officers or other representatives mentioned in subparagraph (i) above, (A) to maintain and administer, in accordance with sound business practice, the program for maintenance, repair, protection, and preservation of Government property as required by paragraph (d) hereof, or (B) to take all reasonable steps to comply with any appropriate written directions of the Contracting Officer under paragraph (4) hereof;

(iii) For which the Contractor is otherwise responsible under the express terms of this contract;

(iv) Which results from a risk expressly required to be insured under this contract, but only to the extent of the insurance so required to be procured and maintained, or to the extent of insurance actually procured and maintained, whichever is greater; or

(v) Which results from a risk which is in fact covered by insurance or for which the Contractor is otherwise reimbursed, but only to the extent of such insurance or reimbursement: *Provided,* That, if more than one of the above exceptions shall be applicable in any case, the Contractor's liability under any one exception shall not be limited by any other exception.

(2) If the Contractor transfers Government property to the possession and control of a subcontractor the transfer shall not affect the liability of the Contractor for loss or destruction of or damage to Government property as set forth in (1) above. The Contractor shall require the subcontractor to assume the risk of and be responsible for any loss or destruction of or damage to Government property while in the latter's possession or control, and the subcontract shall contain appropriate provisions requiring the return of all Government property in as good condition as when received (except for reasonable wear and tear or for the utilization of the property in accordance with the provisions of this contract). *Provided, however,* That the subcontractor may be relieved from such liability only to the extent that the subcontract, with the prior approval of the Contracting Officer, so provides.

(3) The Contractor shall not be reimbursed for, and shall not include as an item of overhead, the cost of insurance, or any provisions for a reserve, covering the risk of loss of or damage to the Government property, except to the extent that the Government may have required the Contractor to carry such insurance under any other provision of this contract.

(4) Upon the happening of loss or destruction of or damage to the Government property, the Contractor shall notify the Contracting Officer thereof, and shall take all reasonable steps to protect the Government property from further damage, separate the damaged and undamaged Government property, put all the Government property in the best order, and furnish to the Contracting Officer a statement of:

(i) The lost, destroyed, and damaged Government property;

(ii) The time and origin of the loss, destruction or damage;

(iii) All known interests in commingled property of which the Government property is a part; and

(iv) The insurance, of any, covering any part of or interest in such commingled property.

The Contractor shall make repairs and renovations of the damaged Government property, or take such other action as the Contracting Officer directs.

(5) In the event the Contractor is indemnified, reimbursed, or otherwise compensated for any loss or destruction of or damage to the Government property, it shall use the proceeds to repair, renovate, or replace the Government property involved, or shall credit such proceeds against the cost of the work covered by the contract, or shall otherwise reimburse the Government, as directed by the Contracting Officer. The Contractor shall do nothing to prejudice the Government's right to recover against third parties for any such loss, destruction or damage and, upon the request of the Contracting Officer, shall, at the Government's expense, furnish to the Government all reasonable assistance and cooperation (including assistance in the prosecution of suit and the execution of instruments of assignment in favor of the Government) in obtaining recovery. In addition, where a subcontractor has not been relieved from liability for any loss or destruction of or damage to Government property, the Contractor shall enforce the liability of the subcontractor for such loss or destruction of or damage to the Government property for the benefit of the Government.

(f) *Disposition of Government property.* (1) During the period of performance of this contract, the Contractor shall promptly and regularly report to the Contracting Officer, in such form and manner as the Contracting Officer may direct, concerning the status of Government property under the contract, including all Government property in the Contractor's possession which is not in use or which is excess to the needs of the contract. The Contractor shall make such disposition of Government property as the Contracting Officer may direct. The Contractor shall in no way be relieved of responsibility for Government property without the prior written approval of the Contracting Officer.

(2) Upon completion or expiration of this contract, or at such earlier date as may be fixed by the Contracting Officer, the Contractor shall render an accounting, as prescribed by the Contracting Officer, of all Government property which had come into the possession or custody of the Contractor under this contract. Such accounting shall include inventory schedules covering all items of Government property not consumed in the performance of this contract, or not theretofore delivered to the Government, or for which the Contractor has not otherwise been relieved of responsibility. The Contractor shall deliver or make such other disposition of Government property covered in such inventory schedules as the Contracting Officer may direct.

(3) The net proceeds of any disposition of Government property, in accordance with (1) and (2) above, shall be credited to the cost of the work covered by the contract or shall be paid in such manner as the Contracting Officer may direct.

(g) *Restoration of premises.* Unless otherwise provided herein, the Government shall not be under any duty or obligation to restore or rehabilitate, or to pay the costs of the restoration or rehabilitation of the Contractor's facility or any portion thereof which is affected by removal of any Government property.

(h) *Title to property under contracts with educational institutions for scientific research.* If this is a contract with a nonprofit educational institution for scientific research, as determined by the Contracting Officer elsewhere in this contract, the following title provision shall replace paragraph (b) above:

Title

(i) Title to all Government-furnished property shall remain in the Government.

(ii) Except as otherwise expressly provided elsewhere in this contract, title to all material, supplies and equipment purchased or otherwise acquired by the Contractor, for the cost of which the Contractor is to be reimbursed as a direct item of cost, shall be and remain in the Contractor subject to the provisions of subparagraph (3) below: *Provided, however,* That the Contractor shall not, under any Government contract or subcontract thereunder or under any Government grant, charge for any depreciation, amortization, or use of any property title to which remains in the Contractor pursuant to this subparagraph. The Contractor agrees to use such materials, supplies, and equipment for the benefit of research under this contract and any extensions or successor contracts thereto and to continue to use such property for the benefit of research of interest to the Government.

(iii) With respect to items of equipment having an acquisition cost of $1,000 or more, title to which vests in the Contractor pursuant to subparagraph (ii) above, the Contractor agrees:

(A) To report such items to the Contracting Officer from time to time as they are acquired and to maintain a control system which will permit their ready identification and location; and

(B) To transfer title to any such items to the Government, or to a third party designated by the Government, when third party is eligible under existing statutes, in accordance with any written request therefor issued by the Contracting Officer at any time prior to final payment under this contract.

(iv) All Government-furnished property, together with all property acquired by the Contractor, title to which vests in the Government pursuant to any other express provision of this contract, is subject to the provisions of this clause and is hereinafter collectively referred to as "Government property." Title to the Government property shall not be affected by the incorporation or attachment thereof to any property not owned by the Government, nor shall such Government property, or any part thereof, be or become a fixture or lose its identity as personalty by reason of affixation to any realty.

Dated: April 11, 1972.

N. B. HOUSTON,
Deputy Assistant Secretary for Administration.

[FR Doc.72-6276 Filed 4-24-72;8:47 am]

Office of Education

[45 CFR Parts 121, 125]

PROGRAMS FOR THE EDUCATION OF HANDICAPPED CHILDREN

General Provisions, Regional Resource Centers, Early Education, Deaf-Blind Centers, Auxiliary Activities, Recruitment and Dissemination, and Research

Pursuant to the authority contained in the Education of the Handicapped Act (84 Stat. 175, 20 U.S.C. 1401), notice is hereby given that the Commissioner of Education, with the approval of the Secretary of Health, Education, and Welfare, proposes to amend Parts 121 and 125 of Title 45 of the Code of Federal Regulations as set forth below. The proposed amendments would provide general provisions applicable to all discretionary project grants and contracts awarded under the Education of the

Handicapped Act, as well as provide the requirements for assistance and for Federal financial participation in regional resource centers, centers and services for deaf-blind children, early education for handicapped children, auxiliary activities under section 624 of the Act, recruitment and dissemination activities, and research.

The programs to which these regulations are applicable will also be subject to Subpart A of Part 121 (45 CFR 121, published in the FEDERAL REGISTER as notice of proposed rule making on January 20, 1972, at 37 F.R. 870).

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposed regulations to the Bureau of Education for the Handicapped, U.S. Office of Education, Room 2100, Seventh and D Streets NW., Washington, DC 20202. Comments received in response to this notice will be available for public inspection at the above office on Mondays through Fridays between 8:30 a.m. and 4:30 p.m. All relevant material received not later than 30 days after the publication of this notice in the FEDERAL REGISTER will be considered.

Dated: March 21, 1972.

S. P. MARLAND, Jr.
U.S. Commissioner of Education.

Approved: April 18, 1972.

ELLIOT L. RICHARDSON,
Secretary,
Health, Education, and Welfare.

Title 45 of the Code of Federal Regulations is amended as follows:

1. Part 125 is revoked.

PART 121—PROGRAMS FOR THE EDUCATION OF HANDICAPPED CHILDREN

2. Part 121 is amended by adding new Subparts A–1, C–1, C–2, C–3, C–4, D–5, and E, reading as follows, and by changing the part reading as proposed at 37 F.R. 870, January 20, 1972.

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121.51–121.55 [Reserved]

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121.56 Applications for grants or contracts.
121.57 Review of applications.
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121.59 Preliminary proposals.
121.60 Cooperative arrangements.
121.61–121.67 [Reserved]

SPECIAL REQUIREMENTS

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121.83 Evaluation.
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121.201 Purpose.
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Subparts D–1—D–4 [Reserved]

Subparts D–5—Recruitment of Personnel and Dissemination of Information

121.380 Scope.
121.381 Purpose.
121.382 Eligible parties.
121.383 Distribution of projects.
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Subpart E—Research in the Education of the Handicapped

121.400 Scope.
121.401 Purpose.
121.402 Eligible parties.
121.403 Criteria for assistance.
121.404 Panels of experts.
121.405–121.424 [Reserved]
121.425 Cost sharing.
121.426 Estimates and reports.
121.427–121.449 [Reserved]
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Subpart A–1—Discretionary Project Grants and Contracts

GENERAL

§ 121.50 Scope.

Except as otherwise provided in this part, the provisions contained in this subpart apply to programs and projects assisted under the Act, except programs and projects assisted under Part B of the Act. (20 U.S.C. 1401)

§ 121.51–121.55 [Reserved]

APPLICATIONS

§ 121.56 Applications for grants or contracts.

Any applicant eligible for a grant or contract may file on or before such cut-off date or dates as the Commissioner may announce for each fiscal year, an application containing such pertinent information, and in accordance with such forms and instructions, as the Commissioner may prescribe. Such application shall be executed by the applicant or an official or representative of the applicant duly authorized to make such application. (20 U.S.C. 1401)

§ 121.57 Review of applications.

(a) Except as provided in § 121.403, the Commissioner may, prior to disposition of applications for grants or contracts, obtain the review of a panel of experts. Any such review will be in addition to the review of an application by the Commissioner in accordance with such procedures as he may establish.

(b) Review by the Commissioner and by the panel of experts may take into account such factors as:

(1) The need for the proposed services in light of the availability and quality of existing services in the area served or to be served by the applicant;

(2) Relevance to priority areas of concern as reflected in applicable provisions contained in the Act and in this part;

(3) Adequacy of qualifications and experience of personnel designated to carry out the proposed project;

(4) Adequacy of facilities and other resources;

(5) Reasonableness of estimated cost in relation to anticipated results;

(6) Expected potential for utilizing the results of the proposed project in other projects or programs for the education of handicapped children;

(7) Sufficiency of size, scope, and duration of the project so as to secure productive results; and

(8) Soundness of the proposed plan of operation, including consideration of the extent to which:

(i) The objectives of the proposed project are sharply defined, clearly stated, capable of being attained by the proposed procedures, and capable of being measured;

(ii) Provisions are made for adequate evaluation of the effectiveness of the project and for determining the extent to which the objectives are accomplished;

(iii) Where appropriate, provisions are made for satisfactory inservice training connected with project services; and

(iv) Provisions are made for disseminating the results of the program or project and for making materials, techniques, and other outputs resulting therefrom available to the general public and specifically to all those concerned with the improvement of education of the handicapped. (20 U.S.C. 1401)

§ 121.58 Disposition of applications.

(a) On the basis of the review of an application pursuant to § 121.52, the Commissioner will either (1) approve the application in whole or in part, for such amount of funds and subject to such conditions as he may deem necessary or desirable for the completion of the approved program or project, (2) disapprove the application, or (3) defer action on the application for such reasons as lack of funds or a need for further review.

(b) Any deferral or disapproval of an application shall not preclude its reconsideration or resubmission.

(c) The Commissioner will notify the applicant in writing of the disposition of its application. A notification of grant award or contract document will be issued to notify the applicant of an approved project proposal.

(d) If the Commissioner awards a grant, the grant shall be subject to, and the grant award document will incorporate such grant terms and conditions as the Commissioner may prescribe, and may include such special terms and conditions as are appropriate. If the Commissioner awards a contract, the contract award document shall include whatever provisions are required by Federal law or regulations, or may be deemed necessary or desirable for the achievement of the purposes of the Act. (20 U.S.C. 1401)

§ 121.59 Preliminary proposals.

Where he deems it necessary or desirable for the efficient administration of a program to which this subpart is applicable, the Commissioner may require any applicant for assistance under such program to submit a preliminary proposal for review and approval prior to the acceptance of an application submitted under § 121.51. (20 U.S.C. 1401)

§ 121.60 Cooperative arrangements.

(a) Eligible parties may enter into cooperative arrangements with other eligible parties, including those in another State, to apply for assistance under the Act.

(b) In the case of each cooperative arrangement authorized under paragraph (a) of this section and receiving assistance under the Act, there shall be a single eligible agency, organization, or institution which (1) shall be the legal recipient of the grant or contract award, and (2) shall be legally responsible for administering the project assisted under such grant or contract (20 U.S.C. 1401).

§§ 121.61–121.79 [Reserved]

SPECIAL REQUIREMENTS

§ 121.80 Data-collection instruments.

(a) *Definitions.* For the purposes of this section:

(1) "Data collection instruments" includes tests, questionnaires, inventories, interview schedules or guides, rating scales, and survey plans which are used to collect information on substantially identical items from 10 or more respondents.

(2) "Respondents" means individuals or organizations from whom information is collected.

(b) *Clearance.* (1) No data collection instruments shall be used in any project assisted under this subpart unless such instruments have been approved in advance by the Commissioner. (2) To obtain approval of data collection instruments, an applicant for assistance shall submit the following data: (i) A statement which provides (*a*) the exact title of the data collection instrument submitted for approval; (*b*) the purposes of the project and the relation of such instrument thereto; (*c*) the nature and size of the sample, including the method or methods of sampling; (*d*) the locale of the project; (*e*) the provisions for anonymity and confidentiality of response; (*f*) a brief indication of the nature and extent of statistical analysis of the data; (*g*) the estimated average time required of the respondent for his participation in the project; and (*h*) a single figure giving the estimated cost of the survey as a component of the project to be assisted; and (ii) five copies of each data collection instrument to be cleared, except that copies need not be submitted of instruments which deal solely with (*a*) functions of technical proficiency, such as scholastic aptitude, school achievement, and vocational proficiency; (*b*) routine demographic information; or (*c*) routine institutional information.

(3) The Commissioner will take into account all factors specified in paragraph (b)(2)(i) of this section in any determination regarding approval of data collection instruments. Clearance will be denied where the Commissioner determines that such instruments constitute unnecessary or offensive intrusions of privacy through inquiries regarding such matters as religion, sex, or politics.

(c) *Responsibility for collection of information.* The applicant shall not in any way represent or imply (either in a letter of transmittal, in the data-gathering instruments themselves, or in any other manner) that the information is being collected by or for the Federal Government or any of its subdivisions. Basic responsibility for the study and the data-gathering instruments rests with the applicant.

(d) *Parental consent.* In the case of any survey using data collection instruments which will include children below the age of 18 as respondents, in addition to the other requirements contained in this section, the applicant for assistance shall provide assurances satisfactory to the Commissioner that informed consent will be obtained from such parents prior to the use of such instruments. (20 U.S.C. 1401)

§ 121.81 Satisfying accountability for equipment.

(a) In addition to the requirements set forth in § 121.4, each recipient of assistance shall render an accounting for equipment pursuant to the provisions contained in this section.

(b) Upon completion of its project, each recipient shall submit to the Commissioner a listing of all equipment purchased for that project except where: (1) The recipient has formally determined that the equipment has a residual value of less than $100; or (2) the original acquisition cost of the equipment is below the dollar level at which the recipient normally maintains equipment accounts in accordance with its approved accounting system; provided that, at a minimum, a listing must be furnished on all equipment having an initial acquisition cost of $300 or more; or (3) accountability has been waived pursuant to statutory authority.

(c) Information provided in such listing shall include date of purchase, descriptive nomenclature, condition (i.e., serviceability), and cost (specifying amount charged to the grant or contract account, if the recipient shared in the cost). The Commissioner will make a determination following review of the equipment listing, as to the method by which accountability will be satisfied for each item of equipment and so advise the recipient. (20 U.S.C. 1232c(a), 1404)

§ 121.82 Timing.

Assistance provided under this subpart shall be subject to the condition that projects so assisted be commenced within a reasonable period of time subsequent to the awarding of the grant or contract. (20 U.S.C. 1401)

§ 121.83 Evaluation.

Each program or project shall include procedures for effective evaluation of the extent to which program or project objectives are being met. (20 U.S.C. 1401)

§ 121.84 Treatment of animals.

If animals are utilized in any program or project receiving assistance under the Act, the applicant for such assistance shall provide assurances satisfactory to the Commissioner that such animals will be provided with proper care and humane treatment. (20 U.S.C. 1401)

§§ 121.85–121.89 [Reserved]

FEDERAL FINANCIAL PARTICIPATION

§ 121.90 Scope of payments.

Assistance to eligible parties may be provided to meet all or part of the allowable costs of programs or projects which meet the applicable requirements contained in the Act and in this part. (20 U.S.C. 1401)

§§ 121.91–121.98 [Reserved]

§ 121.99 Termination and suspension for cause.

(a) *General.* (1) Assistance under any program to which this subpart is applicable may be terminated in whole or in part if the Commissioner determines, after affording the recipient reasonable notice and an opportunity to be heard, that the recipient has failed to carry out its approved project proposal in accordance with the applicable law and the

terms of such assistance or has otherwise failed to comply with any law, regulation, assurance, term or condition applicable to the grant or contract. (2) Subject to paragraph (c) of this section, such assistance may be suspended during the pendency of a termination proceeding initiated pursuant to this section.

(b) *Notice.* (1) Proceedings with respect to the termination of the grant or contract shall be initiated by the mailing of a notice to the recipient setting forth the basis of the proposed termination and the procedures available to the recipient under this section.

(2) If the Commissioner determines that suspension of assistance during the pendency of such proceedings is necessary, such notice shall (i) inform the recipient of such determination, (ii) shall advise the recipient of the effective date of such suspension (which will be no earlier than the date of such notice), and (iii) shall offer the recipient an opportunity to show cause why such action should not be taken.

(3) (i) The notice required under paragraph (b)(2) of this section shall further advise the grantee that no expenditures or obligations made or incurred in connection with the grant during the period of the suspension will be recognized by the Government in the event that assistance is ultimately terminated. (ii) Expenditures to fulfill legally enforceable commitments made prior to the notice of suspension, in good faith and in accordance with the recipient's approved program or project, and not in anticipation of suspension or termination, will not be considered new expenditures.

(c) *Opportunity to show cause.* If the recipient requests an opportunity to show cause why a suspension of assistance should not be continued or imposed, the Commissioner will, within 7 days after receiving such request, hold an informal meeting for such purpose.

(d) *Proceedings.* (1) Except as otherwise provided by statute or regulation, the grantee may appeal the Government's decision to terminate, by submitting to the Commissioner, in writing, its rebuttal of the specific grounds for the proposed termination set forth in the notice of termination, within 30 days following the date of mailing of such notice by the Government, unless an extension of such period of time has been granted in writing by the Government.

(2) The Commissioner may, at his discretion, permit oral presentations by the Government and the recipient regarding the notice of termination and the recipient's written rebuttal.

(3) The Commissioner will issue a final decision in the case of such appeal after the submission of the recipient's written rebuttal, or any oral presentations permitted by the Commissioner, whichever is later.

(4) Termination of assistance under this section will be effected by the delivery to the recipient of a notice of termination; or, where the grantee invokes the procedures applicable under this section, upon the issuance of the Commissioner's final decision under paragraph (d)(3) of this section.

(e) *Effect of termination.* (1) In the event assistance is terminated under this section, financial obligations incurred by the recipient prior to the effective date of such termination will be allowable to the extent they would have been allowable had such assistance not been terminated, except that no obligations incurred during the period in which such assistance was suspended and no obligations incurred in anticipation of suspension or termination will be allowed.

(2) Within 60 days of the effective date of termination of assistance under this section, the recipient shall furnish an itemized accounting of funds expended, obligated, and remaining. Within 30 days of a request therefor, the recipient shall remit to the Government any accounts found due. (20 U.S.C. 1401)

Subpart C–1—Regional Resource Centers

§ 121.200 Scope.

The provisions contained in this subpart apply to programs and projects assisted under section 621 of the Act (20 U.S.C. 1421)

§ 121.201 Purpose.

Payment of Federal funds under this subpart may be made to assist eligible parties in the establishment and operation of regional resource centers which will develop and apply the best methods of appraising the special educational needs of handicapped children referred to them and will provide other services to assist in meeting such needs (20 U.S.C. 1421)

§ 121.202 Eligible parties.

Parties eligible to receive assistance under this subpart are institutions of higher education, State educational agencies, or combinations of such agencies or institutions (which combinations may include one or more local educational agencies), within particular regions of the United States (20 U.S.C. 1421)

§ 121.203 Criteria for assistance.

(a) *Need and capability.* In providing assistance under this subpart, the Commissioner will take into consideration the need for a regional resource center in the region to be served and the capability of the applicant to develop and apply, with the assistance of funds under this subpart, new methods, techniques, services, or facilities relating to educational evaluation of handicapped children.

(b) *Services.* Each regional resource center assisted under this subpart shall provide at least the following services:

(1) Testing and educational evaluation to determine the special educational needs of handicapped children referred to such center, including the development of new methods for appraising such needs;

(2) Development of educational programs to meet such needs;

(3) Assistance to schools and other appropriate agencies, organizations, and institutions in providing such educational programs through services such as consultation (including in appropriate cases, consultation with parents or teachers of handicapped children at such regional resource centers), periodic reexamination and reevaluation of special education programs (including programs developed at the center under paragraph (b)(2) of this section), and other technical services; and

(4) Following the educational progress of the handicapped children evaluated under paragraph (b)(1) of this section, and modification of the programs developed and assisted under paragraph (b)(2) and (3) of this section as necessary to meet the special educational needs of such children.

(c) *Location of centers.* To the extent feasible, regional resource centers will be distributed throughout the Nation, and will be located both in urban and in rural areas.

(d) *Model cities neighborhoods.* All applicants for projects in which 50 percent or more of the participating children reside within areas designated as Model Cities Neighborhoods must secure a certification of Department of Health, Education, and Welfare Model Cities Relatedness (U.S. Office of Management and Budget Form 85–0145) from the Director of the City Demonstration Agency. Such certification must be obtained prior to approval of the application by the Commissioner. The applicant shall coordinate its project with other programs in the Model Cities Neighborhoods involved, and shall provide for the participation of the residents of such neighborhoods in the planning, policy, employment, monitoring, and evaluation processes of the project. The City Demonstration Agency shall be provided with early and adequate involvement in the project.

(e) *Cross-reference.* Assistance provided under this subpart is subject to applicable provisions contained in Subparts A and A–1 of this part. (20 U.S.C. 1421)

§ 121.204 Evaluation and dissemination.

(a) Each regional resource center shall develop and apply effective methods for evaluating (1) the extent to which project objectives are being met, and (2) the effectiveness of the educational programs developed for handicapped children by the center.

(b) Each such center shall provide for the dissemination of information regarding its activities, including the evaluations carried out under paragraph (a) of this section. Additional dissemination activities may be carried out under Subpart C–4 of this part. (20 U.S.C. 1421, 1424)

§ 121.205 Parental participation.

If any application for assistance under this subpart provides for payments to a local educational agency or agencies, such application shall be subject to the requirements contained in § 121.13(c)

regarding parental involvement and dissemination of information. (20 U.S.C. 1231d, 1421)

§ 121.206–121.229 [Reserved]

Subpart C–2—Centers and Services for Deaf-Blind Children

§ 121.230 Scope.

The provisions contained in this subpart apply to programs and projects assisted under section 622 of the Act. (20 U.S.C. 1422)

§ 121.231 Purpose.

Payment of Federal funds under this subpart may be made for the purpose of providing (by grants to or contracts with eligible parties), through a limited number of model centers for deaf-blind children (referred to in this subpart as "Regional Centers"), a program designed to develop and bring to bear upon such children, beginning as early as feasible in life, those specialized, intensive professional and allied services, methods, and aids, that are found to be most effective to enable such children to achieve their full potential (a) for communication with, and adjustment to, the world around them, (b) for useful and meaningful participation in society, and (c) for self-fulfillment. (20 U.S.C. 1422(a))

§ 121.232 Eligible parties.

Parties eligible to receive assistance under this subpart are public or nonprofit private agencies, organizations, or institutions. (20 U.S.C. 1422(b))

§ 121.233 Cooperative arrangements.

(a) *General.* To receive assistance under this subpart, eligible parties shall enter into cooperative arrangements with other eligible parties (referred to in this subpart as "Participating Agencies"), including those in another State.

(b) *Sponsoring agency.* In the case of each cooperative arrangement established under paragraph (a) of this section there shall be a single public or nonprofit private agency, organization, or institution (1) which is designated as the "Sponsoring Agency", (2) which functions as the grant or contract applicant for the Regional Center, (3) which shall be the legal recipient of the grant or contract award, (4) which shall be legally responsible for administering the Regional Center under such grant or contract, and (5) which may enter into contracts or agreements (to the extent permitted by State and local law) for the provision of part of the services under the grant or contract.

(c) *Parties and terms of service contracts.* Such contracts or agreements may be made with Participating Agencies, as well as other agencies, institutions, or organizations, and shall (i) incorporate all rules and regulations applicable to the program, (ii) describe the services to be provided by the agency, institution, or organization, and (iii) contain provisions assuring that the Sponsoring Agency will retain supervision and administrative control over the provision of services under the contract.

(d) *Approval of service contracts.* Services to be provided by contract pursuant to paragraph (a)(5) of this section shall be specified in the project proposal or in an amendment thereto, and the proposed contract shall be submitted to the Commissioner or his designee and be approved by him in writing prior to its effective date. (20 U.S.C. 1422)

§ 121.234 Regional center components.

(a) *Sponsoring agency.* The Sponsoring Agency may serve as the locus of the Regional Center and shall be the operating agency charged with stimulating development of and coordinating and monitoring the status of contracted services for deaf-blind children in the region to be served, including the provision of those activities and services for deaf-blind children specified under § 121.235 (c) and (d).

(b) *Other center components.* Each Regional Center shall have a Regional Coordinator, a Regional Committee, adequate staffing to administer the grant or contract, and Participating Agencies.

(1) *Regional Coordinator.* The Regional Coordinator shall be responsible for (i) preparation of the grant or contract application of the Regional Center, (ii) implementation of approved program goals and those responsibilities of the Sponsoring Agency specified in § 121.233, and (iii) establishment of the Regional Committee pursuant to this paragraph.

(2) *Regional Committee.* (i) The Regional Committee shall include in its membership (but shall not be limited to): a representative from the Sponsoring Agency, at least one representative from each State in the region to be served (including the State official or officials, or their designees, who are responsible for special education), at least one parent of a deaf-blind child in the area to be served, and at least one representative from each of the allied disciplines of medicine, social service, and rehabilitation services (including the National Center for Deaf-Blind Youths and Adults). (ii) The Regional Committee shall actively assist in (*a*) the planning, development, and operation of the Regional Center, (*b*) the dissemination of information regarding the Regional Center's programs, (*c*) the assessment of regional needs regarding deaf-blind children and establishing priorities respecting such needs for the region, and (*d*) the evaluation of the extent to which the objectives of the Regional Center meet established short and long range regional goals.

(3) *Staff.* The Regional Center staff shall (i) stimulate early identification and followup of all deaf-blind children in the region, (ii) maintain adequate, organized records on each such child, and (iii) stimulate, support, and monitor services, research, training, and evaluation provided or carried out by the Regional Center.

(4) *Participating agencies.* Participating Agencies may include eligible parties which are health, education, or social service agencies or institutions in the region to be served, and which are engaged in, or responsible for, direct delivery of services to deaf-blind children and/or their families, regardless of whether such agencies are funded through contracts with the Sponsoring Agency or are funded from other public or private sources. (20 U.S.C. 1422)

§ 121.235 Criteria for assistance.

(a) *Need.* In providing assistance under this subpart, the Commissioner will take into consideration the need for a center for deaf-blind children in the light of the general availability and quality of existing services for such children in the part of the country involved. (20 U.S.C. 1422(c))

(b) *Regional plan.* Each application for assistance under this subpart shall include a comprehensive plan to meet the special needs of deaf-blind children in the region to be served. In the case of an application for a continuation award, the Regional Committee established under § 121.234(b) shall actively assist in the development of such regional plan.

(c) *Services.* Each Regional Center assisted under this subpart shall provide at least the following services:

(1) Comprehensive and continuing diagnostic and evaluative services for deaf-blind children. Such services shall include (i) examinations by the following qualified personnel: Audiologists, ophthalmologists, pediatricians, pediatric neurologists, and other special consultants as needed, such as child psychologists, optometrists, orthodontists, cardiologists, otorhinolaryngologists, speech pathologists, and occupational and physical therapists and (ii) continuing psychoeducational assessments of intellectual, social-adaptive, and communication abilities, and emotional adjustment.

(2) A program for the adjustment, orientation, and education of deaf-blind children which integrates all the professional and allied services necessary therefor. Such program may include adapted recreational and physical education activities and services organized to provide adequate social experiences.

(3) Effective professional consultative and counseling services for parents, teachers, and others who play a direct role in the lives of deaf-blind children to enable them to understand the special problems of such children and to assist in the process of adjustment, orientation, and education of such children. (20 U.S.C. 1422(d)(1))

(d) *Additional activities.* (1) In addition to the services specified in paragraph (c) of this section, each Regional Center shall carry out the following activities under Subpart C–4 of this part:

(i) Development or demonstration of new, or improvements in existing methods, approaches, or techniques, which would contribute to the adjustment and education of deaf-blind children;

(ii) Training (either directly or otherwise) of professional and allied personnel engaged or preparing to engage in programs specifically designed for such children, including payment of stipends for trainees and allowances for travel

and other expenses for them and their dependents; and

(iii) Dissemination of materials and information about practices found effective in working with such children.

(2) Each Regional Center shall provide for continuing evaluation of the effectiveness of each program or project assisted under this subpart, either directly or by contract with independent organizations.

(3) Each Regional Center may also conduct research to identify and meet the full range of special needs of deaf-blind children under Subpart C–4 of this part. Any such research shall be subject to applicable requirements contained in Subpart E of this part which are not inconsistent with the provisions of section 622 of the Act.

(e) *Children to be served.* The services to be provided under paragraph (c) of this section shall be available on a continuing basis to all deaf-blind children in the geographic area to be served by the Regional Center, including deaf-blind children (1) who are enrolled in schools operated by Participating Agencies, (2) who are attending other programs for handicapped children, and (3) who are not yet able to cope with a school program.

(f) *Cross-reference.* Assistance provided under this subpart is subject to applicable provisions contained in Subparts A and A–1 of this part. (20 U.S.C. 1422)

§ 121.236 Location of services.

(a) Services provided to deaf-blind children by a Regional Center may be provided to such children (and, where applicable, other persons) regardless of whether they reside in the Regional Center, and may be provided at some place other than the Center.

(b) A Regional Center may utilize the facilities, services, and resources available in another Regional Center to provide needed services for its deaf-blind children and their families except where such use will interfere with the program of such other Regional Center. (20 U.S.C. 1422(d)(2))

§ 121.237 Transportation.

The services referred to in § 121.235(c) may include the provision of transportation for any such children (including an attendant), and for parents. (20 U.S.C. 1422(d)(2))

§ 121.238 Determination of deaf-blind children.

(a) As used in this subpart, the term "deaf-blind children" means children who have auditory and visual handicaps, the combination of which causes such severe communication and other developmental and educational problems that they cannot properly be accommodated in special education programs solely for the hearing handicapped child or for the visually handicapped child.

(b) Determination that a child is a deaf-blind child within the meaning of paragraph (a) of this section shall be made by the Regional Center on the basis of an extended period of evaluation, conducted in the center or elsewhere by a team of specialists (at least including specialists in the fields of hearing, vision, and education of the handicapped), who shall make appropriate recommendations to the center as to whether a child is a deaf-blind child within the criteria set forth in paragraph (a) of this section. (20 U.S.C. 1422)

§ 121.239 Construction and equipment.

Establishment and operation of Regional Centers under this subpart may include the construction of necessary facilities, including the construction of necessary residential facilities, and may include necessary equipment. (20 U.S.C. 1404, 1422(b))

§ 121.240 Parental participation.

If any application for assistance under this subpart provides for payments to a local educational agency or agencies, such application shall be subject to the requirements contained in § 121.13(c) regarding parental involvement and dissemination of information. (20 U.S.C. 1231(d))

§§ 121.241–121.249 [Reserved]

Subpart C–3—Early Education for Handicapped Children

§ 121.250 Scope.

The provisions contained in this subpart apply to programs and projects assisted under section 623 of the Act. (20 U.S.C. 1423)

§ 125.251 Eligible parties.

Parties eligible to receive assistance under this subpart are public agencies and private nonprofit organizations.

§ 121.252 Purpose.

Payment of Federal funds under this subpart may be made for the purpose of assisting eligible parties in developing and carrying out experimental preschool and early education projects for handicapped children and their parents. (20 U.S.C. 1423)

§ 121.253 Criteria for assistance.

(a) *Distribution.* Projects will be distributed to the greatest extent possible throughout the Nation, and will be carried out both in urban and in rural areas. (20 U.S.C. 1423)

(b) *Scope.* Assistance under this subpart will be limited to those projects which the Commissioner determines show the greatest promise of providing a comprehensive and strengthened approach to the special problems of handicapped children. (20 U.S.C. 1423(a))

(c) *Participating children.* (1) "Preschool and early education" refers to a period from birth to the time a child would normally complete the third grade. The term includes the prenatal period where there is evidence that a handicapped child will be born.

(2) A project may also include an older child or a limited number of older children who are functioning at a level below that which would normally be expected upon a child's completion of the third grade.

(d) *Development, parental involvement, and dissemination of information.* Each project shall include services and activities designed to accomplish the following objectives:

(1) To facilitate the intellectual, emotional, physical, mental, social, and language development of handicapped children. Such services and activities must be appropriate to the age levels, levels of development, familial situations, and handicapping conditions of the children included in the project. Such services shall include comprehensive ongoing diagnosis and evaluation of each child's development.

(2) (i) To encourage the effective participation of parents and other family members) of the children to be served in the development and operation of the project. Such participation, in addition to that provided under § 121.254, shall include (*a*) opportunities to advise and assist in the planning, development, operation, and evaluation of the project; (*b*) training for such parents and other family members (where appropriate) as a component of the project; (*c*) appropriate participation in the educational and therapeutic components of the project; and (*d*) opportunities to advise and assist in the dissemination of information regarding the project. (ii) If any application for assistance under this subpart provides for payments to a local educational agency or agencies, such application shall also be subject to the requirements contained in § 121.13(c) regarding parental involvement and dissemination of information.

(3) To acquaint the community to be served by the project, with the problems and potentialities of handicapped children. In addition, dissemination of information regarding the project shall be extended to the general public and the education and other professional communities by appropriate means. A project must be structured so that its components can be replicated or adapted for use elsewhere. (20 U.S.C. 1231d, 1423)

(e) *Coordination.* Each project shall provide for effective coordination with similar programs in the schools of the community to be served. In addition, each project shall include provisions for development of relations with State and local educational agencies, in such manner as to accomplish the following objectives:

(1) Inform such agencies of the nature and purposes of the project;

(2) Provide opportunities for mutual staff growth and interaction;

(3) Utilize available services to provide a comprehensive program for children in the project and to avoid duplication of effort;

(4) Provide opportunity for widespread visibility of the project;

(5) Develop mechanisms for future replication or adaption of program components;

(6) Relate the project to State and community planning;

(7) Alert the agencies to the number and special needs of children of school age who may be leaving the project, and

work toward continuity of the educational program and comprehensive services as the children enter the local school system; and

(8) Encourage continued active parental participation in the education program of handicapped children.

(f) *Model cities neighborhoods.* All applicants for projects in which 50 percent or more of the participating children reside within areas designated as Model Cities Neighborhoods must secure a Certification of Department of Health, Education, and Welfare Model Cities Relatedness (U.S. Office of Management and Budget Form 85–0145) from the Director of the City Demonstration Agency. Such Certification must be obtained prior to approval of the application by the Commissioner. The applicant shall coordinate its project with other programs in the Model Cities Neighborhoods involved, and shall provide for the participation of the residents of such Neighborhoods in the planning, policy, employment, monitoring and evaluation processes of the project. The City Demonstration Agency shall be provided with early and adequate involvement in the project.

(g) *Priorities.* The Commissioner may establish priorities for approval of applications under this subpart (which otherwise meet the applicable requirements of the Act and of this part), including priorities for projects which will: (1) Provide or develop models which can successfully group handicapped with nonhandicapped children on a full or part-time basis and are aimed at assuring such handicapped children's entry into the regular school system, (2) serve to fulfill the goal set forth in paragraph (a) of this section, (3) serve children of specified age level and/or functional level groups within the limits provided for in paragraph (c) of this section, (4) offer significantly improved delivery of specialized services to handicapped children residing in rural areas, (5) serve handicapped children who are also economically disadvantaged, or (6) serve children with specific targeted handicapped conditions.

(h) *Cross-reference.* Assistance provided under this subpart is subject to applicable provisions contained in Subparts A and A–1 of this part. (20 U.S.C. 1231d, 1423(b))

§ 121.254 Advisory council.

(a) Each project shall provide for the establishment of an advisory council.

(b) The council's membership shall include parents of the children served, and may include other parents from the area to be served. At least 25 percent of the membership of the council shall be parents.

(c) The council shall actively assist in (1) the planning, development, and operation of the program, (2) acquainting the community to be served with the program, (3) disseminating information regarding the program, and (4) evaluating the success of the program.

(d) Each recipient of Federal assistance under this subpart shall provide to each member of its respective advisory council: (1) A copy of all provisions applicable to the project contained in the Act and in this part; (2) a copy of the project proposal and other award documents, including any terms and conditions applicable to the project; and (3) such other documents and information relating to the project as are reasonably necessary to permit the council to perform its functions under this section. (20 U.S.C. 1231d, 1423)

§ 121.255 Tuition.

No fees or charges shall be collected for any child participating in projects assisted under this subpart. (20 U.S.C. 1423)

§ 121.256 Federal financial participation.

(a) Payment of Federal funds under this subpart will not exceed 90 per centum of the cost of developing, carrying out or evaluating a project.

(b) Non-Federal contributions may be in cash or in kind, fairly evaluated, including, but not limited to, plant, equipment, and services.

(c) Federal funds provided under this subpart may not be used for costs of construction, except for minor remodeling or alteration (including the acquisition, installation, modernization, or replacement of equipment) of existing structures. (20 U.S.C. 1404, 1423(d))

§§ 121.257–121.269 [Reserved]

Subpart C–4—Auxiliary Activities

§ 121.270 Scope.

The provisions contained in this subpart apply to projects assisted under section 624 of the Act. (20 U.S.C. 1424)

§ 121.271 Purpose.

Payment of Federal funds under this subpart may be made for the purpose of assisting eligible parties in such activities as:

(a) Research to identify and meet the full range of special needs of handicapped children;

(b) Development or demonstration of new, or improvements in existing, methods, approaches, or techniques, which would contribute to the adjustment and education of such children;

(c) Training (either directly or otherwise) of professional and allied personnel engaged or preparing to engage in programs specifically designed for such children, including payments of stipends for trainees and allowances for travel and other expenses for them and their dependents; and

(d) Dissemination of materials and information about practices found effective in working with such children. (20 U.S.C. 1424)

§ 121.272 Eligible parties.

The Commissioner may provide for payment under this subpart, either (a) pursuant to a grant or contract under Subparts C–1, C–2, or C–3 of this part, or (b) by separate grant to or contract with a public or nonprofit private agency, organization, or institution which operates or provides (with or without Federal assistance under Subparts C–1, C–2, or C–3 of this part) one or more of the following centers or services:

(1) A regional resource center which meets the purposes and requirements of section 621 of the Act and Subpart C–1 of this part;

(2) A center for deaf-blind children which meets the purposes and requirements of section 622 of the Act and Subpart C–2 of this part; or

(3) A program of early education for handicapped children which meets the purposes and requirements of section 623 of the Act and Subpart C–3 of this part. (20 U.S.C. 1424)

§ 121.273 Criteria for assistance.

(a) No assistance will be provided under this subpart unless the Commissioner determines that there is satisfactory assurance that:

(1) Proposed activities will serve to enhance the effectiveness of the center or services to which they will be related;

(2) Proposed activities will serve to reinforce and to complement the basic functions of the center or services to which they will be related, and will not serve to displace such functions as the primary center or service activities or responsibilities; and

(3) In addition to satisfying the requirements of § 121.10, proposed activities will be:

(i) Coordinated with similar activities (i.e., research, development, training, and dissemination activities) funded from programs authorized under other parts of the Act, and

(ii) Coordinated and integrated with the primary activities of the center or services to which they will be related.

(b) Assistance provided under this subpart is subject to applicable provisions contained in Subparts A and A–1 of this part. (20 U.S.C. 1424)

§ 121.274 Evaluation.

Each project assisted under this subpart shall provide effective procedures for evaluating at least annually:

(1) The extent to which and manner in which the objectives of such project have been met, and

(2) The extent to which and manner in which the effectiveness of the center or services to which project activities are related has been enhanced by such activities. (20 U.S.C. 1424)

§ 121.275 Research.

Research conducted pursuant to § 121.271(a) shall be subject to applicable requirements contained in Subpart E of this part which are not inconsistent with the provisions of Part C of the Act and the applicable regulations contained in Subparts C–1, C–2, C–3, and C–4 of this part. (20 U.S.C. 1424)

§ 121.276 Training.

(a) *Inservice training.* Inservice training activities assisted under this subpart may include staff meetings, seminars, workshops, national, regional, and State institutes, demonstrations, and other related activities.

(b) *Participants.* Trainee-participants in such activities may include present and potential project personnel and other teachers, administrators, child care workers, parents, and teacher aides.

(c) *Stipends and allowances.* In connection with training awards under this subpart, the Commissioner may authorize the payment of stipends and allowances (including but not limited to allowances for dependents and institutional fees) in such amounts as he shall determine to be appropriate for a particular training project. (20 U.S.C. 1424)

§ 121.277 Dissemination.

Projects assisted under § 121.271(d) may include publication, distribution, and demonstrations for the benefit of educational institutions and for the general public as well as for persons who are professionals in the field of the education of the handicapped. (20 U.S.C. 1424)

§§ 121.278–121.379 [Reserved]

Subparts D–1—D–4 [Reserved]

Subpart D–5—Recruitment of Personnel and Dissemination of Information

§ 121.380 Scope.

(a) The provisions contained in this subpart apply to programs and projects assisted under section 633 of the Act.

(b) Assistance provided under this subpart is subject to applicable provisions contained in Subparts A and A–1 of this part. (20 U.S.C. 1433)

§ 121.381 Purpose.

Payment of Federal funds under this subpart may be made for the purpose of assisting eligible parties in carrying out projects for: (a) Encouraging students and professional personnel to work in various fields of education of handicapped children and youth through, among other ways, developing and distributing imaginative or innovative materials to assist in recruiting personnel for such careers, or publicizing existing forms of financial aid which might enable students to pursue such careers; (b) disseminating information about the programs, services, and resources for the education of handicapped children; (c) providing referral services (including referral to educational, diagnostic, and clinical facilities and services) to parents, teachers, and other persons especially interested in the handicapped; and (d) utilizing parent, volunteer, media, and other organizations to provide information concerning handicapped children to the general public. (20 U.S.C. 1433)

§ 121.382 Eligible parties.

(a) Parties eligible to receive assistance through grants or contracts under this subpart are public or private agencies, organizations, or institutions, except that no grant shall be made other than to a nonprofit agency, organization, or institution. (20 U.S.C. 1433)

§ 121.383 Distribution of projects.

Projects will be distributed to the greatest extent possible throughout the Nation, and will be carried out both in urban and in rural areas. (20 U.S.C. 1433)

§§ 121.384–121.399 [Reserved]

Subpart E—Research in the Education of the Handicapped

§ 121.400 Scope.

(a) The provisions contained in this subpart aply to programs and projects assisted under Part E of the Act.

(b) Assistance provided under this subpart is subject to applicable provisions contained in Subparts A and A–1 of this part, as well as such policies of the Department relating to research contracts with educational institutions as may be contained in 41 CFR Subparts 3–4. (20 U.S.C. 1401, 1441)

§ 121.401 Purpose.

Payment of Federal funds under Part E of the Act may be made to eligible parties (a) for research and related purposes and to conduct research, surveys, or demonstrations, relating to education of handicapped children, and (b) for research and related purposes and to conduct research, surveys, or demonstrations, relating to physical education or recreation for handicapped children. (20 U.S.C. 1441, 1442)

§ 121.402 Eligible parties.

Parties eligible to receive assistance under this subpart are States, State and local educational agencies, institutions of higher education, and other public or private educational or research agencies and organizations, except that only contracts (and not grants) may be awarded to private educational or research agencies and organizations which are not nonprofit agencies and organizations. (20 U.S.C. 1441, 1442)

§ 121.403 Criteria for assistance.

(a) *Applied research and research related activities.* (1) Activities assisted under this subpart must be "applied" in nature, and must show promise of producing valid and relevant information. (2) Whether an activity is "applied" will be determined by the Commissioner on the basis of the extent to which such activity

(i) Is a direct effort to solve some critical educational problems; and

(ii) Is planned so that the final product of such activity can be reasonably expected to have a direct influence on the performance of handicapped children or on personnel responsible for the education of the handicapped.

(b) *Types of activities supported.* Activities assisted under this subpart may include projects for dissemination, demonstration, curriculum development, and media. (20 U.S.C. 1441, 1442)

§ 121.404 Panels of experts.

The Commissioner will not approve any application for a grant or contract under this subpart unless and until such application has been reviewed by a panel of experts who are competent to evaluate various types of research or demonstration projects, and the Commissioner has secured the advice and recommendations of such panel. (20 U.S.C. 1443)

§§ 121.405—121.424 [Reserved]

§ 121.425 Cost sharing.

No recipient of a grant under this subpart may receive the entire cost of the program or project assisted under such grant. The amount of a potential grantee's contribution to the cost of such program or project will not affect the disposition of such grantee's application for assistance under this subpart.

(Public Law 92–48, Title III, Sec. 306, 85 Stat. 106, OMB Circular A–74; 20 U.S.C. 1441, 1442)

§ 121.426 Estimates and reports.

A recipient of Federal funds under this subpart may be required to submit, in addition to any other reports required under this part, in accordance with procedures established by the Commissioner:

(a) A description of activities to be carried on during any given budget period of the project or program;

(b) A statement of estimated total expenditures for activities to be carried on during the fiscal year, and where estimated amounts exceed the amount of available Federal funds, the availability of other funds to pay the non-Federal share of estimated costs. (20 U.S.C. 1232c, 1441, 1442)

§§ 121.427–121.449 [Reserved]

§ 121.450 Termination and suspension for nonproductive results.

(a) *General.* (1) Assistance under this subpart may be terminated in whole or in part if the Commissioner determines, after affording the recipient reasonable notice and an opportunity to be heard, that the recipient's project is no longer susceptible of productive results.

(2) Subject to paragraph (c) of this section, such assistance may be suspended during the pendency of a termination proceeding initiated pursuant to this section.

(b) *Notice.* (1) Proceedings with respect to the termination of the grant or contract shall be initiated by the mailing of a notice to the recipient setting forth the basis of the proposed termination and the procedures available to the recipient under this section.

(2) If the Commissioner determines that suspension of assistance during the pendency of such proceedings is necessary, such notice shall: (i) Inform the recipient of such determination, (ii) shall advise the recipient of the effective date of such suspension (which will be no earlier than the date of such notice), and (iii) shall offer the recipient an opportunity to show cause why such action should not be taken.

(3) (i) The notice required under paragraph (b) (2) of this section shall further advise the grantee that no expenditures or obligations made or incurred in connection with the grant during the period of the suspension will be recognized by the Government in the event that assistance is ultimately terminated.

(ii) Expenditures to fulfill legally enforceable commitments made prior to the notice of suspension, in good faith and in accordance with the recipient's approved program or project, and not in anticipation of suspension or termination, will not be considered new expenditures.

(c) *Proceedings.* (1) Except as otherwise provided by statute or regulation, been granted in writing by the Government's decision to terminate, by submitting to the Commissioner, in writing, its rebuttal of the specific grounds for the proposed termination set forth in the notice of termination, within 30 days following the date of mailing of such notice by the Government, unless an extension of such period of time has been granted in writing by the Government.

(2) The Commissioner may, at his discretion, permit oral presentation by the Government and the recipient regarding the notice of termination and the recipient's written rebuttal.

(3) The Commissioner will issue a final decision in the case of such appeal after the submission of the recipient's written rebuttal, or any oral presentations permitted by the Commissioner, whichever is later.

(4) Termination of assistance under this section will be effected by the delivery to the recipient of a notice of termination; or, where the grantee invokes the procedures applicable under this section, upon the issuance of the Commissioner's final decision under paragraph (d)(3) of this section.

(e) *Effect of termination.* (1) In the event assistance is terminated under this section, financial obligations incurred by the recipient prior to the effective date of such termination will be allowable to the extent they would have been allowable had such assistance not been terminated, except that no obligations incurred during the period in which such assistance was suspended and no obligation incurred in anticipation of suspension or termination will be allowed.

(2) Within 60 days of the effective date of termination of assistance under this section, the recipient shall furnish an itemized accounting of funds expended, obligated, and remaining. Within 30 days of a request therefor, the recipient shall remit to the Government any accounts found due. (20 U.S.C. 1441)

§§ 121.451–121.499 [Reserved]

[FR Doc.72-6274 Filed 4-24-72;8:47 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 72-CE-9]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the transition area at Des Moines, Iowa.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, MO 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, MO 64106.

New approach procedures are being developed for the Chariton and Knoxville, Iowa, Airports. Accordingly, it is necessary to alter the Des Moines, Iowa, transition area in order to provide controlled airspace protection for aircraft executing these approach procedures.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (37 F.R. 2143), the following transition area is amended to read:

DES MOINES, IOWA

That airspace extending upward from 700 feet above the surface within an 18-mile radius of Des Moines Municipal Airport (latitude 41°32'05" W., longitude 93°39'35" W.); that airspace extending upward from 1,200 feet above the surface beginning northeast of Des Moines at latitude 42°00'00" N., longitude 92°53'00" W., thence west along latitude 42°00'00" N., to and south along longitude 94°00'00" W., to and west along the south edge of V-172, to and south along longitude 94°42'00" W., to V-6 to and east along the north edge of V-6, to longitude 94°23'30" W., thence southeast to latitude 40°56'30" N., longitude 93°54'00" N., thence northeast to latitude 41°02'00" N., longitude 93°30'00" W., thence south on longitude 93°30'00" W., to the north edge of V-216, thence northeast along the north edge of V-216 to latitude 40°58'30" N., longitude 92°48'30" W., thence north to the point of beginning; and that airspace upward from 3,500 feet MSL bounded by a line starting at the intersection of latitude 41°02'00" N., longitude 93°-30'00" W., south to the north edge of V-216, thence west to the east edge of V-13, thence north to latitude 40°59'00" N., longitude 93°-44'30" W., thence to the point of beginning.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Kansas City, Mo., on April 4, 1972.

JOHN M. CYROCKI,
Director, Central Region.

[FR Doc.72-6255 Filed 4-24-72;8:46 am]

CIVIL AERONAUTICS BOARD

[14 CFR Part 221]

[Docket No. 24426; EDR-226]

AIR FREIGHT FORWARDERS AND DIRECT AIR CARRIERS

Proposed Information Required To Be Submitted With Tariff Publications Filed With Board

Notice is hereby given that the Civil Aeronautics Board has under consideration a proposed amendment to § 221.165 of the Economic Regulations (14 CFR 221.165) which would rescind in part the current exemption of air freight forwarders and international air freight forwarders from the requirement that air carriers submit with the filing of certain tariff publications with the Board, in or attached to their transmittal letters, supporting economic data and information and a table of comparisons of proposed rates with current rates. The amendment also would make it clear that the submission by air carriers, direct or indirect, of economic data and information in support of tariff filings is mandatory, rather than optional, and that estimates of costs of service must be accompanied by substantiating detail and sources. Finally, the proposed amendment would require all air carriers, direct or indirect, specifically to identify competing rates or fares whenever meeting such rates or fares is relied upon as the basis for an exception from the requirement for furnishing supporting data and information or the table of rate comparisons to which reference is made, above.

The principal features of the proposed amendment are set forth in the Explanatory Statement and proposed rule. The amendments are proposed under the authority of sections 204(a) and 403 of the Federal Aviation Act of 1958, as amended (72 Stat. 743, 758; 49 U.S.C. 1324, 1373).

Interested persons may participate in the proposed rule making through submission of twelve (12) copies of written data, views, or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. All relevant material received on or before May 22, 1972, will be considered by the Board before taking final action on the proposed rule. Copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room

712, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, upon receipt thereof.

Dated: April 20, 1972.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

EXPLANATORY STATEMENT

Section 221.165 of the Board's tariff regulations sets forth the requirements for information to be submitted to the Board by the issuing air carrier or agent in or attached to the transmittal letters accompanying tariff publications containing tariff changes or new matter related to interstate or overseas air transportation. The information falls into three categories, which may be generally described [1] as follows:

(a) An explanation of and the reasons for the proposal, including the basis of ratemaking employed:

(b) Economic data in support of the proposal, including estimates of costs of service and estimates of the effect of the proposal upon the carrier's traffic and revenue, together with explanations of the basis of the estimates; and

(c) Comparisons, in tabular form, of the proposed rates and current rates for a sample of pairs of points.

1. *Freight forwarders.* Tariff proposals, with certain exceptions, are subject to rejection if not accompanied by the above information. One of the exceptions, contained in § 221.165(d)(1)(iii), relieves air freight forwarders and international air freight forwarders from the requirement of furnishing the material generally described in paragraphs (b) and (c), supra. This exception was effected by an amendment of Part 221 contained in ER–493, 32 F.R. 7453, May 19, 1967. At that time the Board stated that the rates and charges of freight forwarders were heavily influenced by the level of the rates of the direct air carriers, by competition among the large number of authorized forwarders, and by the type of service performed by the particular forwarder. Accordingly, we found, at that juncture, that the burden which would be imposed on forwarders by requiring compliance with paragraphs (b) and (c) of § 221.165 did not appear warranted by the benefits of the additional information.

We believe that review of the exemption of forwarders from the above requirements may now be warranted because the factors upon which the exemption was based seem no longer to be valid. While the level of forwarder rates is influenced by direct carrier rates as the Board found in 1967, there is no consistent relationship between airline rates and forwarder rates for various shipment sizes or between changes in airline and in forwarder rates. There are also significant differences among the rates published by various forwarders, both in level and in structure. Changes in airline rates have frequently resulted in different percentage changes in forwarder rates for shipments of various sizes and in different markets, and in different percentage changes by various forwarders. Finally, certain forwarders have recently been moving many of their shipments by chartered aircraft, thus severing the relation between the rates they charge and the rates for scheduled transportation charged by direct carriers as a cost element.

Although in the past the Board has not found it necessary to subject all forwarder rates to vigorous economic analyses, this situation may be changing. One of the factors has been forwarder use of chartered aircraft referred to above, and tariff filings by forwarders of numerous sharply reduced rates based on these charter operations. These filings have evoked protests by direct carriers claiming significant competitive impact, and certain of those filings have been set for investigation or suspended by the Board. It may be anticipated that the higher volume of controverted tariff filings by forwarders will be maintained.

Moreover, other circumstances also appear to warrant a revision of the general exemption. Since the present rule was adopted the air freight forwarding industry has grown substantially with forwarders now handling some 40 percent of domestic air freight and approximately 50 percent of the transcontinental business. Thus, to a very substantial extent the shipping public is paying forwarder rates rather than direct air carrier rates. Some forwarders charge relatively high rates, and in recent months a number of rate increases have been proposed by freight forwarders which have required close scrutiny by the Board .

The lack of justification (showing economic data and comparisons of current and proposed rates) in support of comprehensive rate changes by forwarders has resulted in significant workload for the Board and its staff. In a number of instances, complaints against forwarder proposals have evoked answers by the forwarders containing supporting data, thus leaving the complainant with no established procedures to refute such data or contentions. The above factors are especially troublesome in view of the time constraints related to the 30-day notice requirement contained in section 403(c) of the Federal Aviation Act. Requiring forwarders to submit the same justification as direct carriers would be consistent with the general rule that a carrier should support rate filings with the factual basis for its proposals.

The Board recognizes, however, that the new requirement to furnish economic data and rate comparisons could prove burdensome to the many small operators. Currently, there are approximately 200 forwarders authorized as indirect air carriers by the Board, and fewer than 10 percent account for over 80 percent of the forwarders' revenues. Accordingly, we propose to limit the requirement at this time to the larger forwarders, i.e., those with annual revenues exceeding $5 million. In view of current circumstances, undue burden on forwarders of this size. the proposal does not appear to place an

2. *Economic justifications.* It should also be noted that under the current regulation tariff filings by direct air carriers have sometimes been accompanied by statements of justification which failed to provide adequate economic support for the tariff proposed. While § 221.165 of the regulations calls for a full explanation of the proposal, including the reasons therefor, and details the types of economic data which should normally be supplied by way of justification, § 221.165(b) does contain a phrase which has led to problems: That provision refers to economic data * * * "on which the filing air carrier intends that the Board rely," including, in cases where pertinent, various estimates, etc. Although the Board wished to afford some flexibility to the carriers as to the extent of the economic justifications presented, depending upon the nature and importance of the tariff filing and on whether the tariff could be expected to be controversial, it is possible that the above-quoted language may have misled some carriers into believing that they could furnish incomplete or abbreviated data in any case at their option—or even no information at all. This was not our intention, [2] but in any event experience has shown that a requirement which may depend on an interested carrier's characterization of its tariffs can lead to difficulties. In practice, some significant filings have lacked adequate economic justification, and this has worked to the detriment of potential complainants as well as proving troublesome to the Board and its staff. Therefore, we shall require the filing of detailed economic data in all cases, and to remove any doubt as to the mandatory nature of § 221.165 we shall delete the above-quoted phrase. We shall not delete the phrase "where pertinent" from § 221.165(b), since there may be some tariff filings where some of the data or information generally to be included under the mandate of that section would not provide relevant support. [3] However, all carriers are put on notice that failure to supply the data or information listed in § 221.165(b), whenever reasonably pertinent, will subject the tariff proposal to rejection.

The Board also proposes to add to the rule a specific requirement that estimates of costs of service be accompanied by supporting details and references to sources. This information has not always been furnished in the past, but it is of material assistance in analyzing and assessing proposed tariffs and should be supplied by all carriers.

[1] The requirements are detailed in paragraphs (a), (b), and (c) of § 221.165.

[2] See ER–493, cited above, which spoke in terms of the "requirements" of the provisions here in question and of the "burden" of requiring compliance under the existing circumstances—terms which would not appear consistent with an interpretation that the carrier is free in all cases to decide what, if any, material it will file.

[3] For example, cost data may not be pertinent in some cases where the tariff publication provides for a rule change other than a rate or fare.

3. *Identifying competing rates.* Subject to the provisions [4] of § 221.165(d)(1)(iv), all tariff publications filed "to meet competition" are also currently excepted from the requirement that they be accompanied by supporting data and comparisons in accordance with § 221.165 (b) and (c). However, at present the filing carriers are not specifically required to identify the competing rates or fares where this exception is relied upon, and due to the vast numbers of rates and fares on file with the Board the failure to provide identifying tariff references has resulted in much inconvenience. Therefore, we propose to remedy this condition by requiring all carriers subject to § 221.165, both direct and indirect, to supply complete tariff references which will identify the competing tariff matter which their tariff publication purports to meet, in any case where meeting competition is relied upon as a reason for the tariff filing.

It is proposed to amend Part 221 of the Board's Economic Regulations (14 CFR Part 221) by:

1. Amending § 221.165 by revising paragraphs (b)(1), (d)(1)(iii), and by adding a new (*d*) to paragraph (d)(1)(iv) to read as follows:

§ 221.165 **Explanation and data supporting tariff changes and new matter in tariff publications.**

* * * * *

(b) Economic data and/or information in support of the new or changed matter, including, in cases where pertinent,

(1) Estimates of cost of service, with supporting details and references to sources, and

* * * * *

(d) * * *

(1) * * *

(iii) By air freight forwarders or international air freight forwarders, as defined in Parts 296 and 297 of this subchapter, whose revenues from forwarder operations during their most recent fiscal year prior to the filing of the tariff publication were less than $5 million, or

(iv) * * *

(*d*) In any case where new or changed matter is filed to meet competition the filing carrier or agent must supply in or attached to the transmittal letter the complete tariff references which will serve to identify the competing tariff matter which the tariff publication purports to meet.

* * * * *

[FR Doc.72-6290 Filed 4-24-72;8:50 am]

[4] To qualify for the exemption the filings must involve rate or fare reduction or the establishment of new rates or fares similar to the level and services of those in effect for competing carriers.

FEDERAL HOME LOAN BANK BOARD

[12 CFR Parts 541, 545, 556]

[72-423]

FEDERAL SAVINGS AND LOAN SYSTEM

Proposed Eligibility Requirements for Branch Offices and Mobile Facilities

APRIL 4, 1972.

Resolved that the Federal Home Loan Bank Board considers it advisable to amend Parts 541, 545, and 556 of the rules and regulations for the Federal Savings and Loan System (12 CFR Parts 541, 545, 556) for the following purposes:

1. To add a definition of "net worth".

2. To revise the branch office eligibility requirements for Federal savings and loan associations by (i) permitting applications in cases where the proposed branch office is to be redesignated as the association's home office and it will take more than 12 months from date of approval to open such branch; and (ii) removing the requirements relating to minimum percentage of reserves and surplus and pledge of savings accounts.

3. To revise the mobile facility eligibility requirements by removing the requirements relating to minimum percentage of reserves and surplus and pledge of savings accounts.

4. To revise the statement of policy relating to applications by Federal associations for branch offices and mobile facilities to state the Board's policy regarding adequacy of net worth as a factor in the preliminary determination of supervisory objection.

Accordingly, the Federal Home Loan Bank Board proposes to amend said Parts 541, 545, and 556 as follows:

PART 541—DEFINITIONS

1. Amend said Part 541 by adding, immediately after § 541.8 thereof, a new § 541.8–1, to read as follows:

§ 541.8–1 **Net worth.**

The term "net worth" means the sum of all general reserves, surplus, and any other accounts of a Federal association which may be designated as part of net worth pursuant to the provisions of this subchapter.

PART 545—OPERATIONS

2. Amend said Part 545 by revising paragraphs (b) and (c) of § 545.14 thereof to read as follows:

§ 545.14 **Branch office.**

* * * * *

(b) *Eligibility.* (1) Except as provided in subparagraph (2) of this paragraph, a Federal association shall be eligible to have an application for permission to establish a branch office considered and processed only if, at the date on which such application is filed with the Board:

(i) The association does not have on file with the Board any other such application, excluding any application as to which more than 4 months have elapsed since the date of publication of notice thereof;

(ii) More than 12 months have elapsed since the date of disapproval by the Board of an application to serve any substantial part of the same savings service area, as determined by the Supervisory Agent, but this requirement shall be applicable only if the association has filed two applications to serve any substantial part of such savings service area within the 12 months preceding such date of disapproval and both such applications have been disapproved by the Board;

(iii) The association submits in support of its application evidence giving reasonable assurance, in the judgment of the Supervisory Agent, that the proposed branch office, if approved, will be opened within the following applicable time period after the date of approval by the Board:

(*a*) Twelve months, except as otherwise provided in (*b*) and (*c*) of this subdivision;

(*b*) Twenty-four months, if the proposed branch office is to be redesignated as the association's home office; or

(*c*) Thirty-six months, if the proposed branch office is to be located in a shopping center having not less than 400,000 square feet of shopping space.

(2) The Board may, with respect to particular applications or classes of applications, determine to consider and process such applications without regard to the eligibility requirement contained in subdivision (i) of subparagraph (1) of this paragraph.

(c) *Application form; supporting information.* An application for permission to establish a branch office shall be in form prescribed by the Board. Such application and prescribed "Outline of Information To Be Submitted in Support of an Application for Permission to Establish a Branch Office" may be obtained from the Supervisory Agent. Information shall be furnished in support of the application in accordance with such Outline designed to show: (1) There will be at the time the branch is opened a necessity for the proposed branch office in the community to be served by it; (2) there is a reasonable probability of usefulness and success of the proposed branch office; and (3) the proposed branch office can be established without undue injury to properly conducted existing local thrift and home-financing institutions. An application shall be deemed to be complete when the foregoing requirements of this paragraph (c) have been met.

* * * * *

3. Amend said Part 545 by revising paragraphs (b) and (d) of § 545.14–4 thereof, to read as follows:

§ 545.14–4 **Mobile facility.**

* * * * *

(b) *Eligibility.* No application for permission to establish a mobile facility by a Federal association shall be considered or processed, except to determine the association's eligibility under the provisions of this paragraph (b), if, at the

date on which such application is filed with the Board:

(1) The association has not been in operation for a period of at least 3 years;

(2) Less than 12 months have expired from the date of publication of the notice of application for the association's most recently approved mobile facility, if not yet opened;

(3) The association does not submit in support of its application evidence giving reasonable assurance that the proposed mobile facility, if approved, will be opened within 15 months after the date on which the application is filed;

(4) The association has on file any other application for permission to establish a mobile facility with respect to which action by the Board is pending; or

(5) A period of at least 9 months has not elapsed since disapproval by the Board of an application by the association for permission to establish a mobile facility to serve any substantial part of the same savings service area as determined by the Supervisory Agent.

* * * * *

(d) *Application form; supporting information.* An application for permission to establish and operate a mobile facility shall be in form prescribed by the Board and shall be supported in accordance with the prescribed "Outline of Information To Be Submitted in Support of an Application for Permission to Establish and Operate a Mobile Facility." Such application shall show that there is a need for such facility at each proposed location and that it is not feasible to establish a full-time office at any such location. An application shall be deemed to be complete when the foregoing requirements of this paragraph (d) have been met.

* * * * *

PART 556—STATEMENTS OF POLICY

4. Amend said Part 556 by revising subdivision (ii) of paragraph (a)(7) and subdivisions (i) and (iii) of paragraph (b)(4) of § 556.5 thereof, to read as follows:

§ 556.5 Establishment of Federal savings and loan associations and branch office and mobile facilities of such associations.

(a) *Internal processing procedure.* The Board deems it advisable that applicants for permission to organize Federal savings and loan associations and Federal associations who are applicants for permission to establish branch offices and mobile facilities, and persons who are interested in such applications, be informed of certain general instructions by the Board governing staff handling of applications and of the timetable for handling applications which the Board has adopted as objective, as follows:

* * * * *

(7) *Branch and mobile facility applications — supervisory considerations.* * * *

(ii) *Preliminary determination of supervisory objection—(a) Procedure.* The Director of the Office of Examinations and Supervision is authorized, with respect to any application for a branch office or mobile facility, to make a preliminary determination that there is no basis for supervisory objection, and the Supervisory Agent is authorized, within limits fixed by such Director, to make such determination. If the Director of the Office of Examinations and Supervision is of the opinion that there is any supervisory matter which might afford a basis for preliminary supervisory objection, he should submit the matter to the Board for its decision, together with a report and recommendation. The Director of the Office of Examinations and Supervision shall issue instructions to assure that there is no delay for supervisory reasons in the processing of an application of an association whose policies, condition, or operation, as determined by the Supervisory Agent within limits fixed by the Director, do not afford a basis for preliminary supervisory objection, and, in other cases, to assure that the preliminary determination, or submission to the Board for decision, is made within 30 days from the date of filing of the application.

(b) *Adequacy of net worth.* If the net worth of an applicant association is in an amount less than 3 percent of its savings accounts, this factor shall afford a basis for preliminary supervisory objection unless the Supervisory Agent finds in writing that the applicant association meets all of the following criteria:

(1) Adequacy of net worth to support the particular branch office or mobile facility applied for;

(2) Sound management;

(3) Sound lending practices;

(4) Assets of above-average quality; and

(5) Satisfactory operating results.

* * * * *

(b) *Policy on approval of branch office and mobile facilities.* * * *

(4)(i) As a general policy under § 545.14(b) of this chapter, the Board will not consider or process any application by a Federal association for permission to establish a branch office unless the applicant association meets all of the eligibility requirements contained in subparagraph (1) of § 545.14(b) of this chapter. However, under subparagraph (2) of paragraph (b) of § 545.14 of this chapter, the Board may, in its discretion, permit the consideration and processing of particular branch applications even if the applicant association fails to meet the eligibility requirement contained in subdivision (i) of subparagraph (1) of § 545.14(b) of this chapter.

* * * * *

(iii) In addition to permitting special treatment under subparagraph (2) of paragraph (b) of § 545.14 of this chapter for applications for branches to serve certain low-income, inner-city areas, the Board may permit the consideration and processing of branch office applications for all Federal associations servicing particular geographical areas, e.g., State, county, or city, upon recommendation by the Supervisory Agent that the eligibility requirement of subdivision (1) of subparagraph (1) of § 545.14(b) of this chapter could cause a competitive hardship to such associations. Following approval by the Board of such a recommendation by a Supervisory Agent, branch office applications from such Federal associations may be considered and processed with such frequency as the Board may determine to be appropriate for the particular geographical area.

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943–48 Comp., p. 1071)

Resolved further, that interested persons are invited to submit written data, views, and arguments to the Office of the Secretary, Federal Home Loan Bank Board, 101 Indiana Avenue NW., Washington, DC 20552, by May 26, 1972, as to whether this proposal should be adopted, rejected, or modified. Written material submitted will be available for public inspection at the above address unless confidential treatment is requested or the material would not be made available to the public or otherwise disclosed under § 505.6 of the general regulations of the Federal Home Loan Bank Board (12 CFR 505.6).

By the Federal Home Loan Bank Board.

[SEAL] EUGENE M. HERRIN,
Assistant Secretary.

[FR Doc.72-6278 Filed 4-24-72;8:48 am]

[12 CFR Parts 582, 582b]

[No. 72-424]

DISTRICT OF COLUMBIA SAVINGS AND LOAN ASSOCIATIONS AND BRANCH OFFICES

Proposed Eligibility Requirements for Branch Offices

APRIL 4, 1972.

Resolved that the Federal Home Loan Bank Board considers it advisable to amend Parts 582 and 582b of the regulations for District of Columbia Savings and Loan Associations and Branch Offices (12 CFR Parts 582, 582b) for the following purposes:

1. To revise the branch office eligibility requirements by (i) permitting applications in cases where the proposed branch office is to be redesignated as the association's home office and it will take more than 12 months from date of approval to open such branch; and (ii) removing the requirements relating to minimum percentage of reserves and surplus and pledge of savings accounts.

2. To revise the statement of policy relating to applications for branch offices to state the Board's policy regarding adequacy of net worth as a factor in the preliminary determination of supervisory objection.

Accordingly, the Federal Home Loan Bank Board proposes to amend said Parts 582 and 582b as follows:

PART 582—OFFICES

1. Amend Part 582 by revising paragraphs (b) and (c) of § 582.1 thereof to read as follows:

§ 582.1 Branch offices.

* * * * *

(b) *Eligibility.* (1) Except as provided in subparagraph (2) of this paragraph, an association shall be eligible to have an application for permission to establish a branch office considered and processed only if, at the date on which such application is filed with the Board:

(i) The association does not have on file with the Board any other such application, excluding any application as to which more than 4 months have elapsed since the date of publication of notice thereof;

(ii) More than 12 months have elapsed since the date of disapproval by the Board of an application to serve any substantial part of the same savings service area, as determined by the Supervisory Agent, but this requirement shall be applicable only if the association has filed two applications to serve any substantial part of such savings service area within the 12 months preceding such date of disapproval and both such applications have been disapproved by the Board;

(iii) The association submits in support of its application evidence giving reasonable assurance, in the judgment of the Supervisory Agent, that the proposed branch office, if approved, will be opened within the following applicable time period after the date of approval by the Board:

(*a*) 12 months, except as otherwise provided in (*b*) and (*c*) of this subdivision;

(*b*) 24 months, if the proposed branch office is to be redesignated as the association's home office; or

(*c*) 36 months, if the proposed branch office is to be located in a shopping center having not less than 400,000 square feet of shopping space.

(2) The Board may, with respect to particular applications or classes of applications, determine to consider and process such applications without regard to the eligibility requirement contained in subdivision (i) of subparagraph (1) of this paragraph.

(c) *Application form; supporting information.* An application for permission to establish a branch office shall be in form prescribed by the Board. Such application and prescribed "Outline of Information To Be Submitted in Support of an Application for Permission to Establish a Branch Office" may be obtained from the Supervisory Agent. Information shall be furnished in support of the application in accordance with such Outline designed to show: (1) There will be at the time the branch is opened a necessity for the proposed branch office in the community to be served by it; (2) there is a reasonable probability of usefulness and success of the proposed branch office; and (3) the proposed branch office can be established without undue injury to properly conducted existing local thrift and home-financing institutions. An application shall be deemed to be complete when the foregoing requirements of this paragraph (c) have been met.

* * * * *

PART 582b—STATEMENTS OF POLICY

2. Amend Part 582b by revising §§ 582b.2 and subparagraph (2) of paragraph (g) of § 582b.3 to read as follows:

§ 582b.2 Policy with respect to inner-city branch offices.

(a) As a general policy under § 582.1 (b) of this chapter, the Board will not consider or process any application by an association for permission to establish a branch office unless the applicant association meets all of the eligibility requirements contained in subparagraph (1) of § 582.1(b) of this chapter. However, under subparagraph (2) of paragraph (b) of § 582.1 of this chapter, the Board may, in its discretion, permit the consideration and processing of particular branch applications even if the applicant association fails to meet the eligibility requirement contained in subdivision (i) of subparagraph (1) of § 582.1(b) of this chapter. It is the intention of the Board to permit this special treatment in connection with applications for branches to serve low-income, inner-city areas which are inadequately served by existing savings and loan facilities.

(b) Applicant associations wishing such special treatment with respect to a particular application must furnish the Supervisory Agent with detailed information demonstrating that the application (or a prior branch application, if less than 4 months have expired from the date of publication of notice thereof) is for a branch office (1) to be located within an area characterized by substandard family incomes, chronically high unemployment, a high percentage of welfare recipients, and substandard housing, and (2) to fulfill the objectives of facilitating the granting of loans in such area, particularly for construction or rehabilitation of housing, stimulating thrift and providing financial guidance among low-income residents of such area, and providing opportunities for employment or job training for residents of such area. If the Supervisory Agent is satisfied that the above criteria for special treatment of the application have been met, he may determine that the association is eligible under § 582.1(g) of this chapter, and the application may be processed as provided therein.

§ 582b.3 Internal processing procedure for applications for branch offices.

The Board deems it advisable that applicants for permission to establish branch offices, and persons who are interested in such applications, be informed of certain general instructions by the Board governing staff handling of applications and of the timetable for handling applications which the Board has adopted as an objective, as follows:

* * * * *

(g) *Supervisory considerations.* * * *

(2) *Preliminary determination of supervisory objection*—(i) *Procedure.* The Director of the Office of Examinations and Supervision is authorized, with respect to any application for a branch office, to make a preliminary determination that there is no basis for supervisory objection, and the Supervisory Agent is authorized, within limits fixed by such Director, to make such determination. If the Director of the Office of Examinations and Supervision is of the opinion that there is any supervisory matter which might afford a basis for preliminary supervisory objection, he should submit the matter to the Board for its decision, together with a report and recommendation. The Director of the Office of Examinations and Supervision shall issue instructions to assure that there is no delay for supervisory reasons in the processing of an application of an association whose policies, condition, or operation, as determined by the Supervisory Agent within limits fixed by the Director, do not afford a basis for preliminary supervisory objection, and, in other cases, to assure that the preliminary determination, or submission to the Board for decision, is made within 30 days from the date of filing of the application.

(ii) *Adequacy of net worth.* If the net worth of an applicant association (as defined in § 561.13 of this chapter) is in an amount less than 3 percent of its savings accounts, this factor shall afford a basis for preliminary supervisory objection unless the Supervisory Agent finds in writing that the applicant association meets all of the following criteria:

(*a*) Adequacy of net worth to support the particular branch office applied for;

(*b*) Sound management;

(*c*) Sound lending practices;

(*d*) Assets of above-average quality; and

(*e*) Satisfactory operating results.

* * * * *

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943–48 Comp., p. 1071)

Resolved further that interested persons are invited to submit written data, views, and arguments to the Office of the Secretary, Federal Home Loan Bank Board, 101 Indiana Avenue NW., Washington, DC 20552, by May 26, 1972, as to whether this proposal should be adopted, rejected, or modified. Written material submitted will be available for public inspection at the above address unless confidential treatment is requested or the material would not be made available to the public or otherwise disclosed under § 505.6 of the general regulations of the Federal Home Loan Bank Board (12 CFR 505.6).

By the Federal Home Loan Bank Board.

[SEAL] EUGENE M. HERRIN,
Assistant Secretary.

[FR Doc.72-6279 Filed 4-24-72;8:48 am]

FEDERAL MARITIME COMMISSION

[Docket No. 72-4]

[46 CFR Part 510]

INDEPENDENT OCEAN FREIGHT FORWARDERS

Proposed Licensing Requirements; Enlargement of Time To File Answer

APRIL 18, 1972.

Upon request of interested persons, and good cause appearing, time within which answers to Hearing Counsel's reply may be filed in this proceeding (37 F.R. 4219, Feb. 29, 1972) is enlarged to and including April 21, 1972.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.72-6296 Filed 4-24-72;8:49 am]

GENERAL SERVICES ADMINISTRATION

[41 CFR Part 101-18]

UNIFORM ACQUISITION AND RELOCATION ASSISTANCE PRACTICES

Proposed Amendment to Federal Property Management Regulations

Correction

In F.R. Doc. 72-6159 appearing at page 7905 in the issue for Friday, April 21, 1972, in the second paragraph, line 5, following "General Services Administration" insert "(P)".

Notices

DEPARTMENT OF STATE

[Public Notice 356]

EXCHANGE-VISITOR SKILLS LIST

Pursuant to the provisions of section 212(e) of the Immigration and Nationality Act, as amended (84 Stat. 116; 8 U.S.C. 1182(e)), and 22 CFR 41.65(b), the Secretary of State hereby designates the following list of fields of specialized knowledge or skill and those countries which clearly require the services of persons engaged in one or more of such fields. Any alien who is a national or resident of one of those countries and obtains an exchange-visitor visa and/or becomes a participant in an Exchange-Visitor Program involving a designated field of specialized knowledge or skill after the effective date of this public notice or after the effective date of any subsequent designations, shall be subject to the 2-year foreign residence (home-country physical presence) requirement of section 212(e) of said Immigration and Nationality Act as provided by said section and 22 CFR 41.65(b).

This list, which shall be referred to as the "Exchange-Visitor Skills List," will be reviewed on a continuing basis and will be amended on or about January 1 of each year, if necessary. Suggested amendments should be sent to the Director, Facilitative Services Staff, Bureau of Educational and Cultural Affairs, Department of State, Washington, D.C. 20520. The list follows:

EXCHANGE-VISITOR SKILLS LIST

PART I—GENERAL LIST OF DESIGNATED FIELDS OF SPECIALIZED KNOWLEDGE OR SKILL

Group (1) Fields in the Administration of Public or Public-Orientated Affairs

1A. Public Administration (including but not limited to: City Planning and Rural Development).
1B. Public Social Administration (including, but not limited to: Welfare, Dietetics, Nutrition, Family Planning, and Public Health).
1C. Primary School Administration.
1D. Secondary School Administration.
1E. Technical or Vocational School Administration.
1F Hospital Administration.
1G. Labor Union Administration.

Group (2) Fields in the Social Arts and Professions

2A. General Practice of Medicine.
2B. Recognized Medical Specializations (including, but not limited to: Anesthesiology, Dermatology, Internal Medicine, Neurological Surgery, Obstetrics and Gynecology, Ophthalmology, Orthopedic Surgery, Otolaryngology, Pathology, Pediatrics, Physical Medicine and Rehabilitation, Plastic Surgery, Preventive Medicine, Proctology, Psychiatry and Neurology, Radiology, Surgery, Thoracic Surgery, and Urology).
2C. Nursing (including, but not limited to: Registered nurses, practical nurses, physician's receptionists, and medical records clerks).
2D. Medical Technology.
2E. Dentistry.
2F. Dental Technology.
2G. Optometry.
2H. Chiropractic and Osteopathy.
2I. All Therapies, Prosthetics, and Healing (except Medicine, Nursing, Dentistry, Chiropractic, Osteopathy, and Optometry).
2J. Sociology (except Economics, and, including Criminology).
2K. Psychology.
2L. Law (including Judicature).
2M. Religion (including, but not limited to, Ministry).
2N. Primary School Teaching (including, but not limited to: Kindergartens, Nursery Schools).
2O. Secondary School Teaching (including, but not limited to: Remedial Teaching, and, Teaching of English as a Foreign Language).
2P. Vocational and Technical School Teaching.
2Q. College and University Teaching in Natural Sciences, Mathematics, Engineering, and Technology (except Agriculture).
2R. Agricultural School Teaching.
2S. College and University Teaching of Education.
2T. College and University Teaching of Social Sciences, Liberal Arts and Literature.
2U. Teaching in Medical Schools (including, but not limited to, lecturers).
2V. Teaching in Law Schools (including, but not limited to, lecturers).

Group (3) Fields in Communication, Transport, and Construction Professions and Skills

3A. Journalism (including, but not limited to editors and reporters; and, including text-book writers).
3B. Electrical Communication Technology.
3C. Radio Operation.
3D. Airplane Piloting.
3E. Architecture (including Marine Architecture).
3F. Construction (including, but not limited to, builders, but not including skilled and unskilled laborers).
3G. Drafting.
3H. Skilled Operation of Construction Machines.

Group (4) Fields in Scientific Professions and Skills

4A. Chemistry (including chemical engineers and all branches and specialities in Chemistry, but excepting Pharmacy).
4B. Life Sciences (including, but not limited to, Pharmacy and Biology).
4C. Physics (including physical chemists, metallurgists, and all branches and specialities in Physics).
4D. Mathematics.
4E. Laboratory Technology (including, but not limited to, physical and chemistry laboratory technicians).
4F. Metal Fabrication (including, but not limited to skilled metal craftsmen).
4G. Mining and Lumbering Engineering and Technology.
4H. Marine and Aeronautical Engineering and Technology (including, but not limited to, marine and flight engineers).
4I. Civil Engineering (including Airport Engineering).
4J. Mechanical Engineering (including, but not limited to: systems, safety, and production engineers, and, including Automatic Data Processing).
4K. Electrical Engineering.
4L. Electronic Engineering (including Radio Engineering).
4M. Repair and Maintenance Technology.
4N. Agriculture and Agronomy (including veterinarians and plant pathologists).
4O. Forestry.
4P. Fisheries (or other marine products).
4Q. Geology (including all branches and specialities, e.g., Oceanology and all branches of Applied Geology, and, including geophysicists and geochemists).
4R. Hydrology (including, but not limited to, Water Pollution).
4S. Desalinization.
4T. Surveying (including Oceanography).

Group (5) Fields in Business

5A. Industrial and Business Administration and Management (including, but not limited to, programers).
5B. Economics.
5C. Statistics.
5D. Insurance (including actuaries).
5E. Administration of Financial Institutions (including, but not limited to Savings and Loan Organizations and Credit Unions).
5F. Banking.

Group (6) Field of Library Science

6A. Library Science (including, but not limited to, Electric Data Storage and Retrieval).

PART II—SPECIFIC LIST OF FIELDS OF SPECIALIZED KNOWLEDGE OR SKILL CLEARLY REQUIRED BY EACH COUNTRY

Afghanistan

Group (1)

1A. Public Administration.
1B. Public Social Administration.
1C. Primary School Administration.
1D. Secondary School Administration.
1E. Technical or Vocational School Administration.
1F. Hospital Administration.

Group (2)

2A. General Practice of Medicine.
2B. Recognized Medical Specializations.
2C. Nursing.
2D. Medical Technology.
2E. Dentistry.
2F. Dental Technology.
2G. Optometry.
2I. All Therapies, Prosthetics, and Healing.
2J. Sociology.
2K. Psychology.
2L. Law.
2N. Primary School Teaching.
2O. Secondary School Teaching.
2P. Vocational and Technical School Teaching.
2Q. College and University Teaching in Natural Sciences, Mathematics, Engineering and Technology.
2R. Agricultural School Teaching.
2S. College and University Teaching of Education.
2T. College and University Teaching of Social Sciences, Liberal Arts and Literature.
2U. Teaching in Medical Schools.
2V. Teaching in Law Schools.

Group (3)

3B. Electrical Communication Technology.
3C. Radio Operation.
3E. Architecture.
3G. Drafting.
3H. Skilled Operation of Construction Machines.

Group (4)

4A. Chemistry.
4B. Life Sciences.
4C. Physics.
4D. Mathematics.
4E. Laboratory Technology.
4F. Metal Fabrication.
4G. Mining and Lumbering Engineering and Technology.
4I. Civil Engineering.
4J. Mechanical Engineering.
4K. Electrical Engineering.
4L. Electronic Engineering.
4M. Repair and Maintenance Technology.
4N. Agriculture and Agronomy.
4O. Forestry.
4Q. Geology.
4R. Hydrology.
4S. Desalinization.

Group (5)

5A. Industrial and Business Administration and Management.
5B. Economics.
5C. Statistics.
5E. Administration of Financial Institutions.
5F. Banking.

Group (6)

6A. Library Science.

Algeria

Group (1)

All fields listed in Part I.

Group (2)

2A. General Practice of Medicine.
2B. Recognized Medical Specializations.
2C. Nursing.
2D. Medical Technology.
2E. Dentistry.
2F. Dental Technology.
2G. Optometry.
2H. Chiropractic and Osteopathy.
2I. All Therapies, Prosthetics, and Healing.
2J. Sociology.
2K. Psychology.
2N. Primary School Teaching.
2O. Secondary School Teaching.
2P. Vocational and Technical School Teaching.
2Q. College and University Teaching in Natural Sciences, Mathematics, Engineering, and Technology.
2R. Agricultural School Teaching.
2S. College and University Teaching of Education.
2T. College and University Teaching of Social Sciences, Liberal Arts and Literature.
2U. Teaching in Medical Schools.
2V. Teaching in Law Schools.

Group (3)

All fields listed in Part I.

Group (4)

All fields listed in Part I.

Group (5)

All fields listed in Part I.

Argentina

Group (1)

1A. Public Administration.
1B. Public Social Administration.
1C. Primary School Administration.
1D. Secondary School Administration.
1E. Technical or Vocational School Administration.
1F. Hospital Administration.

Group (2)

2Q. College and University Teaching in Natural Sciences, Mathematics, Engineering and Technology.
2R. Agricultural School Teaching.

Group (4)

4A. Chemistry.
4B. Life Sciences.
4C. Physics.
4D. Mathematics.
4E. Laboratory Technology.
4F. Metal Fabrication.
4H. Marine and Aeronautical Engineering and Technology.
4L. Electronic Engineering.
4N. Agriculture and Agronomy.
4P. Fisheries.
4Q. Geology.
4R. Hydrology.
4S. Desalinization.

Group (5)

5C. Statistics.

Bahrain

Group (1)

1A. Public Administration.
1B. Public Social Administration.
1D. Secondary School Administration.
1E. Technical or Vocational School Administration.
1F. Hospital Administration.

Group (2)

2A. General Practice of Medicine.
2B. Recognized Medical Specializations.
2C. Nursing.
2D. Medical Technology.
2E. Dentistry.
2F. Dental Technology.
2G. Optometry.
2H. Chiropractic and Osteopathy.
2I. All Therapies, Prosthetics, and Healing.
2L. Law.
2N. Primary School Teaching.
2O. Secondary School Teaching.
2P. Vocational and Technical School Teaching.
2Q. College and University Teaching in Natural Sciences, Mathematics, Engineering, and Technology.
2R. Agricultural School Teaching.

Group (3)

3B. Electrical Communication Technology.
3C. Radio Operation.
3D. Airplane Piloting.
3E. Architecture.
3F. Construction.
3G. Drafting.
3H. Skilled Operation of Construction Machines.

Group (4)

4A. Chemisrty.
4B. Life Sciences.
4C. Physics.
4D. Mathematics.
4E. Laboratory Technology.
4F. Metal Fabrication.
4H. Marine and Aeronautical Engineering and Technology.
4I. Civil Engineering.
4J. Mechanical Engineering.
4K. Electrical Engineering.
4L. Electronic Engineering.
4M. Repair and Maintenance Technology.
4N. Agriculture and Agronomy.
4P. Fisheries.
4Q. Geology.
4R. Hydrology.
4S. Desalinization.
4T. Surveying.

Group (5)

5A. Industrial and Business Administration and Management.
5B. Economics.
5C. Statistics.
5F. Banking.

Group (6)

6A. Library Science.

Bangladesh

Group (1)

All fields listed in Part I.

Group (2)

2A. General Practice of Medicine.
2B. Recognized Medical Specializations.
2C. Nursing.
2D. Medical Technology.
2E. Dentistry.
2F. Dental Technology.
2G. Optometry.
2N. Primary School Teaching.
2O. Secondary School Teaching.
2P. Vocational and Technical School Teaching.
2Q. College and University Teaching in Natural Sciences, Mathematics, Engineering, and Technology.
2R. Agricultural School Teaching.
2S. College and University Teaching of Education.
2T. College and University Teaching of Social Sciences, Liberal Arts and Literature.
2U. Teaching in Medical Schools.

Group (3)

3B. Electrical Communication Technology.
3F. Construction.
3G. Drafting.
3H. Skilled Operation of Construction Machines.

Group (4)

All fields listed in Part I.

Group (5)

5B. Economics.
5C. Statistics.
5E. Administration of Financial Institutions.
5F. Banking.

Bolivia

Group (1)

1A. Public Administration.
1B. Public Social Administration.
1C. Primary School Administration.
1D. Secondary School Administration.
1E. Technical or Vocational School Administration.
1F. Hospital Administration.

Group (2)

2A. General Practice of Medicine.
2B. Recognized Medical Specializations.
2C. Nursing.
2D. Medical Technology.
2E. Dentistry.
2F. Dental Technology.
2G. Optometry.
2H. Chiropractic and Osteopathy.
2I. All Therapies, Prosthetics, and Healing.
2J. Sociology.
2K. Psychology.
2L. Law.
2N. Primary School Teaching.
2O. Secondary School Teaching.
2P. Vocational and Technical School Teaching.
2Q. College and University Teaching in Natural Sciences, Mathematics, Engineering, and Technology.
2R. Agricultural School Teaching.
2S. College and University Teaching of Education.
2T. College and University Teaching of Social Sciences, Liberal Arts and Literature.
2U. Teaching in Medical Schools.
2V. Teaching in Law Schools.

Group (3)

All fields listed in Part I.

Group (4)

4A. Chemistry.
4B. Life Sciences.
4C. Physics.
4D. Mathematics.
4E. Laboratory Technology.
4F. Metal Fabrication.
4G. Mining and Lumbering Engineering and Technology.
4I. Civil Engineering.
4J. Mechanical Engineering.
4K. Electrical Engineering.
4L. Electronic Engineering.
4M. Repair and Maintenance Technology.
4N. Agriculture and Agronomy.
4O. Forestry.
4P. Fisheries.
4Q. Geology.
4R. Hydrology.
4T. Surveying.

Group (5)

All fields listed in Part I.

Group (6)

6A. Library Science.

Botswana

Group (1)

All fields listed in Part I.

Group (2)

2A. General Practice of Medicine.
2B. Recognized Medical Specializations.
2C. Nursing.
2D. Medical Technology.
2E. Dentistry.
2F. Dental Technology.
2G. Optometry.
2H. Chiropractic and Osteopathy.
2I. All Therapies, Prosthetics, and Healing.
2J. Sociology.
2K. Psychology.
2L. Law.
2N. Primary School Teaching.
2O. Secondary School Teaching.
2P. Vocational and Technical School Teaching.
2Q. College and University Teaching in Natural Sciences, Mathematics, Engineering and Technology.
2R. Agricultural School Teaching.
2S. College and University Teaching of Education.
2T. College and University Teaching of Social Sciences, Liberal Arts and Literature.
2U. Teaching in Medical Schools.
2V. Teaching in Law Schools.

Group (3)

3A. Journalism.
3B. Electrical Communication Technology.
3C. Radio Operation.
3E. Architecture.
3F. Construction.
3G. Drafting.
3H. Skilled Operation of Construction Machines.

Group (4)

4A. Chemistry.
4B. Life Sciences.
4C. Physics.
4D. Mathematics.
4E. Laboratory Technology.
4F. Metal Fabrication.
4G. Mining and Lumbering Engineering and Technology.
4I. Civil Engineering.
4J. Mechanical Engineering.
4K. Electrical Engineering.
4L. Electronic Engineering.
4M. Repair and Maintenance Technology.
4N. Agriculture and Agronomy.
4O. Forestry.
4P. Fisheries.
4Q. Geology.
4R. Hydrology.
4T. Surveying.

Group (5)

5A. Industrial and Business Administration and Management.
5B. Economics.
5C. Statistics.
5E. Administration of Financial Institutions.
5F. Banking.

Group (6)

6A. Library Science.

Brazil

Group (1)

All fields listed in Part I.

Group (2)

2A. General Practice of Medicine.
2B. Recognized Medical Specializations.
2C. Nursing.
2D. Medical Technology.
2E. Dentistry.
2F. Dental Technology.
2G. Optometry.
2H. Chiropractic and Osteopathy.
2I. All Therapies, Prosthetics and Healing.
2J. Sociology.
2K. Psychology.
2M. Religion.
2N Primary School Teaching.
2O. Secondary School Teaching.
2P. Vocational and Technical School Teaching.
2Q. College and University Teaching in Natural Sciences, Mathematics, Engineering and Technology.
2R. Agricultural School Teaching.
2S. College and University Teaching of Education.
2U. Teaching in Medical Schools.

Group (3)

All fields listed in Part I.

Group (4)

All fields listed in Part I.

Group (5)

5A. Industrial and Business Administration and Management.
5B. Economics.
5C. Statistics.
5D. Insurance.

Group (6)

6A. Library Science.

Bulgaria

Group (1)

1A. Public Administration.
1B. Public Social Administration.
1C. Primary School Administration.
1D. Secondary School Administration.
1E. Technical or Vocational School Administration.
1F. Hospital Administration.

Group (2)

All fields listed in Part I.

Group (3)

All fields listed in Part I.

Group (4)

All fields listed in Part I.

Group (5)

All fields listed in Part I.

Group (6)

6A. Library Science.

Burundi

Group (1)

All fields listed in Part I.

Group (2)

2A. General Practice of Medicine.
2B. Recognized Medical Specializations.
2C. Nursing.
2D. Medical Technology.
2E. Dentistry.
2F. Dental Technology.
2G. Optometry.
2H. Chiropractic and Osteopathy.
2I. All Therapies, Prosthetics, and Healing.
2J. Sociology.
2K. Psychology.
2L. Law.
2N Primary School Teaching.
2O. Secondary School Teaching.
2P. Vocational and Technical School Teaching.
2Q. College and University Teaching in Natural Sciences, Mathematics, Engineering and Technology.
2R. Agricultural School Teaching.
2S. College and University Teaching of Education.
2T. College and University Teaching of Social Sciences, Liberal Arts and Literature.
2U. Teaching in Medical Schools.
2V. Teaching in Law Schools.

Group (3)

3A. Journalism.
3B. Electrical Communication Technology.
3C. Radio Operation.
3E. Architecture.
3F. Construction.
3G Drafting.
3H. Skilled Operation of Construction Machines.

Group (4)

4A. Chemistry.
4B. Life Sciences.
4D. Mathematics.
4E. Laboratory Technology.
4F. Metal Fabrication.
4G. Mining and Lumbering Engineering and Technology.
4H. Marine and Aeronautical Engineering and Technology.
4I. Civil Engineering.
4J. Mechanical Engineering.
4K. Electrical Engineering.
4M. Repair and Maintenance Technology.
4N. Agriculture and Agronomy.
4O. Forestry.
4Q. Geology.
4R. Hydrology.
4T. Surveying.

Group (5)

5A. Industrial and Business Administration and Management.
5B. Economics.
5C. Statistics.
5E. Administration of Financial Institutions.
5F. Banking.

Group (6)

6A. Library Science.

Cameroon

Group (1)

1A. Public Administration.
1B. Public Social Administration.
1C. Primary School Administration.
1D. Secondary School Administration.
1E. Technical or Vocational School Administration.
1F. Hospital Administration.

Group (2)

2A. General Practice of Medicine.
2B. Recognized Medical Specializations.
2C. Nursing.
2D. Medical Technology.
2E. Dentistry.
2F. Dental Technology.
2G. Optometry.
2I. All Therapies, Prosthetics, and Healing.
2J. Sociology.
2N. Primary School Teaching.
2O. Secondary School Teaching.
2P. Vocational and Technical School Teaching.
2Q. College and University Teaching in Natural Sciences, Mathematics, Engineering, and Technology.
2R. Agricultural School Teaching.

2S. College and University Teaching of Education.
2T. College and University Teaching of Social Sciences, Liberal Arts and Literature.
2U. Teaching in Medical Schools.
2V. Teaching in Law Schools.

Group (3)

3A. Journalism.
3B. Electrical Communication Technology.
3C. Radio Operation.
3E. Architecture.
3F. Construction.
3G. Drafting.
3H. Skilled Operation of Construction Machines.

Group (4)

4A. Chemistry.
4B. Life Sciences.
4C. Physics.
4D. Mathematics.
4E. Laboratory Technology.
4F. Metal Fabrication.
4G. Mining and Lumbering Engineering and Technology.
4H. Marine and Aeronautical Engineering and Technology.
4I. Civil Engineering.
4J. Mechanical Engineering.
4K. Electrical Engineering.
4L. Electronic Engineering.
4M. Repair and Maintenance Technology.
4N. Agriculture and Agronomy.
4O. Forestry.
4P. Fisheries.
4Q. Geology.
4R. Hydrology.
4T. Surveying.

Group (5)

5A. Industrial and Business Administration and Management.
5B. Economics.
5C. Statistics.
5E. Administration of Financial Institutions.
5F. Banking.

Group (6)

6A. Library Science.

Central African Republic

Group (1)

1A. Public Administration.
1B. Public Social Administration.
1C. Primary School Administration.
1D. Secondary School Administration.
1E. Technical or Vocational School Administration.
1F. Hospital Administration.

Group (2)

2A. General Practice of Medicine.
2B. Recognized Medical Specializations.
2C. Nursing.
2D. Medical Technology.
2E. Dentistry.
2F. Dental Technology.
2G. Optometry.
2H. Chiropractic and Osteopathy.
2I. All Therapies, Prosthetics, and Healing.
2J. Sociology.
2K. Psychology.
2N. Primary School Teaching.
2O. Secondary School Teaching.
2P. Vocational and Technical School Teaching.
2Q. College and University Teaching in Natural Sciences, Mathematics, Engineering, and Technology.
2R. Agricultural School Teaching.
2S. College and University Teaching of Education.
2T. College and University Teaching of Social Sciences, Liberal Arts and Literature.
2U. Teaching in Medical Schools.
2V. Teaching in Law Schools.

Group (3)

3A. Journalism.
3B. Electrical Communication Technology.
3C. Radio Operation.
3E. Architecture.
3F. Construction.
3G. Drafting.
3H. Skilled Operation of Construction Machines.

Group (4)

4A. Chemistry.
4B. Life Sciences.
4D. Mathematics.
4E. Laboratory Technology.
4F. Metal Fabrication.
4G. Mining and Lumbering Engineering and Technology.
4H. Marine and Aeronautical Engineering and Technology.
4I. Civil Engineering.
4J. Mechanical Engineering.
4K. Electrical Engineering.
4L. Electronic Engineering.
4M. Repair and Maintenance Technology.
4N. Agriculture and Agronomy.
4O. Forestry.
4Q. Geology.
4R. Hydrology.
4T. Surveying.

Group (5)

5A. Industrial and Business Administration and Management.
5B. Economics.
5C. Statistics.
5E. Administration of Financial Institutions.
5F. Banking.

Group (6)

6A. Library Science.

Ceylon

Group (4)

4C. Physics.
4H. Marine and Aeronautical Engineering and Technology.
4J. Mechanical Engineering.

Group (5)

5C. Statistics.

Chad

Group (1)

1A. Public Administration.
1B. Public Social Administration.
1C. Primary School Administration.
1D. Secondary School Administration.
1E. Technical or Vocational School Administration.
1F. Hospital Administration.

Group (2)

2A. General Practice of Medicine.
2B. Recognized Medical Specializations.
2C. Nursing.
2D. Medical Technology.
2E. Dentistry.
2F. Dental Technology.
2G. Optometry.
2H. Chiropractic and Osteopathy.
2I. All Therapies, Prosthetics, and Healing.
2J. Sociology.
2K. Psychology.
2N. Primary School Teaching.
2O. Secondary School Teaching.
2P. Vocational and Technical School Teaching.
2Q. College and University Teaching in Natural Sciences, Mathematics, Engineering, and Technology.
2R. Agricultural School Teaching.
2S. College and University Teaching of Education.
2T. College and University Teaching of Social Sciences, Liberal Arts and Literature.
2U. Teaching in Medical Schools.
2V. Teaching in Law Schools.

Group (3)

3A. Journalism.
3B. Electrical Communication Technology.
3C. Radio Operation.
3E. Architecture.
3F. Construction.
3G. Drafting.
3H. Skilled Operation of Construction Machines.

Group (4)

4A. Chemistry.
4B. Life Sciences.
4D. Mathematics.
4E. Laboratory Technology.
4F. Metal Fabrication.
4G. Mining and Lumbering Engineering and Technology.
4H. Marine and Aeronautical Engineering and Technology.
4I. Civil Engineering.
4J. Mechanical Engineering.
4K. Electrical Engineering.
4L. Electronic Engineering.
4M. Repair and Maintenance Technology.
4N. Agriculture and Agronomy.
4O. Forestry.
4Q. Geology.
4R. Hydrology.
4T. Surveying.

Group (5)

5A. Industrial and Business Administration and Management.
5B. Economics.
5C. Statistics.
5E. Administration of Financial Institutions.
5F. Banking.

Group (6)

6A. Library Science.

Chile

Group (1)

All fields listed in Part I.

Group (2)

2B. Recognized Medical Specializations.
2C. Nursing.
2E. Dentistry.
2I. All Therapies, Prosthetics, and Healing.
2J. Sociology.
2K. Psychology.
2N. Primary School Teaching.
2Q. College and University Teaching in Natural Sciences, Mathematics, Engineering, and Technology.
2R. Agricultural School Teaching.
2S. College and University Teaching of Education.
2T. College and University Teaching of Social Sciences, Liberal Arts and Literature.
2U. Teaching in Medical Schools.

Group (3)

3B. Electrical Communication Technology.
3C. Radio Operation.
3D. Airplane Piloting.

Group (4)

All fields listed in Part I.

Group (5)

5A. Industrial and Business Administration and Management.
5B. Economics.
5C. Statistics.
5E. Administration of Financial Institutions.

Colombia

Group (1)

1A. Public Administration.
1B. Public Social Administration.
1C. Primary School Administration.

1D. Secondary School Administration.
1E. Technical or Vocational School Administration.
1G. Labor Union Administration.

Group (2)

2B. Recognized Medical Specializations.
2C. Nursing.
2D. Medical Technology.
2E. Dentistry.
2F. Dental Technology.
2N. Primary School Teaching.
2O. Secondary School Teaching.
2P. Vocational and Technical School Teaching.
2Q. College and University Teaching in Natural Sciences, Mathematics, Engineering, and Technology.
2R. Agricultural School Teaching.

Group (4)

4F. Metal Fabrication.
4G. Mining and Lumbering Engineering and Technology.
4H. Marine and Aeronautical Engineering and Technology.
4O. Forestry.
4P. Fisheries.
4Q. Geology.

Group (5)

5A. Industrial and Business Administration and Management.
5C. Statistics.

Group (6)

6A. Library Science.

Costa Rica

Group (1)

All fields listed in Part I.

Group (2)

2A. General Practice of Medicine.
2B. Recognized Medical Specializations.
2C. Nursing.
2D. Medical Technology.
2E. Dentistry.
2F. Dental Technology.
2G. Optometry.
2H. Chiropractic and Osteopathy.
2I. All Therapies, Prosthetics, and Healing.
2K. Psychology.
2N. Primary School Teaching.
2O. Secondary School Teaching.
2P. Vocational and Technical School Teaching.
2Q. College and University Teaching in Natural Sciences, Mathematics, Engineering, and Technology.
2R. Agricultural School Teaching.
2S. College and University Teaching of Education.
2T. College and University Teaching of Social Sciences, Liberal Arts, and Literature.
2U. Teaching in Medical Schools.

Group (3)

3A. Journalism.
3B. Electrical Communication Technology.
3H. Skilled Operation of Construction Machines.

Group (4)

All fields listed in Part I.

Group (5)

All fields listed in Part I.

Group (6)

6A. Library Science.

Cyprus

Group (1)

All fields listed in Part I.

Group (2)

2A. General Practice of Medicine.
2B. Recognized Medical Specializations.
2C. Nursing.
2D. Medical Technology.
2E. Dentistry.
2F. Dental Technology.
2G. Optometry.
2H. Chiropractic and Osteopathy.
2I. All Therapies, Prosthetics, and Healing.
2J. Sociology.
2K. Psychology.
2N. Primary School Teaching.
2O. Secondary School Teaching.
2P. Vocational and Technical School Teaching.

Group (3)

3B. Electrical Communication Technology.
3C. Radio Operation.
3D. Airplane Pilotmg.
3E. Architecture.
3F. Construction.
3G. Drafting.
3H. Skilled Operation of Construction Machines.

Group (4)

All fields listed in Part I.

Group (5)

All fields listed in Part I.

Group (6)

6A. Library Science.

Czechoslovakia

Group (1)

1A. Public Administration.
1B. Public Social Administration.
1C. Primary School Administration.
1D. Secondary School Administration.
1E. Technical or Vocational School Administration.
1F. Hospital Administration.

Group (2)

2A. General Practice of Medicine.
2B. Recognized Medical Specializations.
2C. Nursing.
2D. Medical Technology.
2E. Dentistry.
2F. Dental Technology.
2G. Optometry.
2I. All Therapies, Prosthetics, and Healing.
2J. Sociology.
2K. Psychology.
2L. Law.
2M. Religion.
2N. Primary School Teaching.
2O. Secondary School Teaching.
2P. Vocational and Technical School Teaching.
2Q. College and University Teaching in Natural Sciences, Mathematics, Engineering, and Technology.
2R. Agricultural School Teaching.
2S. College and University Teaching of Education.
2T. College and University Teaching of Social Sciences, Liberal Arts, and Literature.
2U. Teaching in Medical Schools.
2V. Teaching in Law Schools.

Group (3)

All fields listed in Part I.

Group (4)

4A. Chemistry.
4B. Life Sciences.
4C. Physics.
4D. Mathematics.
4E. Labortory Technology.
4F. Metal Fabrication.
4G. Mining and Lumbering Engineering and Technology.
4H. Marine and Aeronautical Engineering and Technology.
4I. Civil Engineering.
4J. Mechanical Engineering.
4K. Electrical Engineering.
4L. Electronic Engineering.
4M. Repair and Maintenance Technology.
4N. Agriculture and Agronomy.
4O. Forestry.
4Q. Geology.
4R. Hydrology.
4S. Desalinization.
4T. Surveying.

Group (5)

All fields listed in Part I.

Group (6)

6A. Library Science.

Dahomey

Group (1)

1A. Public Administration.
1B. Public Social Administration.
1C. Primary School Administration.
1D. Secondary School Administration.
1E. Technical or Vocational School Administration.
1F. Hospital Administration.

Group (2)

2A. General Practice of Medicine.
2B. Recognized Medical Specializations.
2C. Nursing.
2D. Medical Technology.
2E. Dentistry.
2F. Dental Technology.
2G. Optometry.
2H. Chiropractic and Osteopathy.
2I. All Therapies, Prosthetics, and Healing.
2J. Sociology.
2K. Psychology.
2N. Primary School Teaching.
2O. Secondary School Teaching.
2P. Vocational and Technical School Teaching.
2Q. College and University Teaching in Natural Sciences, Mathematics, Engineering, and Technology.
2R. Agricultural School Teaching.
2S. College and University Teaching of Education.
2T. College and University Teaching of Social Sciences, Liberal Arts, and Literature.
2U. Teaching in Medical Schools.
2V. Teaching in Law Schools.

Group (3)

3A. Journalism.
3B. Electrical Communication Technology.
3C. Radio Operation.
3E. Architecture.
3F. Construction.
3G. Drafting.
3H. Skilled Operation of Construction Machines.

Group (4)

4A. Chemistry.
4B. Life Sciences.
4D. Mathematics.
4E. Laboratory Technology.
4F. Metal Fabrication.
4G. Mining and Lumbering Engineering and Technology.
4H. Marine and Aeronautical Engineering and Technology.
4I. Civil Engineering.
4J. Mechanical Engineering.
4K. Electrical Engineering.
4L. Electronic Engineering.
4M. Repair and Maintenance Technology.
4N. Agriculture and Agronomy.
4O. Forestry.
4P. Fisheries.
4Q. Geology.
4R. Hydrology.
4T. Surveying.

Group (5)

5A. Industrial and Business Administration and Management.
5B. Economics.
5C. Statistics.
5E. Administration of Financial Institutions.
5F. Banking.

Group (6)

6A. Library Science.

Dominican Republic

Group (1)

All fields listed in Part I.

Group (2)

2A. General Practice of Medicine.
2B. Recognized Medical Specializations.
2C. Nursing.
2D. Medical Technology.
2E. Dentistry.
2F. Dental Technology.
2G. Optometry.
2H. Chiropractic and Osteopathy.
2I. All Therapies, Prosthetics, and Healing.
2J. Sociology.
2K. Psychology.
2M. Religion.
2N. Primary School Teaching.
2O. Secondary School Teaching.
2P. Vocational and Technical School Teaching.
2Q. College and University Teaching in Natural Sciences, Mathematics, Engineering, and Technology.
2R. Agricultural School Teaching.
2S. College and University Teaching of Education.
2U. Teaching in Medical Schools.

Group (3)

3A. Journalism.
3B. Electrical Communication Technology.
3C. Radio Operation.
3E. Architecture.
3F. Construction.
3G. Drafting.
3H. Skilled Operation of Construction Machines.

Group (4)

4A. Chemistry.
4B. Life Sciences.
4D. Mathematics.
4E. Laboratory Technology.
4F. Metal Fabrication.
4G. Mining and Lumbering Engineering and Technology.
4H. Marine and Aeronautical Engineering and Technology.
4I. Civil Engineering.
4J. Mechanical Engineering.
4K. Electrical Engineering.
4L. Electronic Engineering.
4M. Repair and Maintenance Technology.
4N. Agriculture and Agronomy.
4O. Forestry.
4P. Fisheries.
4Q. Geology.
4R. Hydrology.
4S. Desalinization.
4T. Surveying.

Group (5)

All fields listed in Part I.

Group (6)

6A. Library Science.

Ecuador

Group (1)

1A. Public Administration.
1C. Primary School Administration.
1D. Secondary School Administration.
1E. Technical or Vocational School Administration.

Group (2)

2D. Medical Technology.
2F. Dental Technology.
2J. Sociology.
2K. Psychology.
2P. Vocational and Technical School Teaching.
2Q. College and University Teaching in Natural Sciences, Mathematics, Engineering, and Technology.
2R. Agricultural School Teaching.
2S. College and University Teaching of Education.

Group (3)

3B. Electrical Communication Technology.
3C. Radio Operation.
3F. Construction.
3G. Drafting.
3H. Skilled Operation of Construction Machines.

Group (4)

4A. Chemistry.
4D. Mathematics.
4E. Laboratory Technology.
4F. Metal Fabrication.
4G. Mining and Lumbering Engineering and Technology.
4H. Marine and Aeronautical Engineering and Technology.
4J. Mechanical Engineering.
4K. Electrical Engineering.
4L. Electronic Engineering.
4M. Repair and Maintenance Technology.
4N. Agriculture and Agronomy.
4O. Forestry.
4P. Fisheries.
4Q. Geology.
4R. Hydrology.
4S. Desalinization.

Group (5)

5A. Industrial and Business Administration and Management.
5C. Statistics.
5E. Administration of Financial Institutions.

Group (6)

6A. Library Science.

El Salvador

Group (1)

1A. Public Administration.
1B. Public Social Administration.
1C. Primary School Administration.
1D. Secondary School Administration.
1E. Technical or Vocational School Administration.
1F. Hospital Administration.

Group (2)

2A. General Practice of Medicine.
2B. Recognized Medical Specializations.
2C. Nursing.
2D. Medical Technology.
2E. Dentistry.
2F. Dental Technology.
2G. Optometry.
2I. All Therapies, Prosthetics, and Healing.
2O. Secondary School Teaching.
2P. Vocational and Technical School Teaching.
2Q. College and University Teaching in Natural Sciences, Mathematics, Engineering, and Technology.
2R. Agricultural School Teaching.
2S. College and University Teaching of Education.
2U. Teaching in Medical Schools.

Group (3)

3D. Airplane Piloting.

Group (4)

4A. Chemistry.
4F. Metal Fabrication.
4H. Marine and Aeronautical Engineering and Technology.
4M. Repair and Maintenance Technology.
4N. Agriculture and Agronomy.
4O. Forestry.
4P. Fisheries.
4Q. Geology.
4R. Hydrology.
4S. Desalinization.

Equatorial Guinea

Group (1)

1A. Public Administration.
1B. Public Social Administration.
1C. Primary School Administration.
1D. Secondary School Administration.
1E. Technical or Vocational School Administration.
1F. Hospital Administration.

Group (2)

2A. General Practice of Medicine.
2B. Recognized Medical Specializations.
2C. Nursing.
2D. Medical Technology.
2E. Dentistry.
2F. Dental Technology.
2G. Optometry.
2H. Chiropractic and Osteopathy.
2I. All Therapies, Prosthetics, and Healing.
2J. Sociology.
2K. Psychology.
2N. Primary School Teaching.
2O. Secondary School Teaching.
2P. Vocational and Technical School Teaching.
2Q. College and University Teaching in Natural Sciences, Mathematics, Engineering, and Technology.
2R. Agricultural School Teaching.
2S. College and University Teaching of Education.
2T. College and University Teaching of Social Sciences, Liberal Arts, and Literature.
2U. Teaching in Medical Schools.
2V. Teaching in Law Schools.

Group (3)

3A. Journalism.
3B. Electrical Communication Technology.
3C. Radio Operation.
3E. Architecture.
3F. Construction.
3G. Drafting.
3H. Skilled Operation of Construction Machines.

Group (4)

4A. Chemistry.
4B. Life Sciences.
4D. Mathematics.
4E. Laboratory Technology.
4F. Metal Fabrication.
4G. Mining and Lumbering Engineering and Technology.
4H. Marine and Aeronautical Engineering and Technology.
4I. Civil Engineering.
4J. Mechanical Engineering.
4K. Electrical Engineering.
4L. Electronic Engineering.
4M. Repair and Maintenance Technology.
4N. Agriculture and Agronomy.
4O. Forestry.
4P. Fisheries.
4Q. Geology.
4R. Hydrology.
4T. Surveying.

Group (5)

5A. Industrial and Business Administration and Management.
5B. Economics.
5C. Statistics.
5E. Administration of Financial Institutions.
5F. Banking.

Fiji

Group (1)

1A. Public Administration.
1B. Public Social Administration.

Group (2)

2C. Nursing.
2D. Medical Technology.
2E. Dentistry.
2F. Dental Technology.
2G. Optometry.
2H. Chiropractic and Osteopathy.

2I. All Therapies, Prosthetics, and Healing.
2J. Sociology.
2K. Psychology.
2L. Law.
2M. Religion.
2N. Primary School Teaching.
2O. Secondary School Teaching.
2P. Vocational and Technical School Teaching.
2Q. College and University Teaching in Natural Sciences, Mathematics, Engineering and Technology.
2R. Agricultural School Teaching.
2S. College and University Teaching of Education.
2T. College and University Teaching of Social Sciences, Liberal Arts and Literature.
2U. Teaching in Medical Schools.
2V. Teaching in Law Schools.

Group (3)

All fields listed in Part I.

Group (4)

All fields listed in Part I.

Group (5)

All fields listed in Part I.

Group (6)

6A. Library Science.

Gabon

Group (1)

1A. Public Administration.
1B. Public Social Administration.
1C. Primary School Administration.
1D. Secondary School Administration.
1E. Technical or Vocational School Administration.
1F. Hospital Administration.

Group (2)

2A. General Practice of Medicine.
2B. Recognized Medical Specializations.
2C. Nursing.
2D. Medical Technology.
2E. Dentistry.
2F. Dental Technology.
2G. Optometry.
2H. Chiropractic and Osteopathy.
2I. All Therapies, Prosthetics, and Healing.
2J. Sociology.
2K. Psychology.
2N. Primary School Teaching.
2O. Secondary School Teaching.
2P. Vocational and Technical School Teaching.
2Q. College and University Teaching in Natural Sciences, Mathematics, Engineering and Technology.
2R. Agricultural School Teaching.
2S. College and University Teaching of Education.
2T. College and University Teaching of Social Sciences, Liberal Arts, and Literature.
2U. Teaching in Medical Schools.
2V. Teaching in Law Schools.

Group (3)

3A. Journalism.
3B. Electrical Communication Technology.
3C. Radio Operation.
3E. Architecture.
3F. Construction.
3G. Drafting.
3H. Skilled Operation of Construction Machines.

Group (4)

4A. Chemistry.
4B. Life Sciences.
4D. Mathematics.
4E. Laboratory Technology.
4F. Metal Fabrication.
4G. Mining and Lumbering Engineering and Technology.
4H. Marine and Aeronautical Engineering and Technology.
4I. Civil Engineering.
4J. Mechanical Engineering.
4K. Electrical Engineering.
4L. Electronic Engineering.
4M. Repair and Maintenance Technology.
4N. Agriculture and Agronomy.
4O. Forestry.
4P. Fisheries.
4Q. Geology.
4R. Hydrology.
4T. Surveying.

Group (5)

5A. Industrial and Business Administration and Management.
5B. Economics.
5C. Statistics.
5E. Administration of Financial Institutions.
5F. Banking.

Gambia

Group (1)

1A. Public Administration.
1B. Public Social Administration.
1C. Primary School Administration.
1D. Secondary School Administration.
1E. Technical or Vocational School Administration.
1F. Hospital Administration.

Group (2)

2A. General Practice of Medicine.
2B. Recognized Medical Specializations.
2C. Nursing.
2D. Medical Technology.
2E. Dentistry.
2F. Dental Technology.
2G. Optometry.
2H. Chiropractic and Osteopathy.
2I. All Therapies, Prosthetics, and Healing.
2J. Sociology.
2K. Psychology.
2L. Law.
2N Primary School Teaching.
2O. Secondary School Teaching.
2P. Vocational and Technical School Teaching.
2Q. College and University Teaching in Natural Sciences, Mathematics, Engineering, and Technology.
2R. Agricultural School Teaching.
2S. College and University Teaching of Education.
2T. College and University Teaching of Social Sciences, Liberal Arts, and Literature.
2U. Teaching in Medical Schools.
2V. Teaching in Law Schools.

Group (3)

3A. Journalism.
3B. Electrical Communication Technology.
3C. Radio Operation.
3E. Architecture.
3F. Construction.
3G. Drafting.
3H. Skilled Operation of Construction Machines.

Group (4)

4A. Chemistry.
4B. Life Sciences.
4C. Physics.
4D. Mathematics.
4E. Laboratory Technology.
4F. Metal Fabrication.
4G. Mining and Lumbering Engineering and Technology.
4H. Marine and Aeronautical Engineering and Technology.
4I. Civil Engineering.
4J. Mechanical Engineering.
4K. Electrical Engineering.
4L. Electronic Engineering.
4M. Repair and Maintenance Technology.
4N. Agriculture and Agronomy.
4O. Forestry.
4P. Fisheries.
4Q. Geology.
4R. Hydrology.
4T. Surveying.

Group (5)

All fields listed in Part I.

Group (6)

6A. Library Science.

Ghana

Group (1)

1A. Public Administration.
1B. Public Social Administration.
1C. Primary School Administration.
1D. Secondary School Administration.
1E. Technical or Vocational School Administration.
1F. Hospital Administration.

Group (2)

2A. General Practice of Medicine.
2B. Recognized Medical Specializations.
2C. Nursing.
2D. Medical Technology.
2E. Dentistry.
2F. Dental Technology.
2G. Optometry.
2H. Chiropractic and Osteopathy.
2I. All Therapies, Prosthetics, and Healing.
2J. Sociology.
2K. Psychology.
2N. Primary School Teaching.
2O. Secondary School Teaching.
2P. Vocational and Technical School Teaching.
2Q. College and University Teaching in Natural Sciences, Mathematics, Engineering, and Technology.
2R. Agricultural School Teaching.
2S. College and University Teaching of Education.
2T. College and University Teaching of Social Sciences, Liberal Arts, and Literature.
2U. Teaching in Medical Schools.
2V. Teaching in Law Schools.

Group (3)

All fields listed in Part I.

Group (4)

4A. Chemistry.
4B. Life Sciences.
4C. Physics.
4D. Mathematics.
4E. Laboratory Technology.
4F. Metal Fabrication.
4G. Mining and Lumbering Engineering and Technology.
4H. Marine and Aeronautical Engineering and Technology.
4I. Civil Engineering.
4J. Mechanical Engineering.
4K. Electrical Engineering.
4L. Electronic Engineering.
4M. Repair and Maintenance Technology.
4N. Agricultural and Agronomy.
4O. Forestry.
4P. Fisheries.
4Q. Geology.
4R. Hydrology.
4T. Surveying.

Group (5)

All fields listed in Part I.

Group (6)

6A. Library Science.

Guatemala

Group (1)

1A. Public Administration.
1B. Public Social Administration.
1C. Primary School Administration.
1D. Secondary School Administration.
1E. Technical or Vocational School Administration.
1G. Labor Union Administration.

Group (2)

2A. General Practice of Medicine.
2B. Recognized Medical Specializations.
2C. Nursing.
2D. Medical Technology.
2E. Dentistry.
2F. Dental Technology.
2I. All Therapies, Prosthetics, and Healing.
2U. Teaching in Medical Schools.

Group (3)

3H. Skilled Operation of Construction Machines.

Group (4)

4B. Life Sciences.
4F. Metal Fabrication.
4G. Mining and Lumbering Engineering and Technology.
4H. Marine and Aeronautical Engineering and Technology.
4P. Fisheries.

Group (5)

5A. Industrial and Business Administration and Management.
5F. Banking.

Guinea

Group (1)

1A. Public Administration.
1B. Public Social Administration.
1C. Primary School Administration.
1D. Secondary School Administration.
1E. Technical or Vocational School Administration.
1F. Hospital Administration.

Group (2)

2A. General Practice of Medicine.
2B. Recognized Medical Specializations.
2C. Nursing.
2D. Medical Technology.
2E. Dentistry.
2F. Dental Technology.
2G. Optometry.
2H. Chiropractic and Osteopathy.
2I. All Therapies, Prosthetics, and Healing.
2J. Sociology.
2K. Psychology.
2N. Primary School Teaching.
2O. Secondary School Teaching.
2P. Vocational and Technical School Teaching.
2Q. College and University Teaching in Natural Sciences, Mathematics, Engineering, and Technology.
2R. Agricultural School Teaching.
2S. College and University Teaching of Education.
2T. College and University Teaching of Social Sciences, Liberal Arts and Literature.
2U. Teaching in Medical Schools.
2V. Teaching in Law Schools.

Group (3)

3A. Journalism.
3B. Electrical Communication Technology.
3C. Radio Operation.
3E. Architecture.
3F. Construction.
3G. Drafting.
3H. Skilled Operation of Construction Machines.

Group (4)

4A. Chemistry.
4B. Life Sciences.
4D. Mathematics.
4E. Laboratory Technology.
4F. Metal Fabrication.
4G. Mining and Lumbering Engineering and Technology.
4H. Marine and Aeronautical Engineering and Technology.
4I. Civil Engineering.
4J. Mechanical Engineering.
4K. Electrical Engineering.
4L. Electronic Engineering.
4M. Repair and Maintenance Technology.
4N. Agriculture and Agronomy.
4O. Forestry.
4P. Fisheries.
4Q. Geology.
4R. Hydrology.
4T. Surveying.

Group (5)

5A. Industrial and Business Administration and Management.
5B. Economics.
5C. Statistics.
5E. Administration of Financial Institutions.
5F. Banking.

Guyana

Group (1)

All fields listed in Part I.

Group (2)

2A. General Practice of Medicine.
2B. Recognized Medical Specializations.
2C. Nursing.
2D. Medical Technology.
2E. Dentistry.
2F. Dental Technology.
2G. Optometry.
2H. Chiropractic and Osteopathy.
2J. Sociology.
2K. Psychology.
2N. Primary School Teaching.
2O. Secondary School Teaching.
2P. Vocational and Technical School Teaching.
2Q. College and University Teaching in Natural Sciences, Mathematics, Engineering, and Technology.
2R. Agricultural School Teaching.
2S. College and University Teaching of Education.
2T. College and University Teaching of Social Sciences, Liberal Arts and Literature.

Group (3)

All fields listed in Part I.

Group (4)

4A. Chemistry.
4B. Life Sciences.
4D. Mathematics.
4E. Laboratory Technology.
4F. Metal Fabrication.
4G. Mining and Lumbering Engineering and Technology.
4H. Marine and Aeronautical Engineering and Technology.
4I. Civil Engineering.
4J. Mechanical Engineering.
4K. Electrical Engineering.
4L. Electronic Engineering.
4M. Repair and Maintenance Technology.
4N. Agriculture and Agronomy.
4O. Forestry.
4P. Fisheries.
4Q. Geology.
4R. Hydrology.
4S. Desalinization.
4T. Surveying.

Group (5)

All fields listed in Part I.

Group (6)

6A. Library Science.

Honduras

All fields listed in Part I, Groups (1), (2), (3), (4), (5), and (6).

Hungary

Group (1)

1A. Public Administration.
1B. Public Social Administration.
1F. Hospital Administration.

Group (2)

2A. General Practice of Medicine.
2B. Recognized Medical Specializations.
2C. Nursing.
2D. Medical Technology.
2E. Dentistry.
2F. Dental Technology.
2G. Optometry.
2H. Chiropractic and Osteopathy.
2I. All Therapies, Prosthetics, and Healing.
2J. Sociology.
2K. Psychology.
2O. Secondary School Teaching.
2P. Vocational and Technical School Teaching.
2Q. College and University Teaching in Natural Sciences, Mathematics, Engineering, and Technology.
2R. Agricultural School Teaching.
2S. College and University Teaching of Education.
2T. College and University Teaching of Social Sciences, Liberal Arts and Literature.
2U. Teaching in Medical Schools.
2V. Teaching in Law Schools.

Group (3)

3A. Journalism.
3B. Electrical Communication Technology.
3C. Radio Operation.
3E. Architecture.
3F. Construction.
3G. Drafting.
3H. Skilled Operation of Construction Machines.

Group (4)

All fields listed in Part I.

Group (5)

5A. Industrial and Business Administration and Management.
5B. Economics.
5C. Statistics.
5D. Insurance.

Group (6)

6A. Library Science.

India

Group (1)

All fields listed in Part I.

Group (2)

2A. General Practice of Medicine.
2B. Recognized Medical Specializations.
2C. Nursing.
2D. Medical Technology.
2E. Dentistry.
2F. Dental Technology.
2G. Optometry.
2Q. College and University Teaching in Natural Sciences, Mathematics, Engineering and Technology.
2R. Agricultural School Teaching.
2S. College and University Teaching of Education.
2U. Teaching in Medical Schools.

Group (3)

3B. Electrical Communication Technology.
3C. Radio Operation.
3H. Skilled Operation of Construction Machines.

Group (4)

4A. Chemistry.
4D. Mathematics.
4E. Laboratory Technology.
4F. Metal Fabrication.
4G. Mining and Lumbering Engineering and Technology.
4N. Agriculture and Agronomy.
4Q. Geology.
4R. Hydrology.
4S. Desalinization.
4T. Surveying.

Group (5)

5A. Industrial and Business Administration and Management.
5E. Administration of Financial Institutions.
5F. Banking.

Group (6)

6A. Library Science.

Indonesia

All fields listed in Part I, Groups (1), (2), (3), (4), (5), and (6).

Iran

All fields listed in Part I, Groups (1), (2), (3), (4), (5), and (6).

Ivory Coast

Group (1)

1A. Public Administration.
1B. Public Social Administration.
1C. Primary School Administration.
1D. Secondary School Administration.
1E. Technical or Vocational School Administration.
1F. Hospital Administration.

Group (2)

2A. General Practice of Medicine.
2B. Recognized Medical Specializations.
2C. Nursing.
2D. Medical Technology.
2E. Dentistry.
2F. Dental Technology.
2G. Optometry.
2I. All Therapies, Prosthetics, and Healing.
2J. Sociology.
2K. Psychology.
2N. Primary School Teaching.
2O. Secondary School Teaching.
2P. Vocational and Technical School Teaching.
2Q. College and University Teaching in Natural Sciences, Mathematics, Engineering, and Technology.
2R. Agricultural School Teaching.
2S. College and University Teaching of Education.
2T. College and University Teaching of Social Sciences, Liberal Arts and Literature.
2U. Teaching in Medical Schools.
2V. Teaching in Law Schools.

Group (3)

3A. Journalism.
3B. Electrical Communication Technology.
3C. Radio Operation.
3E. Architecture.
3F. Construction.
3G. Drafting.
3H. Skilled Operation of Construction Machines.

Group (4)

4A. Chemistry.
4B. Life Sciences.
4C. Physics.
4D. Mathematics.
4E. Laboratory Technology.
4F. Metal Fabrication.
4G. Mining and Lumbering, Engineering, and Technology.
4H. Marine and Aeronautical Engineering and Technology.
4I. Civil Engineering.
4J. Mechanical Engineering.
4K. Electrical Engineering.
4L. Electronic Engineering.
4M. Repair and Maintenance Technology.
4N. Agriculture and Agronomy.
4O. Forestry.
4P. Fisheries.
4Q. Geology.
4R. Hydrology.
4T. Surveying.

Group (5)

5A. Industrial and Business Administration and Management.
5B. Economics.
5C. Statistics.
5E. Administration of Financial Institutions.
5F. Banking.

Group (6)

6A. Library Science.

Jamaica

Group (1)

All fields listed in Part I.

Group (2)

2A. General Practice of Medicine.
2B. Recognized Medical Specializations.
2C. Nursing.
2D. Medical Technology.
2E. Dentistry.
2F. Dental Technology.
2G. Optometry.
2J. Sociology.
2K. Psychology.
2L. Law.
2M. Religion.
2N. Primary School Teaching.
2O. Secondary School Teaching.
2P. Vocational and Technical School Teaching.
2Q. College and University Teaching in Natural Sciences, Mathematics, Engineering, and Technology.
2R. Agricultural School Teaching.
2S. College and University Teaching of Education.
2T. College and University Teaching of Social Sciences, Liberal Arts and Literature.
2U. Teaching in Medical Schools.
2V. Teaching in Law Schools.

Group (3)

All fields listed in Part I.

Group (4)

All fields listed in Part I.

Group (5)

All fields listed in Part I.

Group (6)

6A. Library Science.

Jordan

Group (1)

All fields listed in Part I.

Group (2)

2A. General Practice of Medicine.
2B. Recognized Medical Specializations.
2C. Nursing.
2D. Medical Technology.
2E. Dentistry.
2F. Dental Technology.
2G. Optometry.
2H. Chiropractic and Osteopathy.
2I. All Therapies, Prosthetics, and Healing.
2Q. College and University Teaching in Natural Sciences, Mathematics, Engineering, and Technology.
2R. Agricultural School Teaching.

Group (3)

3B. Electrical Communication Technology.
3C. Radio operation.
3H. Skilled Operation of Construction Machines.

Group (4)

4A. Chemistry.
4B. Life Sciences.
4C. Physics.
4D. Mathematics.
4E. Laboratory Technology.
4I. Civil Engineering.
4J. Mechanical Engineering.
4K. Electrical Engineering.
4L. Electronic Engineering.
4M. Repair and Maintenance Technology.
4N. Agriculture and Agronomy.
4O. Forestry.
4Q. Geology.
4R. Hydrology.
4S. Desalination.

Group (5)

5B. Economics.
5C. Statistics.
5D. Insurance.
5E. Administration of Financial Institutions.

Kenya

Group (1)

All fields listed in Part I.

Group (2)

2A. General Practice of Medicine.
2B. Recognized Medical Specializations.
2C. Nursing.
2D. Medical Technology.
2E. Dentistry.
2F. Dental Technology.
2G. Optometry.
2H. Chiropractic and Osteopathy.
2I. All Therapies, Prosthetics, and Healing.
2J. Sociology.
2K. Psychology.
2N. Primary School Teaching.
2O. Secondary School Teaching.
2P. Vocational and Technical School Teaching.
2Q. College and University Teaching in Natural Sciences, Mathematics, Engineering, and Technology.
2R. Agricultural School Teaching.
2S. College and University Teaching of Education.
2T. College and University Teaching of Social Sciences, Liberal Arts, and Literature.
2U. Teaching in Medical Schools.
2V. Teaching in Law Schools.

Group (3)

3A. Journalism.
3B. Electrical Communication Technology.
3C. Radio Operation.
3E. Architecture.
3F. Construction.
3G. Drafting.
3H. Skilled Operation of Construction Machines.

Group (4)

4A. Chemistry.
4B. Life Sciences.
4C. Physics.
4D. Mathematics.
4E. Laboratory Technology.
4F. Metal Fabrication.
4G. Mining and Lumbering Engineering and Technology.
4H. Marine and Aeronautical Engineering and Technology.
4I. Civil Engineering.
4J. Mechanical Engineering.
4K. Electrical Engineering.
4L. Electronic Engineering.
4M. Repair and Maintenance Technology.
4N. Agriculture and Agronomy.
4O. Forestry.
4P. Fisheries.
4Q. Geology.
4R. Hydrology.
4T. Surveying.

Group (5)

All fields listed in Part I.

Group (6)

6A. Library Science.

Khmer Republic

Group (1)

1A. Public Administration.
1B. Public Social Administration.
1C. Primary School Administration.
1D. Secondary School Administration.
1E. Technical or Vocational School Administration.
1F. Hospital Administration.

Group (2)

2A. General Practice of Medicine.
2B. Recognized Medical Specializations.
2C. Nursing.
2D. Medical Technology.
2E. Dentistry.
2F. Dental Technology.
2G. Optometry.
2N. Primary School Teaching.
2O. Secondary School Teaching.
2P. Vocational and Technical School Teaching.
2Q. College and University Teaching in Natural Sciences, Mathematics, Engineering, and Technology.
2R. Agricultural School Teaching.
2S. College and University Teaching of Education.
2T. College and University Teaching of Social Sciences, Liberal Arts, and Literature.
2U. Teaching in Medical Schools.
2V. Teaching in Law Schools.

Group (3)

3B. Electrical Communication Technology.
3C. Radio Operation.
3D. Airplane Piloting.
3H. Skilled Operation of Construction Machines.

Group (4)

4A. Chemistry.
4B. Life Sciences.
4D. Mathematics.
4E. Laboratory Technology.
4F. Metal Fabrication.
4G. Mining and Lumbering Engineering and Technology.
4H. Marine and Aeronautical Engineering and Technology.
4I. Civil Engineering.
4J. Mechnical Engineering.
4K. Electrical Engineering.
4L. Electronic Engineering.
4M. Repair and Maintenance Technology.
4N. Agriculture and Agronomy.
4O. Forestry.
4P. Fisheries.
4Q. Geology.
4R. Hydrology.
4S. Desalinization.
4T. Surveying.

Group (5)

5B. Economics.
5C. Statistics.
5F. Banking.

Group (6)

6A. Library Science.

Korea

Group (2)

2A. General Practice of Medicine.
2C. Nursing.
2D. Medical Technology.
2P. Vocational and Technical School Teaching.
2Q. College and University Teaching in Natural Sciences, Mathematics, Engineering, and Technology.

Group (3)

3C. Radio Operation.
3E. Architecture.
3F. Construction.
3G. Drafting.
3H. Skilled Operation of Construction Machines.

Group (4)

4A. Chemistry.
4C. Physics.

Lebanon

4D. Mathematics.
4E. Laboratory Technology.
4F. Metal Fabrication.
4I. Civil Engineering.
4J. Mechanical Engineering.
4K. Electrical Engineering.
4L. Electronic Engineering.

Group (5)

5A. Industrial and Business Administration and Management.
5C. Statistics.

Kuwait

Group (1)

All fields listed in Part I.

Group (2)

2A. General Practices of Medicine.
2B. Recognized Medical Specializations.
2C. Nursing.
2D. Medical Technology.
2E. Dentistry.
2F. Dental Technology.
2G. Optometry.
2H. Chiropractic and Osteopathy.
2I. All Therapies, Prosthetics, and Healing.
2J. Sociology.
2K. Psychology.
2N. Primary School Teaching.
2O. Secondary School Teaching.
2P. Vocational and Technical School Teaching.
2Q. College and University Teaching in Natural Sciences, Mathematics, Engineering and Technology.
2R. Agricultural School Teaching.
2S. College and University Teaching of Education.
2T. College and University Teaching of Social Sciences, Liberal Arts, and Literature.
2U. Teaching in Medical Schools.
2V. Teaching in Law Schools.

Group (3)

All fields listed in Part I.

Group (4)

4A. Chemistry.
4B. Life Sciences.
4C. Physics.
4D. Mathematics.
4E. Laboratory Technology.
4F. Metal Fabrication.
4H. Marine and Aeronautical Engineering and Technology.
4I. Civil Engineering.
4J. Mechanical Engineering.
4K. Electrical Engineering.
4L. Electronic Engineering.
4M. Repair and Maintenance Technology.
4N. Agriculture and Agronomy.
4P. Fisheries.
4Q. Geology.
4R. Hydrology.
4S. Desalinization.
4T. Surveying.

Group (5)

All fields listed in Part I.

Group (6)

6A. Library Science.

Laos

All fields listed in Part I, groups (1), (2), (3), (4), (5), and (6).

Group (1)

All fields listed in Part I.

Group (2)

2C. Nursing.
2E. Dentistry.
2F. Dental Technology.
2J. Sociology.
2K. Psychology.
2N. Primary School Teaching.
2O. Secondary School Teaching.
2P. Vocational and Technical School Teaching.
2Q. College and University Teaching in Natural Sciences, Mathematics, Engineering, and Technology.
2R. Agricultural School Teaching.
2S. College and University Teaching of Education.
2T. College and University Teaching of Social Sciences, Liberal Arts and Literature.
2U. Teaching in Medical Schools.
2V. Teaching in Law Schools.

Group (3)

3A. Journalism.
3B. Electrical Communication Technology.
3C. Radio Operation.
3D. Airplane Piloting.
3E. Architecture.

Group (4)

4A. Chemistry.
4C. Physics.
4D. Mathematics.
4E. Laboratory Technology.
4F. Metal Fabrication.
4H. Marine and Aeronautical Engineering and Technology.
4I. Civil Engineering.
4J. Mechanical Engineering.
4K. Electrical Engineering.
4L. Electronic Engineering.
4M. Repair and Maintenance Technology.
4N. Agriculture and Agronomy.
4O. Forestry.
4P. Fisheries.
4Q. Geology.
4R. Hydrology.
4S. Desalinization.
4T. Surveying.

Group (5)

All fields listed in Part I.

Group (6)

6A. Library Science.

Liberia

Group (1)

All fields listed in Part I.

Group (2)

2A. General Practice of Medicine.
2B. Recognized Medical Specializations.
2C. Nursing.
2D. Medical Technology.
2E. Dentistry.
2F. Dental Technology.
2G. Optometry.
2H. Chiropractic and Osteopathy.
2I. All Therapies, Prosthetics, and Healing.
2J. Sociology.
2K. Psychology.
2N. Primary School Teaching.
2O. Secondary School Teaching.
2P. Vocational and Technical School Teaching.
2Q. College and University Teaching in Natural Sciences, Mathematics, Engineering, and Technology.
2R. Agricultural School Teaching.
2S. College and University Teaching of Education.
2T. College and University Teaching of Social Sciences, Liberal Arts, and Literature.
2U. Teaching in Medical Schools.
2V. Teaching in Law Schools.

Group (3)

3B. Electrical Communication Technology.
3C. Radio Operation.
3E. Architecture.
3F. Construction.
3G. Drafting.
3H. Skilled Operation of Construction Machines.

Group (4)

4A. Chemistry.
4B. Life Sciences.
4C. Physics.
4D. Mathematics.
4E. Laboratory Technology.
4F. Metal Fabrication.
4G. Mining and Lumbering Engineering and Technology.

4H. Marine and Aeronautical Engineering and Technology.
4I. Civil Engineering.
4J. Mechanical Engineering.
4K. Electrical Engineering.
4L. Electronic Engineering.
4M. Repair and Maintenance Technology.
4N. Agriculture and Agronomy.
4O. Forestry.
4P. Fisheries.
4Q. Geology.
4R. Hydrology.
4T. Surveying.

Group (5)

All fields listed in Part I.

Group (6)

6A. Library Science.

Libya

Group (1)

1A. Public Administration.
1B. Public Social Administration.
1C. Primary School Administration.
1D. Secondary School Administration.
1E. Technical or Vocational School Administration.
1F. Hospital Administration.

Group (2)

2A. General Practice of Medicine.
2B. Recognized Medical Specializations.
2C. Nursing.
2D. Medical Technology.
2E. Dentistry.
2F. Dental Technology.
2G. Optometry.
2H. Chiropractic and Osteopathy.
2I. All Therapies, Prosthetics, and Healing.
2J. Sociology.
2K. Psychology.
2N. Primary School Teaching.
2O. Secondary School Teaching.
2P. Vocational and Technical School Teaching.
2Q. College and University Teaching in Natural Sciences, Mathematics, Engineering, and Technology.
2R. Agricultural School Teaching.
2S. College and University Teaching of Education.
2T. College and University Teaching of Social Sciences, Liberal Arts, and Literature.
2U. Teaching in Medical Schools.

Group (3)

All fields listed in Part I.

Group (4)

4A. Chemistry.
4B. Life Sciences.
4D. Mathematics.
4E. Laboratory Technology.
4F. Metal Fabrication.
4G. Mining and Lumbering Engineering and Technology.
4H. Marine and Aeronautical Engineering and Technology.
4I. Civil Engineering.
4J. Mechanical Engineering.
4K. Electrical Engineering.
4L. Electronic Engineering.
4M. Repair and Maintenance Technology.
4N. Agriculture and Agronomy.
4O. Forestry.
4P. Fisheries.
4Q. Geology.
4R. Hydrology.
4S. Desalinization.
4T. Surveying.

Group (5)

All fields listed in Part I.

Group (6)

6A. Library Science.

Malawi

Group (1)

1A. Public Administration.
1B. Public Social Administration.
1D. Secondary School Administration.
1E. Technical or Vocational School Administration.
1F. Hospital Administration.

Group (2)

2A. General Practice of Medicine.
2B. Recognized Medical Specializations.
2C. Nursing.
2D. Medical Technology.
2E. Dentistry.
2F. Dental Technology.
2G. Optometry.
2H. Chiropractic and Osteopathy.
2I. All Therapies, Prosthetics, and Healing.
2K. Psychology.
2L. Law.
2O. Secondary School Teaching.
2P. Vocational and Technical School Teaching.
2Q. College and University Teaching in Natural Sciences, Mathematics, Engineering, and Technology.
2R. Agricultural School Teaching.
2S. College and University Teaching of Education.
2T. College and University Teaching of Social Sciences, Liberal Arts, and Literature.
2U. Teaching in Medical Schools.
2V. Teaching in Medical Schools.

Group (3)

3A. Journalism.
3B. Electrical Communication Technology.
3C. Radio Operation.
3E. Architecture.
3F. Construction.
3G. Drafting.
3H. Skilled Operation of Construction Machines.

Group (4)

4A. Chemistry.
4B. Life Sciences.
4D. Mathematics.
4E. Laboratory Technology.
4F. Metal Fabrication.
4G. Mining and Lumbering Engineering and Technology.
4H. Marine and Aeronautical Engineering and Technology.
4I. Civil Engineering.
4J. Mechanical Engineering.
4K. Electrical Engineering.
4L. Electronic Engineering.
4M. Repair and Maintenance Technology.
4N. Agriculture and Agronomy.
4O. Forestry.
4Q. Geology.
4R. Hydrology.
4T. Surveying.

Group (5)

5A. Industrial and Business Administration and Management.
5B. Economics.
5C. Statistics.
5E. Administration of Financial Institutions.
5F. Banking.

Group (6)

6A. Library Science.

Malaysia

All fields listed in Part I, Groups (1), (2), (3), (4), (5), and (6).

Mali

Group (1)

1A. Public Administration.
1B. Public Social Administration.
1C. Primary School Administration.
1D. Secondary School Administration.
1E. Technical or Vocational School Administration.
1F. Hospital Administration.

Group (2)

2A. General Practice of Medicine.
2B. Recognized Medical Specializations.
2C. Nursing.
2D. Medical Technology.
2E. Dentistry.
2F. Dental Technology.
2G. Optometry.
2H. Chiropractic and Osteopathy.
2I. All Therapies, Prosthetics, and Healing.
2J. Sociology.
2K. Psychology.
2L. Law.
2N. Primary School Teaching.
2O. Secondary School Teaching.
2P. Vocational and Technical School Teaching.
2Q. College and University Teaching in Natural Sciences, Mathematics, Engineering, and Technology.
2R. Agricultural School Teaching.
2S. College and University Teaching of Education.
2T. College and University Teaching of Social Sciences, Liberal Arts, and Literature.
2U. Teaching in Medical Schools.
2V. Teaching in Law Schools.

Group (3)

All fields listed in Part I.

Group (4)

4A. Chemistry.
4B. Life Sciences.
4D. Mathematics.
4E. Laboratory Technology.
4F. Metal Fabrication.
4G. Mining and Lumbering Engineering and Technology.
4H. Marine and Aeronautical Engineering and Technology.
4I. Civil Engineering.
4J. Mechanical Engineering.
4K. Electrical Engineering.
4L. Electronic Engineering.
4M. Repair and Maintenance Technology.
4N. Agriculture and Agronomy.
4O. Forestry.
4Q. Geology.
4R. Hydrology.
4T. Surveying.

Group (5)

5A. Industrial and Business Administration and Management.
5B. Economics.
5C. Statistics.
5E. Administration of Financial Institutions.
5F. Banking.

Group (6)

6A. Library Science.

Malta

Group (1)

All fields listed in Part I.

Group (2)

2B. Recognized Medical Specializations.
2C. Nursing.
2D. Medical Technology.
2E. Dentistry.
2F. Dental Technology.
2J. Sociology.
2K. Psychology.
2Q. College and University Teaching in Natural Sciences, Mathematics, Engineering and Technology.
2R. Agricultural School Teaching.
2S. College and University Teaching of Education.
2T. College and University Teaching of Social Sciences, Liberal Arts and Literature.
2U. Teaching in Medical Schools.

Group (3)

3A. Journalism.
3B. Electrical Communication Technology.
3C. Radio Operation.
3D. Airplane Piloting.

Group (4)

4A. Chemistry.
4B. Life Sciences.
4C. Physics.
4D. Mathematics.
4E. Laboratory Technology.
4F. Metal Fabrication.
4H. Marine and Aeronautical Engineering and Technology.
4I. Civil Engineering.
4J. Mechanical Engineering.
4K. Electrical Engineering.
4L. Electronic Engineering.
4M. Repair and Maintenance Technology.
4N. Agriculture and Agronomy.
4P. Fisheries.
4Q. Geology.
4R. Hydrology.
4S. Desalinization.

Group (5)

All fields listed in Part I.

Mauritania

Group (1)

1A. Public Administration.
1B. Public Social Administration.
1C. Primary School Administration.
1D. Secondary School Administration.
1E. Technical or Vocational School Administration.
1F. Hospital Administration.

Group (2)

2A. General Practice of Medicine.
2B. Recognized Medical Specializations.
2C. Nursing.
2D. Medical Technology.
2E. Dentistry.
2F. Dental Technology.
2G. Optometry.
2H. Chiropractic and Osteopathy.
2I. All Therapies, Prosthetics, and Healing.
2J. Sociology.
2K. Psychology.
2N. Primary School Teaching.
2O. Secondary School Teaching.
2P. Vocational and Technical School Teaching.
2R. Agricultural School Teaching.

Group (3)

3A. Journalism.
3B. Electrical Communication Technology.
3C. Radio Operation.
3E. Architecture.
3F. Construction.
3G. Drafting.
3H. Skilled Operation of Construction Machines.

Group (4)

4A. Chemistry.
4B. Life Sciences.
4D. Mathematics.
4E. Laboratory Technology.
4H. Marine and Aeronautical Engineering and Technology.
4I. Civil Engineering.
4J. Mechanical Engineering.
4K. Electrical Engineering.
4L. Electronic Engineering.
4M. Repair and Maintenance Technology.
4N. Agriculture and Agronomy.
4P. Fisheries.
4Q. Geology.
4R. Hydrology.
4S. Desalinization.
4T. Surveying.

Group (5)

5A. Industrial and Business Administration and Management.
5B. Economics.
5C. Statistics.
5E. Administration of Financial Institutions.
5F. Banking.

Mauritius

Group (1)

1A. Public Administration.
1B. Public Social Administration.
1C. Primary School Administration.
1D. Secondary School Administration.
1E. Technical or Vocational School Administration.
1F. Hospital Administration.

Group (2)

2A. General Practice of Medicine.
2B. Recognized Medical Specializations.
2C. Nursing.
2D. Medical Technology.
2E. Dentistry.
2F. Dental Technology.
2G. Optometry.
2H. Chiropractic and Osteopathy.
2I. All Therapies, Prosthetics, and Healing.
2J. Sociology.
2K. Psychology.
2Q. College and University Teaching in Natural Sciences, Mathematics, Engineering, and Technology.
2R. Agricultural School Teaching.
2S. College and University Teaching of Education.
2T. College and University Teaching of Social Sciences, Liberal Arts and Literature.
2U. Teaching in Medical Schools.
2V. Teaching in Law Schools.

Group (3)

3B. Electrical Communication Technology.
3C. Radio Operation.
3E. Architecture.
3F. Construction.
3G. Drafting.
3H. Skilled Operation of Construction Machines.

Group (4)

4A. Chemistry.
4B. Life Sciences.
4D. Mathematics.
4E. Laboratory Technology.
4F. Metal Fabrication.
4H. Marine and Aeronautical Engineering and Technology.
4I. Civil Engineering.
4J. Mechanical Engineering.
4K. Electrical Engineering.
4L. Electronic Engineering.
4N. Agriculture and Agronomy.
4O. Forestry.
4P. Fisheries.
4Q. Geology.
4R. Hydrology.
4S. Desalinization.
4T. Surveying.

Group (5)

All fields listed in Part I.

Morocco

Group (1)

All fields listed in Part I.

Group (2)

2A. General Practice of Medicine.
2B. Recognized Medical Specializations.
2C. Nursing.
2D. Medical Technology.
2E. Dentistry.
2F. Dental Technology.
2G. Optometry.
2I. All Therapies, Prosthetics, and Healing.
2J. Sociology.
2K. Psychology.
2O. Secondary School Teaching.
2P. Vocational and Technical School Teaching.
2Q. College and University Teaching in Natural Sciences, Mathematics, Engineering and Technology.
2R. Agricultural School Teaching.
2S. College and University Teaching of Education.
2U. Teaching in Medical Schools.

Group (3)

All fields listed in Part I.

Group (4)

All fields listed in Part I.

Group (5)

All fields listed in Part I.

Group (6)

6A. Library Science.

Nepal

Group (1)

1A. Public Administration.
1B. Public Social Administration.
1C. Primary School Administration.
1D. Secondary School Administration.
1E. Technical or Vocational School Administration.
1F. Hospital Administration.

Group (2)

2A. General Practice of Medicine.
2B. Recognized Medical Specializations.
2C. Nursing.
2D. Medical Technology.
2E. Dentistry.
2F. Dental Technology.
2G. Optometry.
2H. Chiropractic and Osteopathy.
2I. All Therapies, Prosthetics, and Healing.
2N. Primary School Teaching.
2O. Secondary School Teaching.
2P. Vocational and Technical School Teaching.
2Q. College and University Teaching in Natural Sciences, Mathematics, Engineering, and Technology.
2R. Agricultural School Teaching.
2S. College and University Teaching of Education.
2U. Teaching in Medical School.

Group (3)

3B. Electrical Communication Technology.
3H. Skilled Operation of Construction Machines.

Group (4)

4A. Chemistry.
4B. Life Sciences.
4E. Laboratory Technology.
4F. Metal Fabrication.
4G. Mining and Lumbering Engineering and Technology.
4I. Civil Engineering.
4J. Mechanical Engineering.
4K. Electrical Engineering.
4L. Electronic Engineering.
4M. Repair and Maintenance Technology.
4N. Agriculture and Agronomy.
4O. Forestry.
4Q. Geology.
4R. Hydrology.
4T. Surveying.

Group (5)

5B. Economics.
5C. Statistics.
5E. Administration of Financial Institutions.

Group (6)

6A. Library Science.

Nicaragua

Group (1)

1A. Public Administration.
1B. Public Social Administration.

1C. Primary School Administration.
1D. Secondary School Administration.
1E. Technical or Vocational School Administration.
1F. Hospital Administration.

Group (2)

2B. Recognized Medical Specializations.
2C. Nursing.
2D. Medical Technology.
2F. Dental Technology.
2H. Chiropractic and Osteopathy.
2N. Primary School Teaching.
2O. Secondary School Teaching.
2P. Vocational and Technical School Teaching.
2Q. College and University Teaching in Natural Sciences, Mathematics, Engineering, and Technology.
2R. Agricultural School Teaching.
2S. College and University Teaching of Education.
2U. Teaching in Medical Schools.

Group (3)

3B. Electrical Communication Technology.
3E. Architecture.
3H. Skilled Operation of Construction Machines.

Group (4)

4A. Chemistry.
4B. Life Sciences.
4C. Physics.
4D. Mathematics.
4E. Laboratory Technology.
4F. Metal Fabrication.
4J. Mechanical Engineering.
4K. Electrical Engineering.
4M. Repair and Maintenance Technology.
4N. Agriculture and Agronomy.
4O. Forestry.
4P. Fisheries.
4Q. Geology.
4R. Hydrology.
4S. Desalinization.

Group (5)

5A. Industrial and Business Administration and Management.
5B. Economics.
5C. Statistics.
5D. Insurance.
5E. Administration of Financial Institutions.

Group (6)

6A. Library Science.

Niger

Group (1)

1A. Public Administration.
1B. Public Social Administration.
1F. Hospital Administration.

Group (2)

2A. General Practice of Medicine.
2B. Recognized Medical Specializations.
2C. Nursing.
2D. Medical Technology.
2E. Dentistry.
2F. Dental Technology.
2G. Optometry.
2H. Chiropractic and Osteopathy.
2I. All Therapies, Prosthetics, and Healing.
2J. Sociology.
2K. Psychology.
2N. Primary School Teaching.
2O. Secondary School Teaching.
2P. Vocational and Technical School Teaching.
2Q. College and University Teaching in Natural Sciences, Mathematics, Engineering, and Technology.
2R. Agricultural School Teaching.
2S. College and University Teaching in Education.
2T. College and University Teaching of Social Sciences, Liberal Arts and Literature.
2U. Teaching in Medical Schools.
2V. Teaching in Law Schools.

Group (3)

3A. Journalism.
3B. Electrical Communication Technology.
3C. Radio Operation.
3E. Architecture.
3F. Construction.
3G. Drafting.
3H. Skilled Operation of Construction Machines.

Group (4)

4A. Chemistry.
4B. Life Sciences.
4D. Mathematics.
4E. Laboratory Technology.
4F. Metal Fabrication.
4G. Mining and Lumbering Engineering and Technology.
4H. Marine and Aeronautical Engineering and Technology.
4I. Civil Engineering.
4J. Mechanical Engineering.
4K. Electrical Engineering.
4L. Electronic Engineering.
4M. Repair and Maintenance Technology.
4N. Agriculture and Agronomy.
4O. Forestry.
4Q. Geology.
4R. Hydrology.
4T. Surveying.

Group (5)

5B. Economics.
5C. Statistics.
5E. Administration of Financial Institutions.
5F. Banking.

Nigeria

Group (1)

All fields listed in Part I.

Group (2)

2A. General Practice of Medicine.
2B. Recognized Medical Specializations.
2C. Nursing.
2D. Medical Technology.
2E. Dentistry.
2F. Dental Technology.
2G. Optometry.
2H. Chiropractic and Osteopathy.
2I. All Therapies, Prosthetics and Healing.
2J. Sociology.
2K. Psychology.
2N. Primary School Teaching.
2O. Secondary School Teaching.
2P. Vocational and Technical School Teaching.
2Q. College and University Teaching in Natural Sciences, Mathematics, Engineering and Technology.
2R. Agricultural School Teaching.
2S. College and University Teaching of Education.
2T. College and University Teaching of Social Sciences, Liberal Arts and Literature.
2U. Teaching in Medical Schools.
2V. Teaching in Law Schools.

Group (3)

All fields listed in Part I.

Group (4)

4A. Chemistry.
4B. Life Sciences.
4C. Physics.
4D. Mathematics.
4E. Laboratory Technology.
4F. Metal Fabrication.
4G. Mining and Lumbering Engineering and Technology.
4H. Marine and Aeronautical Engineering and Technology.
4I. Civil Engineering.
4J. Mechanical Engineering.
4K. Electrical Engineering.
4L. Electronic Engineering.
4M. Repair and Maintenance Technology.
4N. Agriculture and Agronomy.
4O. Forestry.
4P. Fisheries.
4Q. Geology.
4R. Hydrology.
4T. Surveying.

Group (5)

All fields listed in Part I.

Group (6)

6A. Library Science.

Oman

Group (1)

1A. Public Administration.
1B. Public Social Administration.
1D. Secondary School Administration.
1E. Technical or Vocational School Administration.
1F. Hospital Administration.

Group (2)

2A. General Practice of Medicine.
2B. Recognized Medical Specializations.
2C. Nursing.
2D. Medical Technology.
2E. Dentistry.
2F. Dental Technology.
2G. Optometry.
2H. Chiropractic and Osteopathy.
2I. All Therapies, Prosthetics, and Healing.
2L. Law.
2N. Primary School Teaching.
2O. Secondary School Teaching.
2P. Vocational and Technical School Teaching.

Group (3)

3B. Electrical Communication Technology
3C. Radio Operation.
3E. Architecture.
3F. Construction.
3G. Drafting.
3H. Skilled Operation of Construction Machines.

Group (4)

4A. Chemistry.
4B. Life Sciences.
4C. Physics.
4D. Mathematics.
4E. Laboratory Technology.
4F. Metal Fabrication.
4H. Marine and Aeronautical Engineering and Technology.
4I. Civil Engineering.
4J. Mechanical Engineering.
4K. Electrical Engineering.
4L. Electronic Engineering.
4M. Repair and Maintenance Technology.
4N. Agriculture and Agronomy.
4P. Fisheries.
4Q. Geology.

Group (5)

5B. Economics.
5C. Statistics.
5E. Administration of Financial Institutions.

Pakistan

Group (1)

All fields listed in Part I.

Group (2)

2A. General Practice of Medicine.
2B. Recognized Medical Specializations.
2C. Nursing.
2D. Medical Technology.
2E. Dentistry.
2F. Dental Technology.
2G. Optometry.
2N. Primary School Teaching.
2O. Secondary School Teaching.
2P. Vocational and Technical School Teaching.
2Q. College and University Teaching in Natural Sciences, Mathematics, Engineering, and Technology.
2R. Agricultural School Teaching.

2S. College and University Teaching of Education.
2T. College and University Teaching of Social Sciences, Liberal Arts and Literature.
2U. Teaching in Medical Schools.

Group (3)

3B. Electrical Communication Technology.
3D. Airplane Piloting.
3E. Architecture.
3F. Construction.
3G. Drafting.
3H. Skilled Operation of Construction Machines.

Group (4)

All fields listed in Part I.

Group (5)

5B. Economics.
5C. Statistics.
5E. Administration of Financial Institutions.
5F. Banking.

Panama

Group (1)

1A. Public Administration.
1B. Public Social Administration.
1C. Primary School Administration.
1D. Secondary School Administration.
1E. Technical or Vocational School Administration.
1F. Hospital Administration.

Group (2)

2A. General Practice of Medicine.
2B. Recognized Medical Specializations.
2C. Nursing.
2E. Dentistry.
2K. Psychology.
2N. Primary School Teaching.
2O. Secondary School Teaching.
2P. Vocational and Technical School Teaching.
2Q. College and University Teaching in Natural Sciences, Mathematics, Engineering, and Technology.
2R. Agricultural School Teaching.
2S. College and University Teaching of Education.
2T. College and University Teaching of Social Sciences, Liberal Arts and Literature.
2U. Teaching in Medical Schools.
2V. Teaching in Law Schools.

Group (4)

4G. Mining and Lumbering Engineering and Technology.
4H. Marine and Aeronautical Engineering and Technology.
4I. Civil Engineering.
4J. Mechanical Engineering.
4K. Electrical Engineering.
4N. Agriculture and Agronomy.
4O. Forestry.
4P. Fisheries.
4Q. Geology.
4R. Hydrology.
4S. Desalinization.

Group (5)

5A. Industrial and Business Administration and Management.
5B. Economics.
5C. Statistics.
5D. Insurance.

Paraguay

Group (1)

1B. Public Social Administration.
1F. Hospital Administration.

Group (2)

2B. Recognized Medical Specializations.
2C. Nursing.
2D. Medical Technology.
2F. Dental Technology.
2I. All Therapies, Prosthetics, and Healing.
2J. Sociology.
2K. Psychology.
2M. Religion.
2O. Secondary School Teaching.
2P. Vocational and Technical School Teaching.
2Q. College and University Teaching in Natural Sciences, Mathematics, Engineering, and Technology.
2R. Agricultural School Teaching.
2T. College and University Teaching of Social Sciences, Liberal Arts and Literature.

Group (3)

3H. Skilled Operation of Construction Machines.

Group (4)

4G. Mining and Lumbering Engineering and Technology.

Group (5)

5A. Industrial and Business Administration and Management.

Peru

All fields listed in Part I, Group (1), (2), (3), (4), (5), and (6).

Philippines

Group (2)

2A. General Practice of Medicine.
2B. Certain Medical Specializations, including *only* Pathology, Psychiatry and Neurology, Orthopedic Surgery, Thoracic Surgery, Surgery, Urology, and Internal Medicine.
2C. Nursing, including *only* registered nurses in a recognized nursing specialty.
2P. Vocational and Technical School Teaching.
2Q. College and University Teaching in Natural Sciences, Mathematics, Engineering, and Technology.
2R. Agricultural School Teaching.
2U. Teaching in Medical Schools.

Group (3)

3D. Airplane Piloting.

Group (4)

4G. Mining and Lumbering Engineering and Technology.
4H. Marine and Aeronautical Engineering and Technology.
4I. Civil Engineering.
4J. Mechanical Engineering.
4K. Electrical Engineering.
4L. Electronic Engineering.
4M. Repair and Maintenance Technology.
4Q. Geology.
4R. Hydrology.
4S. Desalinization.
4T. Surveying.

Poland

Group (1)

1A. Public Administration.
1B. Public Social Administration.
1C. Primary School Administration.
1D. Secondary School Administration.
1E. Technical or Vocational School Administration.
1F. Hospital Administration.

Group (2)

2A. General Practice of Medicine.
2B. Recognized Medical Specializations.
2C. Nursing.
2D. Medical Technology.
2E. Dentistry.
2F. Dental Technology.
2G. Optometry.
2H. Chiropractic and Osteopathy.
2I. All Therapies, Prosthetics, and Healing.
2J. Sociology.
2N. Primary School Teaching.
2O. Secondary School Teaching.
2P. Vocational and Technical School Teaching.
2Q. College and University Teaching in Natural Sciences, Mathematics, Engineering, and Technology.
2R. Agricultural School Teaching.
2S. College and University Teaching of Education.
2T. College and University Teaching of Social Sciences, Liberal Arts and Literature.
2U. Teaching in Medical Schools.
2V. Teaching in Law Schools.

Group (3)

3F. Construction.
3G. Drafting.
3H. Skilled Operation of Construction Machines.

Group (4)

All fields listed in Part I.

Group (5)

5B. Economics.
5C. Statistics.

Qatar

Group (1)

1A. Public Administration.
1B. Public Social Administration.
1D. Secondary School Administration.
1E. Technical or Vocational School Administration.
1F. Hospital Administration.

Group (2)

2A. General Practice of Medicine.
2B. Recognized Medical Specializations.
2C. Nursing.
2D. Medical Technology.
2E. Dentistry.
2F. Dental Technology.
2G. Optometry.
2H. Chriopractic and Osteopathy.
2I. All Therapies, Prosthetics, and Healing.
2L. Law.
2N. Primary School Teaching.
2O. Secondary School Teaching.
2P. Vocational and Technical School Teaching.

Group (3)

3B. Electrical Communication Technology.
3C. Radio Operation.
3E. Architecture.
3F. Construction.
3G. Drafting.
3H. Skilled Operation of Construction Machines.

Group (4)

4A. Chemistry.
4B. Life Sciences.
4C. Physics.
4D. Mathematics.
4E. Laboratory Technology.
4F. Metal Fabrication.
4H. Marine and Aeronautical Engineering and Technology.
4I. Civil Engineering.
4J. Mechanical Engineering.
4K. Electrical Engineering.
4L. Electronic Engineering.
4M. Repair and Maintenance Technology.
4P. Fisheries.
4Q. Geology.
4R. Hydrology.
4S. Desalinization.

Group (5)

5B. Economics.
5C. Statistics.
5E. Administration of Financial Institutions.

Group (6)

6A. Library Science.

Romania

All fields listed in Part I, Groups (1), (2), (3), (4), (5), and (6).

Rwanda

Group (1)

1A. Public Administration.

1B. Public Social Administration.
1C. Primary School Administration.
1D. Secondary School Administration.
1E. Technical or Vocational School Administration.
1F. Hospital Administration.

Group (2)

2A. General Practice of Medicine.
2B. Recognized Medical Specializations.
2C. Nursing.
2D. Medical Technology.
2E. Dentistry.
2F. Dental Technology.
2G. Optometry.
2H. Chiropractic and Osteopathy.
2I. All Therapies, Prosthetics, and Healing.
2J. Sociology.
2K. Psychology.
2N. Primary School Teaching.
2O. Secondary School Teaching.
2P. Vocational and Technical School Teaching.
2Q. College and University Teaching in Natural Sciences, Mathematics, Engineering, and Technology.
2R. Agricultural School Teaching.
2S. College and University Teaching of Education.
2T. College and University Teaching of Social Sciences, Liberal Arts and Literature.
2U. Teaching in Medical Schools.

Group (3)

All fields listed in Part I.

Group (4)

4A. Chemistry.
4B. Life Sciences.
4D. Mathematics.
4E. Laboratory Technology.
4F. Metal Fabrication.
4G. Mining and Lumbering Engineering and Technology.
4H. Marine and Aeronautical Engineering and Technology.
4I. Civil Engineering.
4J. Mechanical Engineering.
4K. Electrical Engineering.
4L. Electronic Engineering.
4M. Repair and Maintenance Technology.
4N. Agriculture and Agronomy.
4O. Forestry.
4Q. Geology.
4R. Hydrology.
4T. Surveying.

Group (5)

5A. Industrial and Business Administration.
5B. Economics.
5C. Statistics.
5E. Administration of Financial.
5F. Banking.

Saudi Arabia

Group (1)

All fields listed in Part I.

Group (2)

2A. General Practice of Medicine.
2B. Recognized Medical Specializations.
2C. Nursing.
2D. Medical Technology.
2E. Dentistry.
2F. Dental Technology.
2G. Optometry.
2H. Chiropractic and Osteopathy.
2I. All Therapies, Prosthetics, and Healing.
2J. Sociology.
2K. Psychology.
2L. Law.
2N. Primary School Teaching.
2O. Secondary School Teaching.
2P. Vocational and Technical School Teaching.
2Q. College and University Teaching in Natural Sciences, Mathematics, Engineering and Technology.
2R. Agricultural School Teaching.
2S. College and University Teaching of Education.
2T. College and University Teaching of Social Science, Liberal Arts and Literature.
2U. Teaching in Medical Schools.
2V. Teaching in Law Schools.

Group (3)

3B. Electrical Communication Technology.
3C. Radio Operation.
3D. Airplane Piloting.
3E. Architecture.
3F. Construction.
3G. Drafting.
3H. Skilled Operation of Construction Machines.

Group (4)

4A. Chemistry.
4B. Life Sciences.
4C. Physics.
4D. Mathematics.
4E. Laboratory Technology.
4F. Metal Fabrication.
4G. Mining and Lumbering Engineering and Technology.
4H. Marine and Aeronautical Engineering and Technology.
4I. Civil Engineering.
4J. Mechanical Engineering.
4K. Electrical Engineering.
4L. Electronic Engineering.
4M. Repair and Maintenance Technology.
4N. Agriculture and Agronomy.
4P. Fisheries.
4Q. Geology.
4R. Hydrology.
4S. Desalinization.
4T. Surveying.

Group (5)

All fields listed in Part I.

Group (6)

6A. Library Science.

Senegal

Group (1)

All fields listed in Part I.

Group (2)

2A. General Practice of Medicine.
2B. Recognized Medical Specializations.
2C. Nursing.
2D. Medical Technology.
2E. Dentistry.
2F. Dental Technology.
2G. Optometry.
2H. Chiropractic and Osteopathy.
2I. All Therapies, Prosthetics and Healing.
2N. Primary School Teaching.
2O. Secondary School Teaching.
2P. Vocational and Technical School Teaching.
2Q. College and University Teaching in Natural Sciences, Mathematics, Engineering and Technology.
2R. Agricultural School Teaching.
2S. College and University Teaching of Education.
2T. College and University Teaching of Social Sciences, Liberal Arts and Literature.
2U. Teaching in Medical Schools.
2V. Teaching in Law Schools.

Group (3)

3A. Journalism.
3B. Electrical Communication Technology.
3C. Radio Operation.
3E. Architecture.
3F. Construction.
3G. Drafting.
3H. Skilled Operation of Construction Machines.

Group (4)

4A. Chemistry.
4B. Life Sciences.
4C. Physics.
4D. Mathematics.
4E. Laboratory Technology.
4F. Metal Fabrication.
4G. Mining and Lumbering Engineering and Technology.
4H. Marine and Aeronautical Engineering and Technology.
4I. Civil Engineering.
4J. Mechanical Engineering.
4K. Electrical Engineering.
4L. Electronic Engineering.
4M. Repair and Maintenance Technology.
4N. Agriculture and Agronomy.
4O. Forestry.
4P. Fisheries.
4Q. Geology.
4R. Hydrology.
4T. Surveying.

Group (5)

All fields listed in Part I.

Sierra Leone

Group (1)

1A. Public Administration.
1B. Public Social Administration.
1C. Primary School Administration.
1D. Secondary School Administration.
1E. Technical or Vocational School Administration.
1F. Hospital Administration.

Group (2)

2A. General Practice of Medicine.
2B. Recognized Medical Specializations.
2C. Nursing.
2D. Medical Technology.
2E. Dentistry.
2F. Dental Technology.
2G. Optometry.
2H. Chiropractic and Osteopathy.
2I. All Therapies, Prosthetics and Healing.
2J. Sociology.
2N. Primary School Teaching.
2O. Secondary School Teaching.
2P. Vocational and Technical School Teaching.
2Q. College and University Teaching in Natural Sciences, Mathematics, Engineering and Technology.
2R. Agricultural School Teaching.
2S. College and University Teaching of Education.
2T. College and University Teaching of Social Sciences, Liberal Arts, and Literature.

Group (3)

3A. Journalism.
3B. Electrical Communication Technology.
3C. Radio Operation.
3E. Architecture.
3F. Construction.
3G. Drafting.
3H. Skilled Operation of Construction Machines.

Group (4)

4A. Chemistry.
4B. Life Sciences.
4C. Physics.
4E. Laboratory Technology.
4F. Metal Fabrication.
4G. Mining and Lumbering Engineering and Technology.
4H. Marine and Aeronautical Engineering and Technology.
4I. Civil Engineering.
4J. Mechanical Engineering.
4K. Electrical Engineering.
4L. Electronic Engineering.
4M. Repair and Maintenance Technology.
4N. Agriculture and Agronomy.
4P. Fisheries.
4Q. Geology.
4T. Surveying.

Group (5)

All fields listed in Part I.

Singapore

Group (1)

All fields listed in Part I.

Group (2)

2A. General Practice of Medicine.
2B. Recognized Medical Specializations.
2G. Optometry.
2I. All Therapies, Prosthetics, and Healing.
2K. Psychology.
2P. Vocational and Technical School Teaching.
2Q. College and University Teaching in Natural Sciences, Mathematics, Engineering, and Technology.
2S. College and University Teaching of Education.
2T. College and University Teaching of Social Sciences, Liberal Arts and Literature.
2U. Teaching in Medical Schools.
2V. Teaching in Law Schools.

Group (3)

3B. Electrical Communication Technology.
3D. Airplane Piloting.
3E. Architecture.
3F. Construction.
3H. Skilled Operation of Construction Machines.

Group (4)

4C. Physics.
4D. Mathematics.
4E. Laboratory Technology.
4F. Metal Fabrication.
4H. Marine and Aeronautical Engineering and Technology.
4I. Civil Engineering.
4J. Mechanical Engineering.
4K. Electrical Engineering.
4L. Electronic Engineering.
4M. Repair and Maintenance Technology.
4N. Agriculture and Agronomy.
4P. Fisheries.
4R. Hydrology.
4S. Desalinization.
4T. Surveying.

Group (5)

All fields listed in Part I.

Somalia

Group (1)

1A. Public Administration.
1B. Public Social Administration.
1C. Primary School Administration.
1D. Secondary School Administration.
1E. Technical or Vocational School Administration.
1F. Hospital Administration.

Group (2)

2A. General Practice of Medicine.
2B. Recognized Medical Specializations.
2C. Nursing.
2D. Medical Technology.
2E. Dentistry.
2F. Dental Technology.
2G. Optometry.
2H. Chiropractic and Osteopathy.
2I. All Therapies, Prosthetics, and Healing.
2J. Sociology.
2K. Psychology.
2L. Law.
2N. Primary School Teaching.
2O. Secondary School Teaching.
2P. Vocational and Technical School Teaching.
2Q. College and University Teaching in Natural Sciences, Mathematics, Engineering, and Technology.
2R. Agricultural School Teaching.
2S. College and University Teaching of Education.
2T. College and University Teaching of Social Sciences, Liberal Arts, and Literature.
2U. Teaching in Medical Schools.
2V. Teaching in Law Schools.

Group (3)

3A. Journalism.
3B. Electrical Communication Technology.
3C. Radio Operation.
3E. Architecture.
3F. Construction.
3G. Drafting.
3H. Skilled Operation of Construction Machines.

Group (4)

4A. Chemistry.
4B. Life Sciences.
4D. Mathematics.
4E. Laboratory Technology.
4F. Metal Fabrication.
4G. Mining and Lumbering Engineering and Technology.
4H. Marine and Aeronautical Engineering and Technology.
4I. Civil Engineering.
4J. Mechanical Engineering.
4K. Electrical Engineering.
4L. Electronic Engineering.
4M. Repair and Maintenance Technology.
4N. Agriculture and Agronomy.
4O. Forestry.
4Q. Geology.
4R. Hydrology.
4S. Desalinization.
4T. Surveying.

Group (5)

5A. Industrial and Business Administration and Management.
5B. Economics.
5C. Statistics.
5E. Administration of Financial Institutions.
5F. Banking.

Group (6)

6A. Library Science.

South Africa

Group (1)

1B. Public Social Administration.

Group (2)

2A. General Practice of Medicine.
2B. Recognized Medical Specializations.
2C. Nursing.
2N. Primary School Teaching.
2O. Secondary School Teaching.
2P. Vocational and Technical School Teaching.
2Q. College and University Teaching in Natural Sciences, Mathematics, Engineering, and Technology.

Group (4)

4F. Metal Fabrication.
4M. Repair and Maintenance Technology.

Spain

Group (1)

1A. Public Administration.
1D. Secondary School Administration.
1E. Technical or Vocational School Administration.

Group (2)

2O. Secondary School Teaching.
2P. Vocational and Technical School Teaching.
2Q. College and University Teaching in Natural Sciences, Mathematics, Engineering, and Technology.
2S. College and University Teaching of Education.
2T. College and University Teaching of Social Sciences, Liberal Arts and Literature.

Group (4)

4K. Electrical Engineering.
4L. Electronic Engineering.

Sudan

Group (1)

1A. Public Administration.
1B. Public Social Administration.
1C. Primary School Administration.
1D. Secondary School Administration.
1E. Technical and Vocational School Administration.
1F. Hospital Administration.

Group (2)

2A. General Practice of Medicine.
2B. Recognized Medical Specializations.
2C. Nursing.
2D. Medical Technology.
2E. Dentistry.
2F. Dental Technology.
2G. Optometry.
2H. Chiropractic and Osteopathy.
2I. All Therapies, Prosthetics and Healing.
2J. Sociology.
2K. Psychology.
2L. Law.
2N. Primary School Teaching.
2O. Secondary School Teaching.
2P. Vocational and Technical School Teaching.
2Q. College and University Teaching in Natural Sciences, Mathematics, Engineering, and Technology.
2R. Agricultural School Teaching.
2U. Teaching in Medical Schools.

Group (3)

All fields listed in Part I.

Group (4)

4A. Chemistry.
4B. Life Sciences.
4C. Physics.
4D. Mathematics.
4E. Laboratory Technology.
4H. Marine and Aeronautical Engineering and Technology.
4I. Civil Engineering.
4J. Mechanical Engineering.
4K. Electrical Engineering.
4L. Electronic Engineering.
4M. Repair and Maintenance Technology.
4N. Agriculture and Agronomy.
4P. Fisheries.
4Q. Geology.
4R. Hydrology.
4S. Desalinization.
4T. Surveying.

Group (5)

All fields listed in Part I.

Swaziland

Group (1)

1A. Public Administration.
1B. Public Social Administration.
1C. Primary School Administration.
1D. Secondary School Administration.
1E. Technical or Vocational School Administration.
1F. Hospital Administration.

Group (2)

2A. General Practice of Medicine.
2B. Recognized Medical Specializations.
2C. Nursing.
2D. Medical Technology.
2E. Dentistry.
2F. Dental Technology.
2G. Optometry.
2H. Chiropractic and Osteopathy.
2I. All Therapies, Prosthetics, and Healing.
2J. Sociology.
2K. Psychology.
2L. Law.
2N. Primary School Teaching.
2O. Secondary School Teaching.
2P. Vocational and Technical School Teaching.
2Q. College and University Teaching in Natural Sciences, Mathematics, Engineering, and Technology.
2R. Agricultural School Teaching.
2S. College and University Teaching of Education.
2T. College and University Teaching of Social Sciences, Liberal Arts and Literature.

Group (3)

3A. Journalism.
3B. Electrical Communication Technology.
3C. Radio Operation.
3E. Architecture.
3F. Construction.
3G. Drafting.
3H. Skilled Operation of Construction Machines.

Group (4)

4A. Chemistry.
4B. Life Sciences.
4C. Physics.
4D. Mathematics.
4E. Laboratory Technology.
4F. Metal Fabrication.
4G. Mining and Lumbering Engineering and Technology.
4I. Civil Engineering.
4J. Mechanical Engineering.
4K. Electrical Engineering.
4L. Electronic Engineering.
4M. Repair and Maintenance Technology.
4N. Agriculture and Agronomy.
4O. Forestry.
4Q. Geology.
4R. Hydrology.
4T. Surveying.

Group (5)

5A. Industrial and Business Administration and Management.
5B. Economics.
5C. Statistics.
5E. Administration of Financial Institutions.
5F. Banking.

Group (6)

6A. Library Science.

Switzerland

Group (2)

2C. Nursing.
2D. Medical Technology.
2N. Primary School Teaching.
2O. Secondary School Teaching.
2P. Vocational and Technical School Teaching.
2Q. College and University Teaching in Natural Sciences, Mathematics, Engineering, and Technology.

Group (3)

3B. Electrical Communication Technology.
3D. Airplane Piloting.
3H. Skilled Operation of Construction Machines.

Group (4)

4B. Life Sciences.
4C. Physics.
4D. Mathematics.
4F. Metal Fabrication.
4I. Civil Engineering.
4J. Mechanical Engineering.
4K. Electrical Engineering.
4L. Electronic Engineering.
4R. Hydrology.
4T. Surveying.

Tanzania

Group (1)

1A. Public Administration.
1B. Public Social Administration.
1C. Primary School Administration.
1D. Secondary School Administration.
1E. Technical or Vocational School Administration.
1F. Hospital Administration.

Group (2)

2A. General Practice of Medicine.
2B. Recognized Medical Specializations.
2C. Nursing.
2D. Medical Technology.
2E. Dentistry.
2F. Dental Technology.
2G. Optometry.
2H. Chiropractic and Osteopathy.
2I. All Therapies, Prosthetics, and Healing.
2J. Sociology.
2K. Psychology.
2N. Primary School Teaching.
2O. Secondary School Teaching.
2P. Vocational and Technical School Teaching.
2Q. College and University Teaching in Natural Sciences, Mathematics, Engineering, and Technology.
2R. Agricultural School Teaching.
2S. College and University Teaching of Education.
2T. College and University Teaching of Social Sciences, Liberal Arts and Literature.
2U. Teaching in Medical Schools.
2V. Teaching in Law Schools.

Group (3)

3A. Journalism.
3B. Electrical Communication Technology.
3C. Radio Operation.
3E. Architecture.
3F. Construction.
3G. Drafting.
3H. Skilled Operation of Construction Machines.

Group (4)

4A. Chemistry.
4B. Life Sciences.
4D. Mathematics.
4E. Laboratory Technology.
4F. Metal Fabrication.
4G. Mining and Lumbering Engineering and Technology.
4H. Marine and Aeronautical Engineering and Technology.
4I. Civil Engineering.
4J. Mechanical Engineering.
4K. Electrical Engineering.
4L. Electronic Engineering.
4M. Repair and Maintenence Technology.
4N. Agriculture and Agronomy.
4O. Forestry.
4P. Fisheries.
4Q. Geology.
4R. Hydrology.
4T. Surveying.

Group (5)

5A. Industrial and Business Administration and Management.
5B. Economics.
5C. Statistics.
5E. Administration of Financial Institutions.
5F. Banking.

Group (6)

6A. Library Science.

Thailand

All fields listed in Part I, Groups (1), (2), (3), (4), (5), and (6).

Togo

Group (1)

1A. Public Administration.
1B. Public Social Administration.
1C. Primary School Administration.
1D. Secondary School Administration.
1E. Technical or Vocational School Administration.
1F. Hospital Administration.

Group (2)

2A. General Practice of Medicine.
2B. Recognized Medical Specializations.
2C. Nursing.
2D. Medical Technology.
2E. Dentistry.
2F. Dental Technology.
2G. Optometry.
2H. Chiropractic and Osteopathy.
2I. All Therapies, Prosthetics, and Healing.
2N. Primary School Teaching.
2O. Secondary School Teaching.
2P. Vocational and Technical School Teaching.
2Q. College and University Teaching in Natural Sciences, Mathematics, Engineering, and Technology.
2R. Agricultural School Teaching.
2S. College and University Teaching of Education.
2T. College and University Teaching of Social Sciences, Liberal Arts, and Literature.
2U. Teaching in Medical Schools.

Group (3)

3B. Electrical Communication Technology.
3C. Radio Operation.
3D. Airplane Piloting.
3E. Architecture.
3F. Construction.
3G. Drafting.
3H. Skilled Operation of Construction Machines.

Group (4)

4B. Life Sciences.
4E. Laboratory Technology.
4F. Metal Fabrication.
4G. Mining and Lumbering Engineering and Technology.
4H. Marine and Aeronautical Engineering and Technology.
4I. Civil Engineering.
4J. Mechanical Engineering.
4K. Electrical Engineering.
4L. Electronic Engineering.
4M. Repair and Maintenance Technology.
4N. Agriculture and Agronomy.
4O. Forestry.
4P. Fisheries.
4Q. Geology.
4R. Hydrology.
4S. Desalinization.
4T. Surveying.

Group (5)

5A. Industrial and Business Administration and Management.
5B. Economics.
5C. Statistics.
5E. Administration of Financial Institutions.
5F. Banking.

Tonga

All fields listed in Part I, Groups (1), (2), (3), (4), (5), and (6).

Trinidad and Tobago

Group (1)

All fields listed in Part I.

Group (2)

2A. General Practice of Medicine.
2B. Recognized Medical Specializations.
2C. Nursing.
2D. Medical Technology.
2E. Dentistry.
2F. Dental Technology.
2I. All Therapies, Prosthetics, and Healing.
2J. Sociology.
2K. Psychology.
2N. Primary School Teaching.
2O. Secondary School Teaching.
2P. Vocational and Technical School Teaching.
2Q. College and University Teaching in Natural Sciences, Mathematics, Engineering, and Technology.
2R. Agricultural School Teaching.
2S. College and University Teaching of Education.
2T. College and University Teaching of Social Sciences, Liberal Arts, and Literature.

Group (3)

All fields listed in Part I.

Group (4)

4A. Chemistry.
4B. Life Sciences.

4C. Physics.
4D. Mathematics.
4E. Laboratory Technology.
4F. Metal Fabrication.
4G. Mining and Lumbering Engineering and Technology.
4H. Marine and Aeronautical Engineering and Technology.
4I. Civil Engineering.
4J. Mechanical Engineering.
4K. Electrical Engineering.
4L. Electronic Engineering.
4M. Repair and Maintenance Technology.
4N. Agriculture and Agronomy.
4O. Forestry.
4P. Fisheries.
4Q. Geology.
4R. Hydrology.
4T. Surveying.

Group (5)

All fields listed in Part I.

Group (6)

6A. Library Science.

Tunisia

Group (1)

All fields listed in Part I.

Group (2)

2A. General Practice of Medicine.
2B. Recognized Medical Specializations.
2C. Nursing.
2D. Medical Technology.
2E. Dentistry.
2F. Dental Technology.
2G. Optometry.
2H. Chiropractic and Osteopathy.
2I. All Therapies, Prosthetics, and Healing.
2J. Sociology.
2K. Psychology.
2N. Primary School Teaching.
2O. Secondary School Teaching.
2P. Vocational and Technical School Teaching.
2Q. College and University Teaching in Natural Sciences, Mathematics Engineering, and Technology.
2R. Agricultural School Teaching.
2S. College and University Teaching of Education.
2T. College and University Teaching of Social Sciences, Liberal Arts and Literature.
2U. Teaching in Medical Schools.
2V. Teaching in Law Schools.

Group (3)

All fields listed in Part I.

Group (4)

All fields listed in Part I.

Group (5)

All fields listed in Part I.

Turkey

Group (1)

All fields listed in Part I.

Group (2)

2A. General Practice of Medicine.
2B. Recognized Medical Specializations.
2C. Nursing.
2D. Medical Technology.
2E. Dentistry.
2F. Dental Technology.
2G. Optometry.
2H. Chiropractic and Osteopathy.
2I. All Therapies, Prosthetics, and Healing.
2J. Sociology.
2K. Psychology.
2N. Primary School Teaching.
2O. Secondary School Teaching.
2P. Vocational and Technical School Teaching.
2Q. College and University Teaching in Natural Sciences, Mathematics, Engineering and Technology.
2R. Agricultural School Teaching.
2S. College and University Teaching of Education.
2T. College and University Teaching of Social Sciences, Liberal Arts and Literature.
2U. Teaching in Medical Schools.
2V. Teaching in Law Schools.

Group (3)

3H. Skilled operation of Construction Machines.

Group (4)

4A. Chemistry.
4B. Life Sciences.
4C. Physics.
4D. Mathematics.
4E. Laboratory Technology.
4F. Metal Fabrication.
4G. Mining and Lumbering Engineering and Technology.
4H. Marine and Aeronautical Engineering and Technology.
4I. Civil Engineering.
4J. Mechanical Engineering.
4K. Electrical Engineering.
4L. Electronic Engineering.
4M. Repair and Maintenance Technology.
4N. Agriculture and Agronomy.
4P. Fisheries.
4Q. Geology.
4R. Hydrology.
4S. Desalinization.

Group (5)

5A. Industrial and Business Administration and Management.
5B. Economics.
5C. Statistics.
5D. Insurance.

United Arab Emirates (Abu Dhabi, 'Ajam, Dubai, Fujairah, Sharja, Ras Al Khaimah and Umm Al Qaywain)

Group (1)

1A. Public Administration.
1B. Public Social Administration.
1D. Secondary School Administration.
1E. Technical or Vocational School Administration.
1F. Hospital Administration.

Group (2)

2A. General Practice of Medicine.
2B. Recognized Medical Specializations.
2C. Nursing.
2D. Medical Technology.
2E. Dentistry.
2F. Dental Technology.
2G. Optometry.
2H. Chiropractic and Osteopathy.
2I. All Therapies, Prosthetics, and Healing.
2J. Sociology.
2K. Psychology.
2L. Law.
2N. Primary School Teaching.
2O. Secondary School Teaching.
2P. Vocational and Technical School Teaching.

Group (3)

3A. Journalism.
3B. Electrical Communication Technology.
3D. Airplane Piloting.
3E. Architecture.
3F. Construction.
3G. Drafting.
3H. Skilled Operation of Construction Machines.

Group (4)

4A. Chemistry.
4B. Life Sciences.
4C. Physics.
4D. Mathematics.
4E. Laboratory Technology.
4F. Metal Fabrication.
4H. Marine and Aeronautical Engineering and Technology.
4I. Civil Engineering.
4J. Mechanical Engineering.
4K. Electrical Engineering.
4L. Electronic Engineering.
4M. Repair and Maintenance Technology.
4N. Agriculture and Agronomy.
4P. Fisheries.
4Q. Geology.
4R. Hydrology.
4S. Desalinization.
4T. Surveying.

Group (5)

5A. Industrial and Business Administration and Management.
5B. Economics.
5C. Statistics.
5E. Administration of Financial Institutions.
5F. Banking.

Group (6)

6A. Library Science.

Upper Volta

Group (1)

1A. Public Administration.
1B. Public Social Administration.
1C. Primary School Administration.
1D. Secondary School Administration.
1E. Technical or Vocational School Administration.
1F. Hospital Administration.

Group (2)

2A. General Practice of Medicine.
2B. Recognized Medical Specializations.
2C. Nursing.
2D. Medical Technology.
2E. Dentistry.
2F. Dental Technology.
2G. Optometry.
2H. Chiropractic and Osteopathy.
2I. All Therapies, Prosthetics, and Healing.
2J. Sociology.
2K. Psychology.
2N. Primary School Teaching.
2O. Secondary School Teaching.
2P. Vocational and Technical School Teaching.
2Q. College and University Teaching in Natural Sciences, Mathematics, Engineering, and Technology.
2R. Agricultural School Teaching.
2S. College and University Teaching of Education.
2T. College and University Teaching of Social Sciences, Liberal Arts and Literature.
2U. Teaching in Medical Schools.
2V. Teaching in Law Schools.

Group (3)

3A. Journalism.
3B. Electrical Communication Technology.
3C. Radio Operation.
3E. Architecture.
3F. Construction.
3G. Drafting.
3H. Skilled Operation of Construction Machines.

Group (4)

4A. Chemistry.
4B. Life Sciences.
4D. Mathematics.
4E. Laboratory Technology.
4F. Metal Fabrication.
4G. Mining and Lumbering Engineering and Technology.
4H. Marine and Aeronautical Engineering and Technology.
4I. Civil Engineering.
4J. Mechanical Engineering.
4K. Electrical Engineering.
4L. Electronic Engineering.

4M. Repair and Maintenance Technology.
4N. Agriculture and Agronomy.
4O. Forestry.
4P. Fisheries.
4Q. Geology.
4R. Hydrology.
4T. Surveying.

Group (5)

5A. Industrial and Business Administration and Management.
5B. Economics.
5C. Statistics.
5E. Administration of Financial Institutions.
5F. Banking.

Group (6)

6A. Library Science.

Uruguay

Group (1)

All fields listed in Part I.

Group (3)

3A. Journalism.
3B. Electrical Communication Technology.
3C. Radio Operation.
3D. Airplane Piloting.
3F. Construction.
3H. Skilled Operation of Construction Machines.

Group (4)

4H. Marine and Aeronautical Engineering and Technology.
4N. Agriculture and Agronomy.
4P. Fisheries.
4R. Hydrology.
4S. Desalinization.

Group (5)

5A. Industrial and Business Administration and Management.
5E. Administration of Financial Institutions.
5F. Banking.

Venezuela

Group (1)

All fields listed in Part I.

Group (2)

2A. General Practice of Medicine.
2B. Recognized Medical Specializations.
2C. Nursing.
2D. Medical Technology.
2E. Dentistry.
2F. Dental Technology.
2J. Sociology.
2K. Psychology.
2O. Secondary School Teaching.
2P. Vocational and Technical School Teaching.
2Q. College and University Teaching in Natural Sciences, Mathematics, Engineering and Technology.
2R. Agricultural School Teaching.
2S. College and University Teaching of Education.
2T. College and University Teaching of Social Sciences, Liberal Arts, and Literature.
2U. Teaching in Medical Schools.

Group (3)

3A. Journalism.
3B. Electrical Communication Technology.
3G. Drafting.
3H. Skilled Operation of Construction Machines.

Group (4)

All fields listed in Part I.

Group (5)

5A. Industrial and Business Administration and Management.
5B. Economics.
5C. Statistics.

Group (6)

6A. Library Science.

Vietnam

All fields listed in Part I, Groups (1), (2), (3), (4), (5), and (6).

Zaire

Group (1)

1B. Public Social Administration.
1C. Primary School Administration.
1D. Secondary School Administration.
1E. Technical or Vocational School Administration.
1F. Hospital Administration.
1G. Labor Union Administration.

Group (2)

2A. General Practice of Medicine.
2C. Nursing.
2D. Medical Technology.
2E. Dentistry.
2F. Dental Technology.
2G. Optometry.
2H. Chiropractic and Osteopathy.
2I. All Therapies, Prosthetics, and Healing.
2L. Law.
2N. Primary School Teaching.
2O. Secondary School Teaching.
2P. Vocational and Technical School Teaching.
2Q. College and University Teaching in Natural Sciences, Mathematics, Engineering and Technology.
2R. Agricultural School Teaching.
2S. College and University Teaching of Education.
2T. College and University Teaching of Social Sciences, Liberal Arts, and Literature.
2U. Teaching in Medical Schools.
2V. Teaching in Law Schools.

Group (3)

All fields listed in Part I.

Group (4)

4A. Chemistry.
4B. Life Sciences.
4C. Physics.
4D. Mathematics.
4E. Laboratory Technology.
4F. Metal Fabrication.
4G. Mining and Lumbering Engineering and Technology.
4H. Marine and Aeronautical Engineering and Technology.
4I. Civil Engineering.
4J. Mechanical Engineering.
4K. Electrical Engineering.
4L. Electronic Engineering.
4M. Repair and Maintenance Technology.
4N. Agriculture and Agronomy.
4O. Forestry.
4P. Fisheries.
4Q. Geology.
4R. Hydrology.
4T. Surveying.

Group (5)

5A. Industrial.
5B. Economics.
5C. Statistics.
5E. Administration of Financial Institutions.
5F. Banking.

Group (6)

6A. Library Science.

Zambia

Group (1)

1A. Public Administration.
1B. Public Social Administration.
1C. Primary School Administration.
1D. Secondary School Administration.
1E. Technical or Vocational School Administration.
1F. Hospital Administration.

Group (2)

2A. General Practice of Medicine.
2B. Recognized Medical Specializations.
2C. Nursing.
2D. Medical Technology.
2E. Dentistry.
2F. Dental Technology.
2G. Optometry.
2H. Chiropractic and Osteopathy.
2I. All Therapies, Prosthetics, and Healing.
2J. Sociology.
2K. Psychology.
2N. Primary School Teaching.
2O. Secondary School Teaching.
2P. Vocational and Technical School Teaching.
2Q. College and University Teaching in Natural Sciences, Mathematics, Engineering, and Technology.
2R. Agricultural School Teaching.
2S. College and University Teaching of Education.
2T. College and University Teaching of Social Sciences, Liberal Arts and Literature.
2U. Teaching in Medical Schools.
2V. Teaching in Law Schools.

Group (3)

3A. Journalism.
3B. Electrical Communication Technology.
3C. Radio Operation.
3E. Architecture.
3F. Construction.
3G. Drafting.
3H. Skilled Operation of Construction Machines.

Group (4)

4A. Chemistry.
4B. Life Sciences.
4D. Mathematics.
4E. Laboratory Technology.
4F. Metal Fabrication.
4G. Mining and Lumbering Engineering and Technology.
4H. Marine and Aeronautical Engineering and Technology.
4I. Civil Engineering.
4J. Mechanical Engineering.
4K. Electrical Engineering.
4L. Electronic Engineering.
4M. Repair and Maintenance Technology.
4N. Agriculture and Agronomy.
4O. Forestry.
4P. Fisheries.
4Q. Geology.
4R. Hydrology.
4T. Surveying.

Group (5)

5A. Industrial and Business Administration and Management.
5B. Economics.
5C. Statistics.
5E. Administration of Financial Institutions.
5F. Banking.

Group (6)

6A. Library Science.

Unless otherwise specified, the designations made in Part II hereof shall include all of the related fields of specialized knowledge or skill which are indicated along with the primary fields designated in Part I.

In order to provide time for the dissemination of this list to Foreign Service posts abroad and to interested persons and organizations in the United States, the foregoing designations shall become effective 30 days after publication in the FEDERAL REGISTER.

Dated: April 18, 1972.

[SEAL] BARBARA M. WATSON,
Administrator, Bureau of Security and Consular Affairs.

[FR Doc.72-6144 Filed 4-24-72;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[R-27]

CALIFORNIA

Notice of Classification of Public Lands for Disposal by Exchange

Pursuant to section 7 of the Act of June 28, 1934 (48 Stat. 1272) as amended (43 U.S.C. 315f), and to the regulations in 43 CFR 2400.0-3, the following described lands are hereby classified for disposal through private exchange, under section 8 of the Act of June 28, 1934, as amended (48 Stat. 1272; 43 U.S.C. 315g; 43 CFR Part 2200), for lands within the Bakersfield District.

This proposal has been discussed with the District Advisory Board, local government officials and other interested parties. Information from discussions and other sources indicate that these lands meet the criterion of 43 CFR 2430.4 (d), "for exchange under appropriate authority where they are found to be chiefly valuable for public purposes because they have special values, arising from the interest of exchange proponents, for exchange for other lands which are needed for the support of a Federal program".

No adverse comments were received following publication of the notice of proposed classification (37 F.R. 4969) on March 8, 1972.

Pursuant to the regulations in 43 CFR 2202.5, the lands included in formal application R-27 are segregated from applications under the public land laws, including the mining laws.

Information concerning these lands is available at the Bakersfield District Office, 800 Truxtun Avenue, Room 311, Bakersfield, CA 93301.

This classification shall be subject to the exericse of supervisory authority by the Secretary of the Interior for the purposes of administrative review as provided for in 43 CFR 2461.3. Interested parties may submit comments, suggestions, or objections to the Secretary of the Interior, LLM, 320, Washington, D.C. 20240, on or before May 26, 1972.

The lands affected by this classification are located in Kern County, Calif. and are described as follows:

MOUNT DIABLO MERIDIAN

T. 30 S., R. 35 E.,
Sec. 34, SE¼SE¼.
T. 31 S., R. 35 E.,
Sec. 2, lots 1, 8, 9, 16, E½SE¼;
Sec. 4, all;
Sec. 6, all;
Sec. 8, all;
Sec. 10, all;
Sec. 12, all;
Sec. 14, all;
Sec. 16, all;
Sec. 18, all;
Sec. 22, all;
Sec. 24, all;
Sec. 26, all; and
Sec. 28, all.
T. 31 S., R. 36 E.,
Sec. 18, all;
Sec. 20, all; and
Sec. 30, all.

The above described area contains 10,204.78 acres.

For the State Director.

LOUIS A. BOLL,
District Manager.

[FR Doc.72-6286 Filed 2-24-72;8:48 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

ORGANIZATION, FUNCTIONS, AND DELEGATIONS OF AUTHORITY

Pursuant to the authority delegated to the Administrator of the Agricultural Marketing Service in section 40 of the Statement of Organization and Delegations appearing at 29 F.R. 16212, the notices of the Secretary appearing in 36 F.R. 21529 and 37 F.R. 6327, and the delegations from the Assistant Secretary for Marketing and Consumer Services appearing in 36 F.R. 21529 and 37 F.R. 6505, the Statement of Organization, Functions, and Delegations of Authority of the Consumer and Marketing Service appearing at 36 F.R. 13169 is hereby superseded by the following Statement of Organization, Functions, and Delegations of Authority of the Agricultural Marketing Service.

ORGANIZATION AND FUNCTIONS

SECTION 1. *General.* The Agricultural Marketing Service was created by the Secretary of Agriculture on November 2, 1953, pursuant to his authority under 5 U.S.C. 301; Reorganization Plan No. 2 of 1953, 67 Stat. 633; and related authority. The name was changed to the Consumer and Marketing Service on February 8, 1965. Effective April 2, 1972, the Secretary authorized the Assistant Secretary for Marketing and Consumer Services to delegate functions and responsibilities for meat and poultry inspection activities to the Animal and Plant Health Inspection Service, and this has been done. The meat and poultry inspection activities were formerly carried out by the Consumer and Marketing Service. The Secretary also changed the name of the Consumer and Marketing Service to the Agricultural Marketing Service. The central office of the Agricultural Marketing Service is located at Washington, D.C., but a large part of the program activity is carried on through various field offices. The functions and authorities delegated to the Agricultural Marketing Service are published at 34 F.R. 19474, 35 F.R. 19701, 36 F.R. 3385 and 5809, with the exception of responsibilities relating to meat and poultry inspection activities. All functions and authorities delegated to the Agricultural Marketing Service are subject to the provisions of sections 1-40 of the Statement of Organization and Delegations at 29 F.R. 16210 et seq.

SEC. 2. *The Office of the Administrator*—(a) *The Administrator.* The Administrator is responsible for the general direction and supervision of programs and activities assigned to the Agency. He reports to the Assistant Secretary for Marketing and Consumer Services.

(b) *Deputy Administrator, Marketing Services.* The Deputy Administrator for Marketing Services is responsible for:

(1) Participating with the Administrator in the overall planning and formulation of all policies, programs, and activities of the Agency.

(2) Directing and coordinating the administration of the marketing service programs, including the standardization, inspection, grading, and classing of agricultural commodities; market news, expansion of market outlets, surplus removal (including purchase, diversion, and export programs), purchases under section 6 of the National School Lunch Act for assigned commodities, U.S. Grain Standards Act, programs and related activities involving the Agricultural Marketing Act of 1946, as amended, Export Apple and Pear, Naval Stores, Export Grape and Plum, Processed and Renovated Butter, the Tobacco Seed and Plant Exportation, Tobacco Inspection, Tobacco Statistics, U.S. Cotton Standards, and Egg Products Inspection Acts; assigned defense mobilization activities; and other related programs and activities. These programs and activities are carried out by seven commodity Divisions (Cotton, Dairy, Fruit and Vegetable, Grain, Livestock, Poultry, and Tobacco), located at Washington, D.C., and by field offices of these Divisions, by the Matching Fund Program Staff and Plentiful Foods Program Staff.

(c) *Deputy Administrator, Regulatory Programs.* The Deputy Administrator for Regulatory Programs is responsible for:

(1) Participating with the Administrator in the overall planning and formulation of all policies, programs, and activities of the Agricultural Marketing Service; and

(2) Directing and coordinating the administration of marketing regulatory programs and related activities involving the Perishable Agricultural Commodities, Federal Seed, U.S. Warehouse, Plant Variety Protection, Produce Agency, Cotton Research and Promotion, Agricultural Fair Practices, Wheat Research and Promotion, and Potato Research and Promotion Acts; freight rate services under section 201 of the Agricultural Adjustment Act of 1938 and section 203(j) of the Agricultural Marketing Act of 1946, as amended; assigned defense mobilization activities; marketing agreements and orders; and other related programs and activities. These programs are carried out by six commodity Divisions (Cotton, Dairy, Fruit and Vegetable, Grain, Poultry, and Tobacco), and one functional Division (Transportation and Warehouse), located at Washington, D.C., and by field offices of these Divisions, except milk marketing orders which are carried out through market administrators and fruit and vegetable marketing orders which are administered by administrative committees in the field.

(d) *Deputy Administrator, Management.* The Deputy Administrator, Management, is responsible for:

(1) Participating with the Administrator in the overall planning and formulation of all policies, programs, and activities of the Agricultural Marketing Service:

(2) Directing and coordinating the administration of the overall administrative management programs of the Agency including financial management, personnel, administrative services, and automated data processing, as necessary to meet the requirements of the marketing and regulatory programs of the Agency, and assigned civil defense mobilization, and related programs and activities. These programs and activities are carried out by the Automated Data Systems Staff and Administrative Services, Financial Management, and Personnel Divisions, located at Washington, D.C., and by field offices of the Administrative Services Division; and

(3) Civil rights program coordination in the Agricultural Marketing Service.

SEC. 3. *Information Division.* The Information Division, under the direction and supervision of the Administrator, is responsible for planning and administering a public information program involving the activities of the Agency and, by arrangement, the Food and Nutrition Service. In addition to the central office located at Washington, D.C., this program is carried on through Regional Offices.

SEC. 4. *Statistical Services Staff.* The Statistical Services Staff, under the direction and supervision of the Administrator, is responsible for providing statistical leadership, coordination, analyses, and services necessary to meet requirements of the overall programs and activities of the Agency.

SEC. 5. *Marketing Services and Regulatory Programs.* The Cotton, Dairy, Fruit and Vegetable, Grain, Livestock, Poultry, Tobacco, Transportation and Warehouse Divisions, Matching Fund Program Staff, and the Plentiful Foods Program Staff, under administrative direction of the Administrator and the functional and technical direction of the Deputy Administrators for Marketing Services and Regulatory Programs, are responsible as follows:

(a) *Cotton Division.* The Cotton Division is responsible for:

(1) Planning and administering marketing services (market news, standardization, classing, grading, and testing), surplus removal, expansion of market outlets, marketing regulations, marketing agreements and orders, and related programs for cotton, cotton linters, cottonseed, cotton products, and other vegetable fibers and related commodities as authorized by Cotton Futures provisions of the Internal Revenue Code of 1954; U.S. Cotton Standards Act, as amended; Cotton Statistics and Estimates Act, as amended; section 32 of the Act of August 24, 1935, as amended; Agricultural Marketing Act of 1946, as amended; Cotton Research and Promotion Act; and other authorities; and

(2) Executing assigned defense mobilization activities.

(b) *Dairy Division.* The Dairy Division is responsible for:

(1) Planning and administering marketing services (standardization, inspection, and grading), marketing agreement and order programs authorized by the Agricultural Marketing Agreement Act of 1937, as amended, for milk and its products, and such other commodities as may be assigned; processed and renovated butter, surplus removal (including purchase, diversion, and export programs), purchases under section 6 of the National School Lunch Act for assigned commodities, expansion of market outlets, and related programs for milk and dairy products as authorized by section 32 of the Act of August 24, 1935, as amended; Agricultural Marketing Act of 1946, as amended; Processed and Renovated Butter Act; Agricultural Fair Practices Act of 1967; and other authorities;

(2) Formulating policies and technical direction for market news services for dairy and dairy products which are administered by the Poultry Division; and

(3) Executing assigned defense mobilization activities.

(c) *Fruit and Vegetable Division.* The Fruit and Vegetable Division is responsible for:

(1) Planning and administering marketing services (market news, standardization, inspection, and grading), marketing regulatory, surplus removal (including purchase, diversion, and export programs) purchases under section 6 of the National School Lunch Act for assigned commodities, expansion of market outlets, marketing guides for vegetables including potatoes and sweet potatoes, and related programs for fruits and vegetables, their products and other assigned commodities; the Produce Agency Act, as amended; Perishable Agricultural Commodities Act of 1930, as amended; Export Apple and Pear Act; Export Grape and Plum Act; section 32 of the Act of August 24, 1935, as amended; Agricultural Marketing Act of 1946, as amended; Potato Research and Promotion Act; Agricultural Fair Practices Act of 1967, and other authorities;

(2) Planning and administering marketing agreement and order programs authorized by the Agricultural Marketing Agreement Act of 1937, as amended, for fruits, vegetables, nuts, hops, and the products thereof, and such other commodities as may be assigned; and

(3) Executing assigned defense mobilization activities.

(d) *Grain Division.* The Grain Division is responsible for:

(1) Planning and administering marketing services (market news, standardization, inspection, and grading), marketing regulatory, surplus removal (including purchase, diversion, and export programs), purchases under section 6 of the National School Lunch Act for assigned commodities, expansion of market outlets, and related programs for grain, grain products, seeds, beans, peas, rice, hay, and other commodities as assigned; administering the U.S. Grain Standards Act, as amended; the Federal Seed Act, as amended; section 32 of the Act of August 24, 1935, as amended; Agricultural Marketing Act of 1946, as amended; Wheat Research and Promotion Act; Agricultural Fair Practices Act of 1967; Plant Variety Protection Act; and other authorities;

(2) Planning and administering marketing agreement and other programs authorized by the Agricultural Marketing Agreement Act of 1937, as amended, for seed and such other commodities as may be assigned; and

(3) Executing assigned defense mobilization activities.

(e) *Livestock Division.* The Livestock Division is responsible for:

(1) Planning and administering marketing services (market news, standardization, and grading), surplus removal (including purchase, diversion, and export programs), purchases under section 6 of the National School Lunch Act for assigned commodities, expansion of market outlets for meat, meat products, wool, mohair, and related commodities as authorized by the Wool Standards Act; section 32 of the Act of August 24, 1935, as amended; Agricultural Marketing Act of 1946, as amended; Agricultural Fair Practices Act of 1967; and other authorities; and

(2) Executing assigned defense mobilization activities.

(f) *Poultry Division.* The Poultry Division is responsible for:

(1) Planning and administering standardization, inspection, and grading, surplus removal (including purchase, diversion, and export programs), purchases under section 6 of the National School Lunch Act for assigned commodities, marketing guides for poultry and eggs, expansion of market outlets, and related programs for poultry, poultry products, domestic rabbits, and related commodities as authorized by section 32 of the Act of August 24, 1935, as amended; Agricultural Marketing Act of 1946, as amended; Agricultural Fair Practices Act of 1967; and other authorities;

(2) Administering the Egg Products Inspection Act;

(3) Planning and administering marketing agreement and order programs authorized by the Agricultural Marketing Agreement Act of 1937, as amended, for poultry and poultry products and such other commodities as may be assigned;

(4) Formulating policies and directing market news service for poultry and poultry products, and domestic rabbits; administrative direction of market news services for dairy and dairy products; and

(5) Executing assigned defense mobilization activities.

(g) *Tobacco Division.* The Tobacco Division is responsible for:

(1) Planning and administering marketing services (market news, standardization, inspection, and grading), marketing regulatory, surplus removal, expansion of market outlets, statistical reporting, and related programs for tobacco, tobacco products and byproducts, naval stores, and related commodities as authorized by the Tobacco Stocks and Standards Act of 1929, as amended; Tobacco Inspection Act, as amended;

Tobacco Seed and Plant Exportation Act; Naval Stores Act, section 32 of the Act of August 24, 1935, as amended; and other authorities;

(2) Planning and administering marketing agreement and order programs authorized by the Agricultural Marketing Agreement Act of 1937, as amended, for tobacco, and the products thereof, and such other commodities as may be assigned; and

(3) Executing assigned defense mobilization activities.

(h) *Transportation and Warehouse Division.* The Transportation and Warehouse Division is responsible for:

(1) Administering the U.S. Warehouse Act, as amended;

(2) Warehouse examination functions in connection with warehouses storing commodities pursuant to contracts or agreements with Commodity Credit Corporation;

(3) Administering provisions of section 201 of the Agricultural Adjustment Act of 1938, section 203(j) of the Agricultural Marketing Act of 1946, as amended, except with respect to improvement of transportation service, facilities and rates for the export of agricultural commodities and farm supplies which involves action before the Federal Maritime Commission, the Maritime Administration, or other similar transportation regulatory body, or which involves working directly with individual ocean carriers or groups of such carriers, and other authorities covering adjustments in transportation and services for farm commodities, food, and farm supplies;

(4) Acting for, or assisting on assignment from the Office of the Administrator in planning, directing, and coordinating activities and operations assigned to Agricultural Marketing Service with respect to emergency preparedness programs in connection with defense mobilization; and

(5) Executing other marketing services programs and activities as assigned.

(i) *Plentiful Foods Program Staff.* The Plentiful Foods Program staff is responsible for:

(1) Planning and administering programs designed to expand markets for foods which are in plentiful supply; facilitating and increasing the movement of plentiful foods to consumers through normal channels of trade; and

(2) Executing assigned defense mobilization activities.

(j) *Matching Fund Program Staff.* The Matching Fund Program staff is responsible for:

(1) Providing leadership and consulting services to assist States in the development and execution of matched-funds marketing service projects, under the provisions of the Agricultural Marketing Act of 1946, as amended, and coordinating similar lines of work between States.

(2) Reviewing and approving such projects proposed by the State Department of Agriculture, Bureaus of Markets, and similar State agencies; and

(3) Coordinating the matching fund programs with the overall Federal-State marketing program.

SEC. 6. *Management Services.* The Administrative Services, Financial Management and Personnel Divisions, and the Automated Data Systems Staff, under the administrative direction of the Administrator and the functional and technical direction of the Deputy Administrator, Management, are responsible as follows:

(a) *Administrative Services Division.* The Administrative Services Division is responsible for:

(1) Planning and administering procurement and supply, real and personal property, communications, directives, forms, records, reports, manual systems, and related management services programs necessary to meet requirements of the overall programs and activities of the Agricultural Marketing Service.

(2) Approving, for administrative feasibility and for conformance with governing rules and regulations, cooperative agreements and related documents and contracts under the Agricultural Marketing Act of 1946, as amended:

(3) Developing standards and procedures for the preparation of program dockets and authorities, and clearing for conformance with governing rules and regulations materials to be published in the FEDERAL REGISTER and the Code of Federal Regulations; and

(4) Providing staff assistance to the Deputy Administrator, Management, with respect to committee management and title VI civil rights activities in the Agency.

(b) *Financial Management Division.* The Financial Management Division is responsible for:

(1) Planning and administering the financial management and related programs necessary to meet the requirements of the overall programs and activities of the Agency;

(2) Developing, installing, and revising accounting systems, methods, and procedures for the Agency including administrative committees and market administrators operating under marketing agreements and orders assigned to the Agency.

(c) *Personnel Division.* The Personnel Division is responsible for planning and administering the organization, position classification, wage and salary, manpower utilization and position management, employment, employee relations, labor management relations, training, award, safety, and health phases of a personnel program to meet requirements of the overall programs and activities of the Agency.

(d) *Automated Data Systems Staff.* The Automated Data Systems Staff is responsible for planning and administering an automated data systems program to meet the overall requirements and needs of the Agency.

DELEGATIONS OF AUTHORITY

SEC. 7. *Deputy Administrators.* The Deputy Administrator, Marketing Services; the Deputy Administrator, Regulatory Programs; and the Deputy Administrator, Management, are hereby delegated the authority, severally, to perform all the duties and to exercise all the functions and powers which are now, or which may hereafter be vested in the Administrator (including the power of redelegation except when prohibited) except such authority as is reserved to the Administrator. Each Deputy Administrator shall be primarily responsible for the programs and activities of the Agricultural Marketing Service herein or hereafter assigned to him:

(1) The Deputy Administrator, Regulatory Programs, is hereby delegated the authority to designate Market Administrators and Committees administering market agreements and order programs;

(2) The Deputy Administrator, Marketing Services, is hereby delegated the authority to consider and determine appeals from findings of fact of contracting officers within the scope of any disputed provisions, which provides a method for final and conclusive determination of disputed questions of fact, in any purchase contracted under purchase and donation programs carried out pursuant to section 6 of the National School Lunch Act and section 32 of Public Law 320, 74th Congress; and

(3) The Deputy Administrator, Regulatory Programs, is hereby delegated the authority to consider and determine appeals involving coercion or conspiracy by Agricultural Commodity handlers against a producer in the exercise of his right to join and belong to a cooperative under the Agricultural Fair Practices Act of 1967.

SEC. 8. *Information Division.* The Director of the Information Division is hereby delegated authority, in connection with the respective functions herein assigned to him, to perform all the duties and to exercise all the functions and powers which are now, or which may hereafter be, vested in the Administrator (including the power of redelegation except when prohibited) except such authority as is reserved to the Administrator.

SEC. 9. *Marketing Services, Regulatory, and Management Services Divisions.* The Directors of the Cotton, Dairy, Fruit and Vegetable, Grain, Livestock, Poultry, Tobacco, Transportation and Warehouse Divisions, Matching Fund Program Staff, and the Plentiful Foods Program Staff are hereby delegated authority, in connection with the respective functions herein assigned to each of them, to perform all the duties and to exercise all the functions and powers which are now, or which may hereafter be, vested in the Administrator (including the power of redelegation except when prohibited) except such authority as is reserved to the Administrator and Deputy Administrators. The Directors of the Administrative Services, Financial Management, and Personnel Divisions, and the Automated Data Systems Staff and Statistical Services Staff are hereby delegated authority in connection with the respective functions herein assigned to each of them, to perform all the duties and to exercise all the functions and powers which are now, or which may hereafter be, vested in the Administrator

(including the power of redelegation except when prohibited) except such authority as is reserved to the Administrator and Deputy Administrators.

SEC. 10. *Concurrent authority and responsibility to the Administrator.* No delegation or authorization prescribed herein shall preclude the Administrator, or each Deputy Administrator, from exercising any of the powers or functions or from performing any of the duties conferred upon them herein, and any such delegation or authorization is subject at all times to withdrawal or amendment by the Administrator, and in their respective fields, by each Deputy Administrator. The officers to whom authority is delegated herein shall: (a) Maintain close working relationships with the officers to whom they report, (b) keep them advised with respect to major problems and developments, and (c) discuss with them proposed actions involving major policy questions or other important considerations or questions including matters involving relationships with other Federal Agencies, other Agencies of the Department, other Divisions or offices of the Agency, or other governmental or private organizations or groups.

SEC. 11. *Prior authorizations and delegations.* All prior delegations and redelegations of authority relating to any functions, program, or activity covered by the Statement of Organization, Functions, and Delegations of Authority shall remain in effect except as they are inconsistent herewith or are hereafter amended or revoked. Nothing herein shall affect the validity of any action heretofore taken under prior delegations or redelegations of authority or assignments of functions.

RESERVATION OF AUTHORITY

SEC. 12. *Reservation of authority.* There is hereby reserved to the Administrator, or to the individual designated to act in his stead, the approval of regulations relating to the travel of seasonal inspectors.

AVAILABILITY OF INFORMATION AND RECORDS

SEC. 13. *Availability of information and records.* Any person desiring information or to make submittals or requests with respect to the programs and functions of the Agency should address his request to the Director of the particular Division or office, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250. The availability of information and records of the Agency and its Divisions and offices is governed by the rules and regulations as published in the Code of Federal Regulations, Title 7, Chapter II, Part 295, Subpart—Public Information.

Issued at Washington, D.C., this 19th day of April 1972.

G. R. GRANGE,
Acting Administrator.

[FR Doc.72-6272 Filed 4-24-72;8:47 am]

MARKET NEWS SERVICE LEASED WIRE NETWORK

General Statement of Basis and Purpose of Private Direct Connections

Pursuant to the Organic Act of the U.S. Department of Agriculture (R.S. 520; 7 U.S.C. 2201), the Cotton Statistics and Estimates Act (50 Stat. 62; 7 U.S.C. 473b), section 9 of the Tobacco Inspection Act (§ 9, 49 Stat. 733; 7 U.S.C. 511h), and paragraphs (g), (k), and (n) of section 203 of the Agricultural Marketing Act of 1946 (§ 203, 60 Stat. 1087; 7 U.S.C. 1622 (g), (k), (n)), the Secretary of Agriculture has the authority and the duty to "acquire and to diffuse among the people of the United States useful information on subjects connected with agriculture, in the most general and comprehensive sense of that word," including marketing reports and other items of interest to the agricultural community, by the most expeditious means possible, and for the benefit of the general public.

The Market News Service was initiated in 1915 and the Market News Service leased wire network has been in operation continuously since 1917. Largely as a consequence of improved technology, the Market News Service has been expanded from time to time over the years. The present leased wire network of more than 19,000 miles connects the field and Washington offices of the Market News Service and the Federal-State market reporters who gather market news at more than 200 permanent and seasonal markets and producing areas. Market reports are issued to the public as promptly as possible by all available practical means on cotton, fruits, vegetables, dairy and poultry products, livestock, meat, grain, feeds, tobacco, and other agricultural products. The reports include such matters as market supplies, demands, activity, prices, and trends. The Market News Service is an invaluable tool to producers, handlers, and dealers in all major agricultural commodities produced in the United States, and the Department of Agriculture is constantly striving to improve the efficiency of the Marketing News Service so as to better accommodate these sectors of our economy in the public interest.

In a notice published in the FEDERAL REGISTER on May 25, 1963 (28 F.R. 5240), the Department of Agriculture described the fact that it maintains and operates a network of teletypewriter circuits which it leases from a telephone company for the rapid dissemination of agricultural market news among its Washington and field offices throughout the United States; stated that, in order to facilitate more rapid and more extensive dissemination of market news, the Department was considering granting permission for newspapers, radio and television stations, commercial firms, cooperatives, and any other interested persons to have direct connections or private "drops" on the USDA teletypewriter Market News Service leased wire circuit; and afforded an opportunity for any interested person to submit comments regarding the matter.

In July 1963, after careful consideration of all responses to the notice, the Department announced its decision to inaugurate the new direct extension system by granting permission for any interested person to acquire a direct connection to a USDA leased wire circuit for direct receipt of public market news information as it is being transmitted to USDA Market News Service offices for immediate release to the public. The announcement was made in a widely distributed USDA bulletin, AMS–510, which declared that the new system was being instituted for the purpose of "speed[ing] the dissemination of market reports and widen[ing] the area to which they are disseminated." The new system was implemented on August 1, 1963, and has been operative continuously since that date.

In the case of P.A.M. News Corp. v. Hardin, 440 F. 2d 255, 258, note 4 (C.A.D.C., 1971), the Court stated that under section 4 of the Administrative Procedure Act (now 5 U.S.C. 553) it was incumbent upon the Department to publish in the FEDERAL REGISTER its determinations with respect to the direct extension system and to set forth a "concise general statement" of the basis and purpose therefor. This general statement of the basis and purpose of the direct extension system of the Department of Agriculture's Market News Service is being published pursuant to the Court's opinion.

By a letter dated September 20, 1963, the Secretary of Agriculture transmitted to Senator Spessard L. Holland, Chairman, Agriculture Subcommittee of the Senate Committee on Appropriations, a document entitled "Developments Regarding Use of the Federal-State Market News Leased Wire System." The letter and document were published in the Congressional Record on September 25, 1963 (109 Cong. Rec. 18006–18008). That document which contains a concise general statement of the developments leading to the direct extension connection system and the basis and purpose of the system, and answers to the arguments advanced in opposition to the system, is set forth below:

DEVELOPMENTS REGARDING USE OF THE FEDERAL-STATE MARKET NEWS LEASED WIRE SYSTEM

U.S. DEPARTMENT OF AGRICULTURE
WASHINGTON, D.C., SEPTEMBER 19, 1963

The U.S. Department of Agriculture has been collecting and disseminating agriculture market news since 1915 in cooperation with State departments of agriculture. The reports consist of prices, stocks, and movement of cotton and cottonseed, dairy and poultry products, fruits and vegetables, grain and feeds, livestock, meat and wool, molasses, naval stores, and tobacco.

For many years market news reports have been transmitted among the 135 Federal-State market news offices over a national leased wire system. The reports are then made available from each market news office. It is essential to collect, transmit, and

release these market reports with the least possible delay if they are to be of maximum usefulness. For example, many livestock producers look to the reports from Kansas City, Chicago, or other markets before making their plans each day for direct or auction sales of cattle and hogs.

Market news offices release their reports in many ways. Daily mimeographed reports are sent out by mail; summaries are given to local newspapers and broadcast stations; long distance collect telephone calls or telegrams are sent to individuals at their request; recorded telephone tapes are cut for automatic playback to callers; reports are posted at stockyards and other public markets; and many persons visit the market news offices daily at the time when certain reports are due to be released. Special summaries are supplied several times daily to the Associated Press, United Press International, and other news services at points throughout the United States.

Because of the delays or lack of completeness in the relaying system through the local market news offices, users of the market news service have requested that teletypewriter receiving machines be installed at their place of business. In 1950, the Western States Meat Packers Association established a leased wire circuit to distribute market news reports to its members. The Market News office in San Francisco serviced this circuit by relaying the livestock reports on a sending machine which the association located in this office. In 1955, a similar circuit and arrangement was set up by the National Independent Meat Packers Association which was serviced by the Market News office in Chicago. Also in 1955, the Colorado Cattle Feeders Association established its circuit with service out of the Denver office. The USDA agreement with these associations specified that they would derive no profit from the arrangement and would permit any private subscriber willing to pay the costs to join their leased wire circuits.

These private arrangements resulted in duplicate line charges because their lines paralleled the Federal-State circuits in many instances. For example, a livestock marketing firm in Billings, Mont., would have to pay its pro rata costs for a line from San Francisco even though the Federal-State circuit, which carries the same reports, runs directly through Billings. This duplication led to requests to be able to "tap on" to the circuit at the nearest market news office. In addition, other commodity groups who depend on the Federal-State reports in carrying out their daily operations, wished to avail themselves of this faster service at their expense.

Direct connections to the leased wire circuits would probably have been initiated long before August 1, 1963, if it had not been for the mechanical problem of screening out administrative messages or incomplete market news data, which are consolidated by one of the receiving Federal-State offices prior to public issuance. Although automatic selector equipment for screening messages has been available for a number of years, the Federal-State Market News Service does not have this equipment on its sending machines. Indirectly, the present arrangement is an outgrowth of the action of the 87th Congress directing a joint Department of Agriculture-Weather Bureau survey in 1962 to explore the possibility of coordination of the use of their separate leased wire circuits. As a result of this survey, USDA officials learned (1) of the extensive arrangements which the Weather Bureau has for over 1,000 private subscribers on its leased wire circuits throughout the country, and (2) of the fact that automatic selector equipment could be attached to the receiving machines, at no cost to the Government, for the purpose of screening out messages. The joint report by the U.S. Departments of Commerce and Agriculture, which was submitted to Congress in April 1962, includes the following statement:

"At present, only Federal and Federal-State Market News offices are connected with the AMS (USDA) leased wire network. No radio stations, TV stations, or other private subscribers have direct access to the AMS leased wire circuit. Therefore, any weather information on this circuit would have to be relayed from the market news offices to the press. This method of communication would not be faster nor more effective than the existing arrangements for distributing weather information.

"With the increased capacity and automatic selectivity feature of the AMS network provided for under its proposed modernized leased wire plan, consideration is being given to the desirability of opening the AMS network to private subscribers who would pay the machine rental and the added mileage costs. If this plan were adopted, it is possible that radio stations, TV stations, and newspapers in certain sections would wish to install a private drop. Under such a plan, establishment of AMS-Weather Bureau exchange points at strategic locations would make it possible to transmit selected weather information to stations on the AMS network along with the market news reports."

The Department started relaying market news reports for transmission on the first of the Weather Bureau networks in June 1962. These leased wire networks transmit detailed weather news and forecasts to radio and TV stations, newspapers, public utilities, and various private firms.

The Department filed a request on April 9, 1962, with the American Telephone & Telegraph Co. to provide "Extension" service on the market news leased wire circuits similar to the arrangement which had been approved by the Federal Communications Commission for the Weather Bureau. A letter dated August 7, 1962, was received from A.T. & T. advising that it could furnish such service. The Department deferred further action on this matter until after the congressional hearings on its 1964 appropriations. The proposal was then discussed on March 8, 1963, at the House subcommittee hearings (Department of Agriculture appropriations for 1964, pt. III, pp. 1469–1471).

In accordance with the appropriation hearing discussion, the Department issued a press release on May 20 and published a notice in the FEDERAL REGISTER on May 25, 1963, asking for comments prior to making a final decision on the initiation of this expanded service. This notice received wide circulation—102 replies were received; 68 favored the proposal, 19 opposed, and 15 were noncommittal. Nineteen farm or trade organizations approved the proposal and one was noncommittal. Thirteen newspapers, broadcast stations, or other news media either approved the proposal or simply requested further information for their own evaluation in utilizing the service and one firm opposed it.

Careful consideration at each stage of its development was given to all foreseeable features of this plan. As the result of this consideration, the Department concluded that this plan would make a proper and useful contribution to the Federal-State Market News Service. Accordingly, the Department announced on July 10, 1963, that direct hookups to the Federal-State market news network would become effective on August 1, 1963.

The American Newspaper Publishers Association, in its August 20, 1963, memorandum, lists six arguments against allowing private firms and individuals to connect to the leased wire circuits of the Federal-State market news service. Following are the arguments and the USDA comments on them:

ANPA ARGUMENT NO. 1

Under our concept of freedom, it is improper for the Government to engage in the business of news gathering and dissemination. It can too easily become a propaganda agency. The longstanding policy of Small Business Administration (and its predecessor agency the Reconstruction Finance Corporation) has been not to make loans to newspapers or broadcast stations because it does not wish to create any implication of Government influence on editorial content. The same policy should apply to the Department of Agriculture.

USDA COMMENT

Federal, State, and county governments have been engaged for more than 100 years in gathering and disseminating specialized reports, data, and other information. Examples are weather reports, census reports, agricultural crop estimates, and agricultural market news reports. Federal laws authorize these services.

Congress, in establishing the U.S. Department of Agriculture in 1862, specifically authorized the new Department "to acquire and diffuse among the people of the United States useful information on subjects connected with agriculture, in the most general and comprehensive sense of the word."

The Agricultural Marketing Act of 1946 provides that "the Secretary of Agriculture is directed and authorized to collect and disseminate marketing information, including adequate outlook information on a market-area basis, for the purpose of anticipating and meeting consumer requirements, aiding in maintenance of farm income, and bringing a balance between production and utilization of agricultural products.

Congress each year in its appropriation actions reviews and directs the operation of these services.

The bug-a-boo of these services becoming propaganda agencies is completely foreign to American concepts. This presupposes that the executive branch of the Government would have the desire (and ability) to use for propaganda purposes its staff of meteorologists or statisticians or agricultural marketing specialists; that Congress would abdicate its responsibilities and fail to exercise its powers of direction; and that the American people would tolerate such actions.

The Small Business Administration's policy against making loans to newspapers or broadcast stations in order not to imply any Government influence on editorial content is not germane to this issue. Agricultural market news reports have no connection with editorial policy or content. These reports are limited to specialized, technical data for the use of farmers and others who buy and sell agricultural commodities. The excerpts on page 6 from typical market news reports show their scope and content. The fact that the Chicago hog market opened at $17 to $17.25 per hundredweight and closed at $16.50 to $16.75 may have been very significant to many persons in making their marketing plans for the following day. It is hardly conceivable, however, that the collection and dissemination of this information by the Government could be used to influence editorial content.

ANPA ARGUMENT NO. 2

Government should not engage in an enterprise in competition with existing private ownership which is able to provide satisfactory service, as the U.S. Department of Agriculture will be doing in this case.

USDA COMMENT

There is no such existing private ownership. Comprehensive, detailed market news reports on a national basis are collected and

disseminated only by the U.S. Department of Agriculture in collaboration with State departments of agriculture. There are private marketing analysts or commodity specialists who provide their services to their customers through newsletters or other media. Some of them collect certain marketing information; most of them utilize the Government market reports for their primary data; and none of them duplicates the extent and scope of the Government reports.

The objection to competition with a privately owned firm apparently refers to the P.A.M. News Corp. This firm was purchased by the New York Journal of Commerce from its owner-operator on May 1, 1963. P.A.M. (under a different firm name) was started during the 1940's for the purpose of relaying to fresh fruit and vegetable growers and shippers Federal-State market news reports plus certain supplemental market information which it collects directly. P.A.M. leases wire circuits for this purpose and states that it presently has about 300 customers. The Federal-State market news reports are transmitted via a special hookup maintained by P.A.M. from the USDA leased wire center in Washington, D.C., to the P.A.M. office in New York City. This arrangement has existed for many years. P.A.M. then relays these Government reports to its customers via its own leased wire circuit. P.A.M. discontinued use of its special hookup in August and is now obtaining the Federal-State market news reports by direct connections on USDA leased wire circuits.

The daily supplies and prices of fresh fruits and vegetables fluctuate more rapidly and widely than any other agricultural commodity group. Therefore, maximum speed in receiving the Government market news reports from the major wholesale markets and production areas is of primary importance. The opportunity for fresh fruit and vegetable growers and shippers, at their expense, to obtain direct connections on the Federal-State leased wire circuits is of concern to the P.A.M. News Corp. because these wire connections will reduce the lag in time for the receipt of Federal-State market reports directly from their source. Whether this arrangement will affect the P.A.M. News Corp. may depend upon the value its customers place on the supplemental market information which it collects and sells to them.

ANPA ARGUMENT NO. 3

The announcement sets up a system of censorship by giving the Department of Agriculture authority to cancel the service of anyone who allegedly abuses the service by "Misrepresentation" of reports, or for any other reason when, in its sole judgment, such cancellation is desirable.

USDA COMMENT

No system of censorship or management of the press is involved in any manner. This objection is drawn from a misinterpretation of a statement in AMS Bulletin 510 which was issued to explain the expanded leased wire arrangement. Unfortunately, the Agricultural Marketing Service wrote this statement in such a capsule form that it is easily subject to misinterpretation.

The statement in AMS Bulletin 510 was as follows:

"The new service is available to all who want it, and no application need be made to USDA to receive service. However, USDA reserves the right to cancel at any time the connection of any or all subscribers who abuse the service by misinterpretation of reports, or for any other reason when, in its sole judgment, such cancellation is desirable."

This statement is intended to cover only two kinds of situations. First, notice of reservation by USDA of the right to cancel service to an individual subscriber if he should issue false or fraudulent market news reports, which he designates as being Federal-State market news reports. Second, notice of reservation by USDA of the right to cancel the new service in its entirety and in the sole judgment of USDA if, for some unforeseen reason, it should turn out to be detrimental to the best interests of agricultural producers as a whole.

Objections related to censorship would have to be based on the possible cancellation action against individual subscribers. Guarding against the unlikely possibility of false or fraudulent reports, ascribed to the Federal-State Market News Service, is not a capricious or unreasonable safeguard. For example, intermingling of data from other sources so that they appear as part of the Federal-State report should be considered as a false report.

The agreement which has been in effect between USDA and P.A.M. News Corp. for several years contains similar restrictions and cancellation provisions. No objection has ever been received from P.A.M. to these provisions which are as follows:

"P.A.M. News Corp. will retransmit official market news reports without amendment or modification; will credit all market news reports originating in Agricultural Marketing Service as USDA; and will credit all non-USDA market reports as independent or by specific private agency so as to indicate no responsibility on the part of USDA. Either party may terminate this agreement upon 30 days notice in writing to the other party."

Working relationships under this agreement with P.A.M. News Corp. have been very satisfactory and no question of termination has ever risen.

If cancellation of the service to an individual subscriber should arise, the established procedure for withdrawal of other voluntary fee services provided under the Agricultural Marketing Act of 1946 (i.e., inspection, grading, and classing services) would be followed. This procedure calls for affording the respondent an opportunity to file a written statement or, at his option, to have an oral hearing to show cause why the service should not be withdrawn. The procedure next requires that the respondent be served with a proposed suspension order consisting of tentative findings, conclusions, and decision specifying the suspension period and giving him 20 days in which to file exceptions. After ruling on exceptions received, the Administrator or Deputy Administrator of AMS may issue a formal suspension order for a specified period of time.

In addition to the safeguards of individual rights contained in this USDA procedure, the Administrative Procedure Act gives any person adversely affected by such action the right of judicial review. This act provides, among other things, that the reviewing court shall decide all relevant questions of law and shall hold unlawful and set aside agency actions found to be arbitrary, capricious, an abuse of discretion, contrary to constitutional rights, or for certain other specified reasons. (Now contained in 5 U.S.C. 701 et seq.)

ANPA ARGUMENT NO. 4

Future expansion of this service—as is indicated in a Department of Agriculture background memorandum—could easily lead to a complete national news wire in direct competition with Associated Press and United Press International.

USDA COMMENT

The basis for this sweeping charge is so vague that it is difficult to find a meaningful comment. The USDA is not engaged, or authorized to engage, in the operation of a complete national news wire. AMS Bulletin 510 makes very clear that there will be no changes made in the informational material transmitted on the leased wire network as the result of private subscribers. It states that:

"The primary purpose of the leased wire network is to relay information throughout the country, for use by market news offices in preparing and issuing reports. The network continues to serve this purpose, and no changes can be made in its operation because of the addition of private subscribers. USDA cannot add to, subtract from, or modify its reports solely as a service to any private subscriber. Many of the reports move on the circuit in abbreviated telegraphic language in order to get the most traffic transmitted, and subscribers will receive the reports in this form."

There is only a nominal amount of unused capacity on the leased wire circuits. In fact, they operate at a much higher rate than is normally scheduled for wire circuits. Therefore, there is no opportunity for use of the market news leased wire circuits to transmit any significant amount of other traffic.

Federal-State offices mailed out about 20 million mimeographed market news reports last year. It is as farfetched to say that the market news leased wire system could be turned into a complete national news wire service as it would be to say that these mimeographed reports could be turned into complete newspapers.

ANPA ARGUMENT NO. 5

The announced plan has monopolistic implications in that only A.T. & T. wires can be used although the present privately owned news service in this field uses wires leased from Western Union. FCC policies and actions have been aimed at preserving competition in the leased wire filed between A.T. & T. and Western Union.

USDA COMMENT

The USDA obtains its leased wire services under a contract (TPS 72907) made by the General Services Administration for all civil Federal agencies. USDA has no jurisdiction over the awarding of contracts to provide these long line services.

ANP ARGUMENT NO. 6

The American taxpayers should not be expected to pay for news wire services to anyone.

USDA COMMENT

As set forth in AMS Bulletin 510, private subscribers pay directly to the telephone company all costs of their connections. USDA pays for the cost of its trunklines and connections to the Federal-State market news offices—exactly as it has in the past.

The USDA pays the same tariff rates, approved by the Federal Communications Commission, as any other public agency or private firm. Rates vary dependent upon transmission speed, hours per day of operation, and type of equipment—not on the identity of the leasing party. For example, USDA pays the same mileage charge per month for a 75-word-per-minute line as does P.A.M. News Corp.

The cost of conducting the agricultural market news service is borne by Federal and State appropriated funds. However, the expanded service is being paid for entirely by the private subscribers at no additional cost to the taxpayers.

One private subscriber expressed the following views in a recent letter:

"The information on livestock market prices will be of real value in helping to keep our staff informed on market conditions. As a result, we will be able to better serve our members in the livestock industry. This improved dissemination of market news infor-

mation will be of value in stabilizing livestock prices in the market. With the individual subscriber paying all costs of the service, this step forward should be approved by all segments of the industry."

The direct extension connection or "drop" system, instituted on August 1, 1963, after careful and thorough consideration is found to be a desirable additional feature of the Market News Service. It is our opinion that the system does not abridge the constitutional guarantees of any person, and that the long-standing administrative policy of the Department of providing the most prompt and accurate market news information to all interested segments of the public by the most expeditious means available far outweighs the specious arguments advanced in opposition to the system. Therefore, the direct extension connection or "drop" system under the conditions described herein is hereby reaffirmed.

All interested persons have had actual and timely notice of the system for many years. All comments submitted pursuant to the notice published in the FEDERAL REGISTER on May 25, 1963, and all other data, views, and arguments brought to the attention of the Department during the more than 8 years the system has been in operation have been carefully considered, and it does not appear that further public procedure with respect to this matter would develop any further useful information regarding the matter. Accordingly, it is found for good cause that further public procedure with respect to the direct extension connection or "drop" system is unnecessary and this reaffirmation of the system shall become effective upon issuance.

Done at Washington, D.C., this 19th day of April 1972.

G. R. GRANGE,
Acting Administrator.

[FR Doc.72-6301 Filed 4-24-72;8:50 am]

Farmers Home Administration

STATE ADVISORY COMMITTEES

Establishment

In accordance with established policies and delegated authorities of the Farmers Home Administration (FHA), Advisory Committees have been established for each State for the purpose of assisting in the coordination of communications regarding the many programs between FHA and the community. Where two or more States are under the jurisdiction of one State Director, the State Director may apply to the Administrator for permission to establish one Committee for all of those States rather than a separate Committee for each State.

Composition. Each Committee will be composed of five lay members from different geographical areas of the State(s), the Dean of the College of Agriculture and/or Director of Extension Service who will serve as ex officio members, and such other ex officio members as may be appointed by the Administrator. Variations in the number or composition of the Committees require the prior approval of the FHA Administrator. All Committee members should be individuals who are interested in the FHA's objective of strengthening family farms, developing strong rural communities, and eliminating rural poverty. One of the five lay Committee members should be actively engaged in farming. One should be a person with experience in agricultural financing. The other three lay Committee members should be individuals interested in the broad spectrum of our programs, particularly in rural housing and community development.

Functions. The functions of the State Advisory Committees will be:

1. To advise the State Director with respect to adapting broad national FHA policies to local conditions in the respective States, and to submit recommendations that may be helpful in shaping the future program of the FHA.

2. To consider the problems and advise the State Director concerning agricultural credit and other needs of operators of family-type farms, the needs of rural residents and of rural communities in the State, and to suggest ways for the FHA to meet these needs more effectively.

3. To inform the State Director and the Administrator of the Committeemen's reactions, and of the reactions of the public in general, to the FHA program.

4. To assist in coordinating the FHA program with the activities and programs of other agencies operating in the field of agriculture in the State.

5. To advise the State Director regarding the need for emergency credit in the State.

Eligibility. The eligibility requirements set forth below will be adhered to strictly in the selection of State Committeemen, and any Committeeman who, subsequent to appointment, does not meet such requirements will become immediately ineligible to serve as such Committeeman.

1. No FHA borrower, nor the wife or husband of a borrower, is eligible for appointment as a member of a State Advisory Committee if he or she is currently indebted to the Government by virtue of an FHA loan, an FHA insured loan, or a loan secured through the Farm Security Administration, the Emergency Crop and Feed Loan Division of the Farm Credit Administration, or the Regional Agricultural Credit Corporation.

2. Persons who perform any of the following functions or services for an FHA-financed association or organization are not eligible for appointment if they are to continue to perform such functions or services after appointment: Serve as officials; perform any administrative or employee function with respect to any phase of the business; and perform clerical services, maintain financial or other records, prepare financial reports, or develop operating budgets. In addition, persons who are members of grazing associations unincorporated Economic Opportunity Cooperatives, or of insured rental housing and closely held labor housing organizations are not eligible for appointment.

3. Members must meet the legal and regulatory requirements for appointment and service in the Federal Government. In this connection the State Director determines that the nominee meets the citizenship requirements for Federal employment; his appointment will not be in violation of the dual pay and employment provisions of sections 5531–5537 of title 5, United States Code; and that his appointment will not be in violation of the laws and Executive orders regarding political activity and the holding of State or local office.

4. It is also the State Director's responsibility to make the determination that the nominee's appointment would be clearly consistent with national security. National security is defined as the protection and preservation of the military, economic, and productive strength of the United States, including the security of the Government in domestic and foreign affairs, against or from espionage, sabotage, and subversion, and any and all other illegal acts designed or tending to weaken or destroy the United States. Such determinations will be accomplished by adequate verbal inquiry of reliable local sources. State Directors will observe the criteria given in the FPM, Chapter 732, Subchapter 2, in making an evaluation relative to the character, reputation, and activities of the nominee. His determination will be evidenced by adding the following certification to each recommendation for appointment on Standard Form 52, "Request for Personnel Action":

> Based on the information which I have received in answer to verbal inquiries the appointment of the nominee will be clearly consistent with the interests of the National security.

5. The State Director determines further that he has not been separated from the Federal Service under Public Law 733, 81st Congress, now sections 7531–7533 of title 5, United States Code. In making this determination, it is well to remember that only a person separated after August 26, 1950, need be questioned, and any exception to this requirement must be requested from the National Office in writing, giving complete information regarding the separation of the employee for approval by the Civil Service Commission as required by FPM Chapter 732, Subchapter 1.

Dated: April 3, 1972.

JAMES V. SMITH,
Administrator,
Farmers Home Administration.

[FR Doc.72-6300 Filed 4-24-72;8:50 am]

Forest Service

MULTIPLE-USE PLAN—SNYDER HILL PLANNING UNIT

Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for a Multiple-Use Plan—Snyder Hill Planning Unit, USDA–FS–DES(Adm) 72–30.

The environmental statement concerns a proposal to manage a 6,500 acre existing roadless area for the timber, wildlife, esthetic, and research values, with limited road construction and timber management activities.

This draft environmental statement was filed with CEQ on April 14, 1972.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agricultural Building, Room 3230, 12th Street and Independence Avenue SW., Washington, DC 20250.
USDA, Forest Service, Northern Region, Federal Building, Missoula, Mont. 59801.
Colville National Forest, Federal Building, Colville, Wash. 99114.

A limited number of single copies are available upon request to Robert A. Smart, Forest Supervisor, U.S. Forest Service, Colville National Forest, Federal Building, Colville, Wash. 99114.

Copies are also available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22151 for $3 each. Please refer to the name and number of environmental statement above when ordering.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the Council on Environmental Quality Guidelines.

Comments are invited from the public and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Mr. Robert A. Smart, U.S. Forest Service, Colville National Forest, Federal Building, Colville, Wash. 99114. Comments must be received within 30 days of the date of publication of this notice in order to be considered in the preparation of the final environmental statement.

THOMAS C. NELSON,
Deputy Chief, Forest Service.

APRIL 19, 1972.

[FR Doc.72-6273 Filed 4-24-72;8:47 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. D-72-169]

DEPUTY REGIONAL ADMINISTRATOR ET AL.

Designation To Act as Acting Regional Administrator, Region II

The officials appointed to the following listed positions in Region II (New York) are hereby designated to serve as Acting Regional Administrator, Region II (New York), during the absence of the Regional Administrator, with all the powers, functions, and duties redelegated or assigned to the Regional Administrator: *Provided*, That no official is authorized to serve as Acting Regional Administrator unless all other officials whose titles precede his in this designation are unable to serve by reason of absence:

1. Deputy Regional Administrator.
2. Assistant Regional Administrator for Administration.
3. Assistant Regional Administrator for Housing Management.
4. Assistant Regional Administrator for Community Development.
5. Assistant Regional Administrator for Equal Opportunity.
6. Assistant Regional Administrator for Housing Production and Mortgage Credit.
7. Assistant Regional Administrator for Community Planning and Management.
8. Regional Counsel.

This designation supersedes the designation effective March 2, 1971 (36 F.R. 7026, April 13, 1971).

(Redelegation of authority to take final action with respect to certain positions and employees effective as of May 4, 1969)

Effective date: This designation shall be effective upon publication in the FEDERAL REGISTER (4-25-72).

S. WILLIAM GREEN,
Regional Administrator, Region II.

[FR Doc.72-6307 Filed 4-24-72;8:50 am]

[Docket No. D-72-170]

ASSISTANT REGIONAL ADMINISTRATOR FOR ADMINISTRATION ET AL.

Designation To Act as Acting Regional Administrator, Region X

The officers appointed to the following listed positions in Region X (Seattle) are hereby designated to serve as Acting Regional Administrator, Region X, during the absence of the Regional Administrator and the Deputy Regional Administrator, Region X, with all the powers, functions, and duties delegated or assigned to the Regional Administrator: *Provided*, That no officer is authorized to serve as Acting Regional Administrator, Region X, unless all other officers whose titles precede his in this designation are unable to act by reason of absence:

1. Assistant Regional Administrator for Administration.
2. Assistant Regional Administrator for Community Planning and Management.
3. Assistant Regional Administrator for Community Development.
4. Regional Counsel.

(This designation supersedes the designation published at 36 F.R. 11530, June 15, 1971)

Effective as of the 25th day of July 1971.

OSCAR PEDERSON,
Regional Administrator, Region X (Seattle).

[FR Doc.72-6308 Filed 4-24-72;8:50 am]

ATOMIC ENERGY COMMISSION

[Docket No. 40-8102]

HUMBLE OIL & REFINING CO.

Notice of Availability of Draft Detailed Statement on Environmental Considerations

Pursuant to the National Environmental Policy Act of 1969 and the regulations of the Atomic Energy Commission (the Commission) in 10 CFR Part 50, Appendix D, notice is hereby given that a draft detailed statement dated April 5, 1972, on the environmental considerations related to the proposed issuance of a license for the Highland Uranium Mill located in Converse County, Wyo., has been prepared and has been made available for public inspection in the Commission's Public Document at 1717 H Street NW., Washington, DC, and in the Converse County Library, Douglas, Wyo. 82633. The draft detailed statement is also being made available to the public at the Wyoming State Clearinghouse, State Planning Coordinator, Office of the Governor, Capitol Building, Cheyenne, Wyo.

A notice was published in the FEDERAL REGISTER on November 5, 1971 (36 F.R. 21298), concerning the availability of Humble Oil & Refining Co.'s environmental report for public inspection at the above designated locations. Notice of availability of the supplemental report was published in the FEDERAL REGISTER March 11, 1972 (37 F.R. 5265). These reports have been analyzed by the Commission's Division of Materials Licensing in the preparation of the draft detailed statement.

Copies of the Commission's draft detailed statement may be obtained upon request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Materials Licensing.

Pursuant to Appendix D to 10 CFR Part 50, interested persons may, within seventy-five (75) days from date of publication of this notice in the FEDERAL REGISTER, submit comments on the draft detailed statement for the Commission's consideration. Federal agencies and State and local officials are being provided with copies of the draft detailed statement. Such comments as may be received from Federal agencies and State and local officials will be made available for public inspection at the above designated locations. Members of the public should address comments on the draft detailed statement to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Materials Licensing.

Dated at Bethesda, Md., this 18th day of April 1972.

For the Atomic Energy Commission.
C. T. EDWARDS,
Assistant to the Director, Division of Materials Licensing.

[FR Doc.72-6250 Filed 4-24-72;8:45 am]

[Docket No. 50-247]

CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.

Order Convening Evidentiary Hearing on May 17, 1972

In the matter of Consolidated Edison Company of New York, Inc. (Indian Point Station Unit No. 2), Docket No. 50-247.

At an evidentiary session of hearings convened on April 5, 1972, the Atomic Safety and Licensing Board, in accordance with the rules of practice inquired concerning the convenience of all participants for the next session of evidentiary hearings. This was determined to be May 17, 1972, and the Board announced that a formal order would be issued for that date.

Wherefore, it is ordered, In accordance with the Atomic Energy Act, as amended, and the rules of practice of the Commission, that an evidentiary session of hearings in this proceeding shall convene at 9:30 a.m. on Wednesday, May 17, 1972, in the all-purpose room of the Springvale Inn, 500 Albany Post Road, Croton-on-Hudson, NY.

Issued: April 18, 1972, Germantown, Md.

ATOMIC SAFETY AND LICENSING BOARD,
SAMUEL W. JENSCH,
Chairman.

[FR Doc.72-6260 Filed 4-24-72;8:46 am]

[Dockets Nos. 50-329A, 50-330A]

CONSUMER POWER CO.

Notice and Order for Prehearing Conference

In the matter of Consumer Power Co. (Midland Plant, Units 1 and 2).

Take notice, that pursuant to the Atomic Energy Commission's Notice of Antitrust Hearing, published in the FEDERAL REGISTER (37 F.R. 7726, April 19, 1972), and in accordance with said Commission's rules of practice, a prehearing conference will be held in the subject proceeding on May 25, 1972, at 10 a.m., in Courtroom No. 1, U.S. Tax Court, 1111 Constitution Avenue NW., Washington, DC 20044.

The Attorneys for the respective parties are hereby directed to:

1. Confer in advance of the prehearing conference and to report to the Atomic Safety and Licensing Board (Board) at the time of the conference on the prospect of settlement.

2. Submit to the Board the following:

(a) A written stipulation or statement of the uncontested facts.

(b) A written statement which shall contain, under proper topical heading, the following: A concise summary of the essential facts; and a recital of the contested issues of fact and law.

(c) A written statement regarding the nature and scope of discovery required to be undertaken, indicating the length of time required for completion of such discovery.

(d) Written exhibits and printed documents which will be offered in evidence at the formal hearing of this proceeding.

(e) The names and addresses of prospective witnesses.

The prehearing conference can be more expeditiously conducted if the attorneys for the respective parties wil, prior to the conference, exchange the written statements required under subdivision 2(b) cited above, and permit inspection of exhibits and documents to be submitted as required under subdivision 2(d) above.

At the prehearing conference, this Board will consider:

1. Preliminary motions addressed to:

(a) Any jurisdictional question.

(b) The letter of advice of the Assistant Attorney General, dated June 28, 1971.

(c) Any other matter relevant to the proceeding.

2. The simplification of issues.

3. The extent of discovery that will be required.

4. The identity of known witnesses, including expert witnesses.

5. The desirability of trial briefs.

6. The prospect of settlement.

7. Estimated time to be required by the parties for the actual presentation of their case.

8. Such other matters as may aid in the disposition of the instant proceeding.

In addition, at the instant prehearing conference, the Board will hear oral argument on the petitions to intervene filed in this matter. The petitioners, as well as the parties, will be permitted to be heard in this regard.

Each party shall be represented at the prehearing conference by the attorney who expects to present the case at the formal hearing.

Issued: April 19, 1972, Washington, D.C.

By order of the Atomic Safety and Licensing Board.

JEROME GARFINKEL,
Chairman.

[FR Doc.72-6261 Filed 4-24-72;8:46 am]

[Docket No. 50-271]

VERMONT YANKEE NUCLEAR POWER CORP.

Order Convening and Designating Place for Hearing

In the matter of Vermont Yankee Nuclear Power Corp. (Vermont Yankee Nuclear Power Station).

On March 30, 1972, the Atomic Safety and Licensing Board, after consultation with attorneys for the parties as to their readiness to proceed with presentation of evidence, issued an order canceling the evidentiary session scheduled for April 10, 1972, and setting the next session of evidentiary hearing in the above proceeding to convene at 2:30 p.m. on Tuesday, May 30, 1972, in Brattleboro, Vt., at a location therein to be later designated by order.

Wherefore, it is ordered, In accordance with the Atomic Energy Act, as amended, and the rules of practice of the Commission, that the next evidentiary session of hearings in this proceeding shall convene at 2:30 p.m. on Tuesday, May 30, 1972, in the Vermont National Guard Armory, 207 Main Street, Brattleboro, Vt.

Issued: April 19, 1972, Germantown, Md.

ATOMIC SAFETY AND LICENSING BOARD,
SAMUEL W. JENSCH,
Chairman.

[FR Doc.72-6262 Filed 4-24-72;8:46 am]

[Dockets Nos. 50-275, 50-323]

PACIFIC GAS AND ELECTRIC CO.

Notice of Hearing on Suspension of Construction Activities Authorized Pending Completion of NEPA Environmental Review

In the matter of Pacific Gas and Electric Co. (Diablo Canyon Nuclear Power Plant, Units 1 and 2), Dockets Nos. 50-275, 50-323.

On December 7, 1971, the Director of Regulation of the Atomic Energy Commission published in the FEDERAL REGISTER, 36 F.R. 23265, pursuant to 10 CFR Part 50, Appendix D, section E, a determination with certain exceptions, not to suspend construction activities at the Diablo Canyon Nuclear Power Plant, Units 1 and 2, pending completion of an environmental review under the Commission's regulations implementing the National Environmental Policy Act of 1969 (NEPA), 10 CFR Part 50, Appendix D.[1] A request for a hearing was filed on December 30, 1971, by the Scenic Shoreline Preservation Conference, Inc. (petitioner).

Upon analysis of the request and the responses filed by the Regulatory Staff and the Pacific Gas and Electric Co. (licensee), it has been determined by memorandum and order dated April 21, 1972, that a hearing is warranted and that a hearing will be held. Accordingly, pursuant to 10 CFR Part 50, Appendix D, section E.4(b) and § 2.703 of the Commission's "Rules of Practice," 10 CFR Part 2, notice is hereby given that a hearing will be held at a time and place to be announced by the Atomic Safety and Licensing Board specified below, and published in the FEDERAL REGISTER.

The issue to be considered at the hearing will be whether the activities under the construction permits for the Diablo Canyon Nuclear Power Plant, Units 1 and 2, should be suspended pending completion of the NEPA environmental review. In resolving that issue, the following criteria should be considered and balanced:

Criteria. (a) Whether it is likely that continued construction during the review

[1] Construction of these units is authorized by Construction Permits Nos. CPPR-39 and CPPR-69.

period will give rise to a significant adverse impact on the environment; the nature and extent of such impact, if any; and whether redress of any such adverse environmental impact can reasonably be effected should modification, suspension or termination of the permit or license result from the ongoing NEPA review.

(b) Whether continued construction during the prospective review period would foreclose subsequent adoption of alternatives in facility design or operation of the type that could result from the ongoing NEPA environmental review.

(c) The effect of delay in facility construction or operation upon the public interest. Of primary importance under this criterion are the power needs to be served by the facility; the availability of alternative sources, if any, to meet those needs on a timely basis; and delay costs to the licensee and to consumers.

(d) In the context of balancing environmental harm and economic cost of abandonment, a paramount consideration shall be whether the commitment of substantial financial resources, in proceeding with construction pending completion of the NEPA review, might affect the eventual decision reached on that review; and, if so, the degree to which such an effect might occur.[2]

The Licensing Board shall render a de novo decision based upon the criteria above. The burden of proof shall be upon the licensees.

For purposes of this proceeding, on the question whether activities under the construction permits should be suspended pending completion of NEPA review, the parties shall be the licensee, the Regulatory Staff, and the petitioner. An answer shall be filed by the licensee within 3 days of the date of publication of this notice following 10 CFR § 2.705 to the extent appropriate. A reply to an answer may be filed within 3 days after it is served.

Papers required to be filed in this proceeding may be filed by mail or telegram addressed to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Branch, or may be filed by delivery to the Commission's Public Document Room, 1717 H Street NW., Washington, DC. Pending further order of the Board, parties are required to file, pursuant to the provisions of 10 CFR § 2.708 of the Commission's "Rules of Practice," an original and 20 conformed copies of each such paper with the Commission.

A copy of the Director of Regulation's determination and the accompanying staff discussion and findings are available for inspection by members of the public in the Commission's Public Document Room, 1717 H Street NW., Washington, DC. Copies of those documents are also available at the San Luis Obispo County Free Library, 1354 Bishop Street, San Luis Obispo, CA, between the hours of 8 a.m. and 5 p.m., Monday through Friday.

[2] See Coalition for Safe Nuclear Power et al. v. U.S.A.E.C., D.C. Cir., No. 71-1396.

We direct that all matters involving the above question be concluded with utmost expedition so that final decision will be reached within 60 days of publication of this notice. For these purposes, the proceeding shall be conducted under the following requirements:

1. The hearing will be held before an Atomic Safety and Licensing Board (Licensing Board) composed of the following members: Dr. Franklin C. Daiber, Dr. M. Stanley Livingston, and Michael Glaser, Esq., Chairman. Pursuant to 10 CFR § 2.785(a)(1), the Commission hereby delegates to the Atomic Safety and Licensing Appeal Board (Appeal Board) the authority and the review function which would otherwise be exercised and performed by the Commission. The Appeal Board shall be composed of the following members: Dr. John H. Buck, Dr. Lawrence R. Quarles, and Algie A. Wells, Esq., Chairman.

2. The Licensing Board shall render its initial decision within 40 days from the date of publication of this notice. In order to meet this schedule, the Licensing Board shall conduct the hearing as soon as possible.

3. The Licensing Board's initial decision shall constitute the final decision of the Commission unless exceptions are filed within 5 days after its date or unless, within the same time period, the Appeal Board or Commission directs that the record be certified to it for final decision.

Insofar as this notice and these requirements reflect shortening of time periods otherwise prescribed in 10 CFR Part 2, we find good cause for such action under 10 CFR § 2.711 and 10 CFR Part 50, Appendix D, section E.4(c). We further note that the authority of 10 CFR § 2.711 also extends to the Licensing Board.

Dated: April 21, 1972.

By the Commission.

W. B. McCool,
Secretary of the Commission.

[FR Doc.72-6407 Filed 4-24-72;10:42 am]

CIVIL AERONAUTICS BOARD

[Docket Nos. 24353, 24374; Order 72-4-101]

EASTERN AIR LINES, INC.

Order Dismissing Complaint

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 19th day of April 1972.

U.S. Mainland-Puerto Rico/Virgin Islands Fares, Docket 24353, San Juan/Virgin Islands-Florida excursion fares proposed by Eastern Air Lines, Inc., Docket 24374.

By tariff revisions[1] marked to become effective April 23, 1972, Eastern Air Lines, Inc. (Eastern) proposes to establish round-trip excursion fares from San Juan, St. Croix, and St. Thomas to Daytona Beach, Kennedy Space Center, Melbourne, Orlando, and Tampa, and return. The round-trip fares are $139 from St. Croix or St. Thomas (with a stopover permitted at San Juan, Miami or Ft. Lauderdale) and $126 from San Juan (with a stopover permitted at Miami or Ft. Lauderdale). The fares are subject to a 3-day minimum and 21-day maximum stay in Florida, and are marked to expire December 15, 1972.

In support of its proposal, Eastern states that the significant increase in travel from Caribbean points to the Disney World area experienced during the fourth quarter of 1971, indicates that the excursion fares will be financially successful. It expects to generate at least 2,100 passengers and to realize a net contribution to profit of approximately $122,000.

Pan American World Airways, Inc. (Pan American) has filed a complaint against the proposal requesting its suspension and investigation. Pan American alleges that Eastern has failed to demonstrate that the markets involved, already highly stimulated by the opening of Disney World, require fare reductions of the magnitude proposed. It further alleges that Eastern has significantly overestimated traffic generation (40 percent) and understated traffic diversion (60 percent)—particularly in light of the potential diversion of traffic currently destined for Miami.

Eastern answers that it is precisely because the Disney World area is a prime attraction that the fares will encourage family travel. It alleges that its success with other circle-trip excursion fares, identical in principle to the instant proposal and at levels comparable to those here proposed, supports its generation/diversion estimate. Finally, the carrier alleges that the truly price conscious passenger could use existing fares which are lower than the fares in the instant filing if he desired to travel only to Miami.

Eastern's proposal to establish round-trip excursion fares from Puerto Rico and the U.S. Virgin Islands to points in Florida and return comes within the scope of the investigation of mainland-U.S.-Puerto Rico/Virgin Island fares in Docket 24353, and its lawfulness will be determined in that proceeding. The question then is whether to permit the proposal to become effective, or to suspend it pending investigation. Upon consideration of all relevant matters, the Board finds that the complaint does not set forth sufficient facts to warrant suspension, and the request therefor will be denied and the complaint dismissed.

On the basis of Eastern's experience with similar types of excursion fares, we have no reason to conclude that the 40-percent generation estimated in connection with the fares here involved is unreasonable. Moreover, the minimum/maximum stay requirement and directional nature of the fares should reduce the potential for diversion. Finally, the discounts involved (19 to 25 percent) are not out of line with existing excursion fares in other markets.

[1] Revisions to Eastern Air Lines, Inc. Tariff C.A.B. No. 326.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 403, 404, and 1002 thereof.

It is ordered, That:

1. The complaint of Pan American World Airways, Inc., in Docket 24374 is dismissed; and

2. A copy of this order be served upon Eastern Air Lines, Inc., and Pan American World Airways, Inc.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.72-6292 Filed 4-24-72;8:50 am]

[Docket No. 23486; Order 72-4-74]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Fare Matters

Issued under delegated authority April 14, 1972.

By Order 72-3-108, dated March 30, 1972, action was deferred, with a view toward eventual approval, on an agreement adopted by Joint Conference 1-2 of the International Air Transport Association (IATA). The agreement relates to the sale in foreign currencies of winter group inclusive tour (GIT) fares during the month of April.

In deferring action on the agreement, 10 days were granted in which interested persons might file petitions in support of or in opposition to the proposed action. No petitions have been received within the filing period and the tentative conclusions in Order 72-3-108 will herein be made final.

Accordingly, it is ordered, That

Agreement C.A.B. 22990 be and hereby is approved.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.72-6291 Filed 4-24-72;8:50 am]

ENVIRONMENTAL PROTECTION AGENCY

CALIFORNIA STATE MOTOR VEHICLE POLLUTION CONTROL STANDARDS

Waiver of Application

On January 8, 1972, the Administrator of the Environmental Protection Agency, by notice published in the FEDERAL REGISTER (37 F.R. 302), called a public hearing pursuant to section 209(b) of the Clean Air Act, as amended (42 U.S.C. 1857 f-6a(a), 81 Stat. 501, Public Law 91-604), concerning the request by the State of California that the Administrator waive application of the prohibitions of section 209(a) to the State of California with respect to State emission standards applicable to 1973 through 1976 model year gasoline powered motor vehicles under 6,001 pounds g.v.w. section 209(b) requires the Administrator to grant such waiver, after public hearing, unless he finds that the State of California does not require standards more stringent than applicable Federal standards to meet compelling and extraordinary conditions, or that such State standards and accompanying enforcement procedures are not consistent with section 202(a) of the Clean Air Act, as amended.

The public hearing was held in Los Angeles, Calif., on February 8, 1972. The record of the public hearing was kept open until February 23, 1971, for the submission of written material, data or arguments by interested persons.

Having given due consideration to the record of the public hearing, all material submitted for that record, and other relevant information, I find that:

1. The State of California had, prior to March 30, 1966, adopted standards (other than crankcase emission standards) for the control of emissions from new motor vehicles and new motor vehicle engines;

2. The State of California requires standards more stringent than applicable Federal Standards to meet compelling and extraordinary conditions;

3. The California State emission standards applicable to 1973 and 1974 model year light-duty vehicles, when considered as a total regulatory program including related assembly-line testing and enforcement procedures, are more stringent than the applicable Federal standards, are required to meet California's compelling and extraordinary conditions, and are consistent with section 202(a) of the Clean Air Act, as amended, except that application of the 1973 standards to off-road utility vehicles manufactured during the 1973 model year does not give manufacturers of such vehicles the period of time necessary to develop and apply the requisite technology.

4. The request that the Administrator waive application of the prohibitions of section 209(a) with respect to the California State emission standards applicable to 1975 model year light-duty vehicles should be held under consideration pending development of additional information by the Environmental Protection Agency.

5. The request that the Administrator waive application of the prohibitions of section 209(a) with respect to the California State emission standards applicable to 1976 model year light-duty vehicles was withdrawn by the State of California at the public hearing.

Therefore, I hereby waive the application of section 209(a) to the State of California with respect to the following identified State standards and test procedures:

1. Provisions of title 13, California Administrative Code (as amended September 15, 1971):

(a) Section 1946 (Exhaust emission standards for 1973 through 1976 model vehicles under 6,001 pounds gross vehicle weight), insofar as applicable to the 1973 and 1974 model-years only;

(b) Section 2109(i) (test procedures), insofar as applicable to the 1973 and 1974 model-years only;

(c) Section 2208(e) (test procedures), insofar as applicable to the 1973 and 1974 model-year only.

2. California Exhaust Emission standards and Test Procedures for 1973 through 1976 Models Gasoline-Powered Motor Vehicles under 6001 pounds gross vehicle weight, adopted by the Air Resources Board, September 15, 1971. *Provided,* That due to considerations of lead-time and technological feasibility, this waiver for such standards and procedures shall not become applicable with respect to emissions from 1973 model off-road utility vehicles (as defined at 45 CFR 85.1(a)(8), 36 F.R. 22449) unless provision is made for calculating emissions equivalent to that provided at 45 CFR 85.87(b), 37 F.R. 671.

This waiver is applicable only with respect to the model years specified above as defined in the applicable test procedures.

Certified copies of the above standards and procedures are available for inspection at Office of the Director, Mobile Source Enforcement Division, Environmental Protection Agency, 401 M Street SW., Washington, DC 20460. Copies of the standards and procedures may be obtained from the California Air Resources Board, 4321 South San Pedro Street, Los Angeles, CA 90013 or 1025 P Street, Sacramento, CA 95814.

Dated: April 19, 1972.

WILLIAM D. RUCKELSHAUS,
Administrator.

[FR Doc.72-6259 Filed 4-24-72;8:46 am]

ORYZALIN

Notice of Establishment of Temporary Tolerance

Elanco Products Co., Post Office Box 1750, Indianapolis, IN 46206, submitted a petition (2G1201) requesting establishment of a temporary tolerance for negligible residues of the herbicide oryzalin (3,5-dinitro-N^4,N^4-dipropylsulfanilamide) in or on the raw agricultural commodity soybeans at 0.1 part per million.

It has been determined that a temporary tolerance of 0.1 part per million for negligible residues of the herbicide in or on soybeans is safe and will protect the public health. It is therefore established as requested on condition that the herbicide be used in accordance with the temporary permit being issued concurcurently by the Environmental Protection Agency and which provides for distribution under the Elanco Products Co. name.

This temporary tolerance expires April 19, 1973.

This action is being taken pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a(j)), the authority

transferred to the Administrator of the Environmental Protection Agency (35 F.R. 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticides Programs (36 F.R. 9038).

Dated: April 19, 1972.

WILLIAM M. UPHOLT,
Deputy Assistant Administrator for Pesticides Programs.

[FR Doc.72-6251 Filed 4-24-72;8:45 am]

FEDERAL MARITIME COMMISSION

PACIFIC MARITIME ASSOCIATION

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 1015; 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 10 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. Edward D. Ransom, Lillick, McHose, Wheat, Adams & Charles, 311 California Street, San Francisco, CA 94104.

Agreement No. T-2591-1, between the members of the Pacific Maritime Association (PMA), modifies the basic agreement, which provides for the creation of a maritime collective bargaining employers association. The purpose of the modification is to conform the membership requirements contained in the bylaws of the PMA to provisions in the recently negotiated collective bargaining agreement between the PMA and the International Longshoremen and Warehousemen's Union which includes references to container freight stations (CFS) and operations of CFS within the port area CFS zones.

Dated: April 19, 1972.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.72-6294 Filed 4-24-72;8:49 am]

[Independent Ocean Freight Forwarder License 1373]

FIRM OF JUAN B. FIGUEROA

Order of Revocation

Rigoberto Figueroa, doing business as The Firm of Juan B. Figueroa, Post Office Box 2826, Old San Juan, PR 00903, wishes to submit its Independent Ocean Freight Forwarder License No. 1373 for voluntary revocation, provided that License No. 599, a license number once held by Juan B. Figueroa, doing business as The Firm of Juan B. Figueroa, be reactivated and assigned to Rigoberto Figueroa, doing business as The Firm of Juan B. Figueroa.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (revised) section 7.04(g) (dated 9/29/70);

It is ordered, That the Independent Ocean Freight Forwarder License No. 1373 be returned to the Commission for cancellation.

It is further ordered, That the Independent Ocean Freight Forwarder License of Rigoberto Figueroa, doing business as The Firm of Juan B. Figueroa be and is hereby revoked effective May 1, 1972, and that FMC License No. 599, be reissued effective May 1, 1972, in the name of Rigoberto Figueroa, doing business as The Firm of Juan B. Figueroa.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served upon Rigoberto Figueroa, doing business as The Firm of Juan B. Figueroa.

AARON W. REESE,
Managing Director.

[FR Doc.72-6295 Filed 4-24-72;8:49 am]

R. J. SAUNDERS, INC., ET AL.

Independent Ocean Freight Forwarder License; Listing of Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as independent ocean freight forwarders pursuant to section 44(a) of the Shipping Act, 1916 (75 Stat. 522 and 46 U.S.C. 841(b)).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to communicate with the Director, Bureau of Certification and Licensing, Federal Maritime Commission, Washington, D.C. 20573.

R. J. Saunders, Inc., 1 World Trade Center, New York, NY 10048.

Officers and Directors:

William R. Casey, Chairman.
George F. Busha, President and Director.
August Priemer, Corporation Director.
Herbert J. Knox, Director of Export.

Natco International, Ltd., 2185 Lemoine Avenue, Fort Lee, NJ 07024.

Officers:

Allen F. Herman, Vice President.
Alan H. Galer, President-Treasurer.
Neddie Herman, Secretary.

Gavel Forwarding Corp., 338 Northern Boulevard, Great Neck, NY 11022.

Officers:

John R. Gavel, President-Treasurer.
Esther N. Gavel, Secretary.

Dated: April 19, 1972.

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.72-6297 Filed 4-24-72;8:49 am]

[Docket No. 72-15]

NORTH ATLANTIC MEDITERRANEAN FREIGHT CONFERENCE

Order of Investigation Regarding Rates, Practices, Rules and Regulations Relating to Movement of Heavy Lift Cargo

The North Atlantic Mediterranean Freight Conference (Med-Conference) is a group of common carriers operating under Commission-approved Agreement No. 9548 in the trade from North Atlantic ports in the North Atlantic Hampton Roads/Eastport, Maine Range to all ports served on the Mediterranean Sea (except Spanish and Israeli ports), on the Sea of Marmara and Black Sea, and on the Atlantic Coast of Morocco. The Med-Conference currently has on file with the Commission Freight Tariff FMC-3, which sets forth the rates, charges, rules and regulations of the member lines for ocean transportation of freight in the trades covered by Agreement No. 9548.

Rule 27 of the Med-Conference tariff provides for the assessment of extra charges to be added to the regular tariff rates on heavy lift cargo. Rule 30-A(VII) and Rule 30-VI of the tariff require assessment of heavy-lift charges to any single piece or package within a container if such piece or package exceeds the weights set forth in Rule 27.

Whereas the Conference membership formerly consisted only of carriers operating conventional break bulk vessels for which the heavy lift scale was originally constructed, the membership has now changed to include carriers operating a mix of conventional vessels, Roll-On/Roll-Off and container line vessels.

While the advanced design and technology incorporated in the Roll-On/Roll-Off and container line vessel permit the loading and discharging of heavy lift cargo with significant economic benefit to the operator, the Conference has refused to amend Rule 27, Rule 30-A(VII) or Rule 30-VI to reflect rate allowances related to the carriers' actual expense. In lieu thereof, the heavy lift charges appear to be predicated upon the conventional vessel operator's costs.

Furthermore, despite the fact that heavy lift services and expenses originally envisaged by Rule 27 may be significantly reduced or eliminated in the operation of vessels having container and roll-on/roll-off cargo handling capability, the Rule has not been modified except to the extent that equivalent charges designated as "positioning, lashing, and securing" are now applied against cargo moving on roll-on/roll-off vessels. Since the transportation of cargo which is rolled on and off a vessel does not involve a mechanical lifting operation by special vessel rigging or shoreside crane, the propriety of assessing a heavy lift or equivalent charge on such cargo is doubtful as is the assessment of heavy lift charges on containerized cargo moving on a house-to-house basis where the carrier is not required to handle the cargo separately. Indeed the application of Rule 27 as modified and Rules 30–A(VII) and 30–VI appears to result in the assessment of charges for which no services are performed or if services are performed, at levels which are not related to carriers' actual expense.

The application of Rule 27 as modified may also be unfair to the particular carrier members of the Conference who operate containerized and roll-on/roll-off vessels and their shippers in that such carriers are not permitted to relieve cargo of expenses which are not incurred in their particular modes of operation. Furthermore, Rule 27 may otherwise be contrary to the public interest, detrimental to the commerce of the United States, unjustly discriminatory or unreasonably prejudicial in violation of law.

Now, therefore, it is ordered, Pursuant to sections 22, 15, 16, 17, and 18(b)(5), that an investigation be instituted to determine whether the provisions of the Med-Conference tariff related to heavy lift cargoes violate the Shipping Act, 1916, because they: (1) Constitute unjust discrimination or unfair treatment as between carriers, shippers, exporters, or otherwise operate to the detriment of the commerce of the United States or are contrary to the public interest in violation of section 15 of the Act. (2) Make or give an undue or unreasonable advantage to any particular person, locality or description of traffic in any respect whatsoever, or subject any particular person, locality or description of traffic to any undue prejudice or disadvantage in any respect whatsoever in violation of section 16 First. (3) Result in charging or collecting rates or charges which are unjustly discriminatory between shippers contrary to section 17. (4) Result in rates or charges so unreasonably high or low as to be detrimental to the commerce of the United States contrary to section 18(b)(5).

It is further ordered, That in the event the rates, practices, rules or regulations of the Med-Conference as they concern charges for heavy lift shipments are found to violate the provisions of the Shipping Act, 1916, the investigation shall determine what action would best ameliorate the condition. In such event consideration should be given but not limited to the possibility of withdrawing from the Med-Conference its authority over rates governing the movement of heavy lift cargo by requiring that such rates be declared "open" or that Agreement 9548 be otherwise appropriately modified.

It is further ordered, That the North Atlantic Mediterranean Freight Conference and its member lines, as set forth in Appendix "A" hereto, be named as respondents in this proceeding;

It is further ordered, That this proceeding be assigned for public hearing before an examiner of the Commission's Office of Hearing Examiners and that the hearing be held at a date and a place to be determined and announced by the presiding examiner;

It is further ordered, That: (I) A copy of this order shall forthwith be served on the respondents herein; (II) the said respondents be duly notified of the time and place of the hearing; and (III) this order be published in the FEDERAL REGISTER and notice of hearing be served upon respondents;

It is further ordered, That all persons (including individuals, corporations, associations, firms, partnerships, and public bodies) having an interest in this proceeding and desiring to intervene therein, should notify the Secretary of the Commission promptly and file petitions for leave to intervene in accordance with Rule 5(1) of the Commission's rules of practice and procedure (46 CFR 502.72);

And it is further ordered, That all future notices issued by or on behalf of the Commission in this proceeding, including notice of time and place of hearing or prehearing conference, shall be mailed directly to all parties of record.

By the Commission.

[SEAL] FRANCIS C. HURNEY, *Secretary.*

RESPONDENTS

Mr. D. M. McNeil, Chairman, North Atlantic Mediterranean Freight Conference, 17 Battery Place, New York, NY 10004.
American Export Isbrandtsen Lines, Inc., 26 Broadway, New York, NY 10004.
Atlantica S.p.A., Via E. De Amicis No. 2, 16122 Genoa, Italy.
Concordia Line, Christian Haaland, Managing Owners, Haugesund, Norway.
Constellation Line, GCC Shipping Co., Ltd., 53 Filinos Street, Piraeus, Greece.
Hellenic Lines, Hellenic Lines Limited of Piraeus, Greece, Akti Miaouli, Piraeus, Greece.
Italian Line, "Italia"—Societa Per Azioni Di Navigazione of Genoa, Piazza De Ferrari 1, Genoa, Italy.
Prudential-Grace Lines, Inc., 3 Hanover Square, New York, NY 10004.
Sea-Land Service, Inc., Terminal and Fleet Streets, Post Office Box 1050, Elizabeth, NJ 07207.
Torm Lines, Dampskibsselskabet Torm A/S, Holmens Kanal 42, Copenhagen, Denmark.
Zim Israel Navigation Co., Limited, 7–9 Ha'atsmaut Road, Haifa, Israel.

[FR Doc.72–6293 Filed 4–24–72;8:49 am]

FEDERAL POWER COMMISSION

[Docket No. RI72–203 etc.]

ATLANTIC RICHFIELD CO. ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

APRIL 14, 1972.

Respondents have filed proposed changes in rates and charges for jurisdictional sales of natural gas, as set forth in Appendix A below.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date suspended until" column. Each of these supplements shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the Respondent or by the Commission. Each respondent shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until dipsosition of these proceedings or expiration of the suspension period, whichever is earlier.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[1] Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf*		Rate in effect subject to refund in docket No.
									Rate in effect	Proposed increased rate	
RI72-203	Atlantic Richfield Co	178	[1] 8	El Paso Natural Gas Co. (Aztec, Ballard, and South Blanco Fields, San Juan County, N. Mex., (San Juan Basin).		3-17-72	4-17-72	[12] Accepted			
	do	178	9	do	$3,872	3-17-72		9-17-72	[5] 15.2869	[2] 22.0	RI69-381.
					(4)	3-17-72		9-17-72	[5] 15.2869	[3] 28.0	RI69-381.
	do	179	[1] 8	El Paso Natural Gas Co. (Aztec and South Blanco Fields, San Juan County, N. Mex., (San Juan Basin).		3-17-72	4-17-72	[12] Accepted			
	do	179	9	do	15,633	3-17-72		9-17-72	[5] 15.2869	[2] 22.0	RI69-381.
					(4)	3-17-72		9-17-72	[5] 15.2869	[3] 28.0	RI69-381.
	do	180	[1] 14	El Paso Natural Gas Co. (Ignacio Blanco Field, La Plata County, Colo., San Juan Basin).		3-17-72	4-17-72	[12] Accepted			
	do	180	15	do	57,716	3-17-72		9-17-72	[5] 15.0	[2] 22.0	RI69-288.
					(4)	3-17-72		9-17-72	[5] 15.0	[3] 28.0	RI69-288.
	do	249	[1] 7	El Paso Natural Gas Co. (Fulcher Kutz Field, San Juan County, N. Mex., San Juan Basin).		3-17-72	4-17-72	[12] Accepted			
	do	249	8	do	472	3-17-72		9-17-72	13.2501	[2] 22.0	RI69-286.
					(4)	3-17-72		9-17-72	13.2501	[3] 28.0	
	do	251	[1] 9	El Paso Natural Gas Co. (Fulcher Kutz Field, San Juan County, N. Mex.) (San Juan Basin).		3-17-72	4-17-72	[12] Accepted			
	do	251	10	do	(4)	3-17-72		9-17-72	13.2501	[2] 22.0	RI69-286.
					(4)	3-17-72		9-17-72	13.2501	[3] 28.0	RI69-286.
	do	281	[1] 8	El Paso Natural Gas Co. (acreage in San Juan County, N. Mex.) (San Juan Basin).		3-17-72	4-17-72	[12] Accepted			
	do	281	9	do	3,850	3-17-72		9-17-72	[6] 13.2501	[2] 22.0	RI71-262.
					(4)	3-17-72		9-17-72	[6] 13.2501	[3] 28.0	RI71-262.
					110,722	3-17-72		9-17-72	[7] 14.2693	[2] 22.0	RI69-381.
					(4)	3-17-72		9-17-72	[7] 14.2693	[3] 28.0	
	do	293	[1] 3	do		3-17-72	4-17-72	[12] Accepted			
	do	293	4	do	5,126	3-17-72		9-17-72	14.0	[2] 22.0	RI69-275.
					(4)	3-17-72		9-17-72	14.0	[3] 28.0	RI69-275.
	do	301	[1] 3	El Paso Natural Gas Co. (San Juan Basin Area, N. Mex.).		3-17-72	4-17-72	[12] Accepted			
	do	301	4	El Paso Natural Gas Co. (San Juan Basin Area, N. Mex.).	154,320	3-17-72		9-17-72	14.0	[2] 22.0	RI69-275.
					(4)	3-17-72		9-17-72	14.0	[3] 28.0	RI69-275.
	do	306	[1] 3	El Paso Natural Gas Co. (San Juan Basin, Río Arriba County, N. Mex.).		3-17-72	4-17-72	[12] Accepted			
	do	306	4	do	7,213	3-17-72		9-17-72	13.0	[2] 22.0	
					(4)	3-17-72		9-17-72	13.0	[3] 28.0	
	do	333	[1] 8	El Paso Natural Gas Co. (San Juan Basin, San Juan County, N. Mex.).		3-17-72	4-17-72	[12] Accepted			
	do	333	9	do	5,475	3-17-72		9-17-72	21.33	[2] 22.0	RI72-69.
					(4)	3-17-72		9-17-72	21.33	[3] 28.0	RI72-69.
	do	334	[1] 7	do		3-17-72	4-17-72	[12] Accepted			
	do	334	8	do	503	3-17-72		9-17-72	21.33	[2] 22.0	RI72-69.
					(4)	3-17-72		9-17-72	21.33	[3] 28.0	RI72-69.
	do	335	[1] 7	do		3-17-72	4-17-72	[12] Accepted			
	do	335	8	do	141	3-17-72		9-17-72	21.33	[2] 22.0	RI72-69.
					(4)	3-17-72		9-17-72	21.33	[3] 28.0	RI71-69.
	Atlantic Richfield Co	498	[1] 16	El Paso Natural Gas Co. (San Juan Basin, Rio Arriba and San Juan Counties, N. Mex.).		3-17-72	4-17-72	[12] Accepted			
	do	498	17	do	11,015	3-17-72		9-17-72	21.33	[2] 22.0	RI72-69.
					(4)	3-17-72		9-17-72	21.33	[3] 28.0	RI72-69.
	do	502	[1] 6	El Paso Natural Gas Co. (Blanco and San Juan Fields; San Juan County, N. Mex.) (San Juan Basin Area).		3-17-72	4-17-72	[12] Accepted			
	do	502	7	do	29	3-17-72		9-17-72	[5] 15.28856	[2] 22.0	RI69-383.
					(4)	3-17-72		9-17-72	[5] 15.28856	[3] 28.0	RI69-383.
	do	512	[1] 3	El Paso Natural Gas Co. (Dakota Field, San Juan County, N. Mex.) (San Juan Basin Area).		3-17-72	4-17-72	[12] Accepted			
	do	512	4	do	59	3-17-72		9-17-72	[5] 13.2295	[2] 22.0	RI64-107.
					(4)	3-17-72		9-17-72	[5] 13.2295	[3] 28.0	RI64-107.
	do	513	[1] 5	El Paso Natural Gas Co. (Highway and North Farmington Fields; San Juan County, N. Mex.) (San Juan Basin Area).		3-17-72	4-17-72	[12] Accepted			
	do	513	6	do	13,693	3-17-72		9-17-72	[5] 15.2510	[2] 22.0	RI69-383.
					(4)	3-17-72		9-17-72	[5] 15.2510	[3] 28.0	RI69-383.

See footnotes at end of table.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf* Rate in effect	Cents per Mcf* Proposed increased rate	Rate in effect subject to refund in docket No.
	do	552	[1] 9	El Paso Natural Gas Co. (Basin Dakota Field; San Juan County N. Mex.) (San Juan Basin Area).		3-17-72	4-17-72	[12] Accepted			
	do	552	10	do	132,169	3-17-72		9-17-72	14.0	[2] 22.0	RI70-1197.
					(4)	3-17-72		9-17-72	14.0	[3] 28.0	RI70-1197.
	do	580	[1] 2	El Paso Natural Gas Co., (Blanco Mesa Verde Field; San Juan County, N. Mex.) (San Juan Basin Area).		3-17-71	4-17-72	[12] Accepted			
	do	580	3	do	600	3-17-72		9-17-72	14.0	[2] 22.0	RI68-383.
					(4)	3-17-72		9-17-72	14.0	[3] 28.0	RI68-383.
	do	[11] 638	[1] 1	El Paso Natural Gas Co., (San Juan Basin Area Field; San Juan County, N. Mex.) (San Juan Basin Area).		3-17-72	4-17-72	[13] Accepted			
	do	[11] 638	2	do	810	3-17-72		5-18-72	13.0	[2] 22.0	
					(4)	3-17-72		9-17-72	13.0	[3] 28.0	
RI72-204	Hondo Oil & Gas Co	2	[1] 2	El Paso Natural Gas Co. (La Plata County, Colo.)(San Juan Basin Area).		3-17-72	4-17-72	[13] Accepted			
	do	2	3	do	(10)	3-17-72		9-17-72	12.0	[2] 22.0	
					(4)	3-17-72		9-17-72	12.0	[3] 28.0	
	do	4	[1] 2	El Paso Natural Gas Co. (Basin Dakota Field; San Juan County, N. Mex.) (San Juan Basin Area).		3-17-72	4-17-72	[13] Accepted			
	do	4	[1] 3	do	1,600	3-17-72		9-17-72	14.0	[2] 22.0	RI69-260.
					(4)	3-17-72		9-17-72	14.0	[3] 28.0	RI69-260.
RI72-205	Atlantic Richfield Co	499	3	El Paso Natural Gas Co. (San Juan Basin Area, La Plata County, Colo.).		3-17-72	4-17-72	[13] Accepted			
	do	499	4	do	(10)	3-17-72		9-17-72	13.0	[2] 22.0	
					(4)	3-17-72		9-17-72	13.0	[3] 28.0	
RI72-206	Getty Oil Co	196	5	Transwestern Pipeline Co. (Bluitt-North (Wolfcamp) Field, Roosevelt County, N. Mex., Permian Basin).	603	3-17-72		[12] 5-18-72	[14] 18.0866	[14] 19.091	RI71-209.

* Unless otherwise stated, the pressure base is 15.025 p.s.i.a.
[1] Contract amendment.
[2] Applicable to gas production from wells completed prior ro June 1, 1970.
[3] Applicable to gas production from wells completed on or after June 1, 1970.
[4] No production at present.
[5] Includes 1-cent minimum guarantee for liquids.
[6] Pictured Cliff Formation.
[7] Mesa Verde Formation.
[8] Not used.
[9] Not used.
[10] No sales at present.
[11] Contract dated after Oct. 1, 1968.
[12] Or one day after issuance of certificate, whichever is later.
[13] Accepted, 30 days after filing. These amendatory agreements among other things provide for the proposed prices.
[14] The pressure base is 14.65 p.s.i.a.

The proposed increase of Getty Oil Co. and one of the proposed increases contained in Supplement No. 2 to Atlantic Richfield Co.'s FPC Gas Rate Schedule No. 638 do not exceed the corresponding rate filing limitations imposed in Southern Louisiana and therefore are suspended herein for 1 day.[1]

The remaining proposed increases for sales to El Paso in San Juan Basin exceed the corresponding rate filing limitations imposed in Southern Louisiana and therefore are suspended for 5 months.

All of the producers' proposed rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's Statement of General Policy No. 61–1, as amended (18 CFR 2.56).

CERTIFICATION OF ABBREVIATED SUSPENSION

Pursuant to § 300.16(i)(3) of the Price Commission rules and regulations, 6 CFR Part 300 (1972), the Federal Power Commission certifies as to the abbreviated suspension period in this order as follows:

(1) This proceeding involves producer rates which are established on an area rather than company basis. This practice was established by Area Rate Proceeding, Docket No. AR61–1 et al., Opinion No. 468, 34 FPC 159 (1965), and affirmed by the Supreme Court in Permian Basin Area Rate Case, 390 U.S. 747 (1968). In such cases as this, producer rates are approved by this Commission if such rates are contractually authorized and are at or below the area ceiling.

(2) In the instant case, the requested increases do not exceed the ceiling rate for a 1-day suspension.

(3) By Order No 423 (36 F.R. 3464) issued February 18, 1971, this Commission determined as a matter of general policy that it would suspend for only 1 day a change in rate filed by an independent producer under section 4(d) of the Natural Gas Act (15 U.S.C. 717c(d)) in a situation where the proposed rate exceeds the increased rate ceiling but does not exceed the ceiling for a 1-day suspension.

(4) In the discharge of our responsibilities under the Natural Gas Act, this Commission has been confronted with conclusive evidence demonstrating a natural gas shortage. (See Opinions Nos. 595, 598, and 607, and Order No. 435.) In these circumstances and for the reasons set forth in Order No. 423 the Commission is of the opinion in this case that the abbreviated suspension authorized herein will be consistent with the letter and intent of the Economic Stabilization Act of 1970, as amended, as well as the rules and regulations of the Price Commission, 6 CFR Part 300 (1972). Specifically, this Commission is of the opinion that the authorized suspension is required to assure continued, adequate and safe service and will assist in providing for necessary expansion to meet present and future requirements of natural gas.

[FR Doc.72-6175 Filed 4-24-72;8:45 am]

[1] Atlantic's increase relates to a contract dated on or after Oct. 1, 1968, and is within the ceiling for 1-day suspensions for such vintage gas.

[Docket No. CS71-1154 etc.]

EL PAM CO., INC., ET AL.

Notice of Applications for "Small Producer" Certificates [1]

APRIL 13, 1972.

Take notice that each of the applicants listed herein has filed an application pursuant to section 7(c) of the Natural Gas Act and § 157.40 of the regulations thereunder for a "small producer" certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before May 8, 1972, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

Docket No.	Date filed	Name of applicant
CS71-1154...	5-24-71	El Pam Co., Inc., 5900 Tramway Blvd. NE., Albuquerque, NM 87108.
CS71-1155...	5-24-71	Horace F. McKay, Jr., 5900 Tramway Blvd. NE., Albuquerque, NM 87108.
CS72-905...	3-28-72	Inter-American Petroleum Corp., Post Office Box 1707, Denver, CO 80201.
CS72-906...	3-28-72	Rocario Production Co., 4411 First National Bank Bldg., Dallas, Tex. 75202.
CS72-907...	3-24-72	Northland Resources Co., 152 Petroleum Center Bldg., Farmington, N. Mex. 87401.
CS72-908...	3-29-72	Amarex Drilling Partnership No. A-3, 313 Hightower Bldg., Oklahoma City, Okla. 73102.
CS72-909...	3-29-72	John N. Singletary, Globe Life Bldg., 311 West Sheridan, Oklahoma City, OK 73102.
CS72-910...	3-29-72	Frances S. McMillin, 2813 First National Bldg., Oklahoma City, Okla. 73102.
CS72-911...	3-27-72	Phil O'Neal, d.b.a. O'Neal Drilling, Post Office Box 12278, Oklahoma City, OK 73112.
CS72-912...	3-24-72	Manana Gas, Inc., Post Office Box 11, Cochiti, NM 87041.
CS72-913...	3-24-72	Louise P. Johnson et al., 604 Johnson Bldg., Shreveport, La. 71101.
CS72-914...	3-27-72	Russell E. Richards and Mary Richards, Route 1, Harrisville, W. Va. 26362.
CS72-915...	3-29-72	D. J. Pickrell, Post Office Box 82, Midland, TX 79701.
CS72-916...	3-29-72	Dan H. Sebastian, Post Office Box 82, Midland, TX 79701.
CS72-917...	3-30-72	Larry Bedford, Post Office Box E, Farmington, NM 87401.
CS72-918...	3-30-72	Merigale Manziel Pyron, Post Office Box 3005, Station A, Tyler, TX 75701.
CS72-919...	3-30-72	Southwestern Oil & Refining Co., Post Office Box 9217, Corpus Christi, TX 78408.
CS72-920...	3-29-72	Chester Oil Co., 3707 Rawlins, Suite 416, Dallas, TX 75219.
CS72-921...	3-30-72	Mormac Oil & Gas Co., 1216 Guaranty Bank Plaza, Corpus Christi, Tex. 78401.
CS72-922...	3-31-72	A. M. Rogers, Post Office Box 45, Odessa, TX 79760.
CS72-923...	3-31-72	Lynn Wisenbaker Price, c/o Price Wells, 8204 Elmbrook Dr., Suite 101, Dallas, TX 75247.
CS72-924...	3-24-72	Edward M. Hartman, Post Office Box 11, Cochiti, NM 87041.
CS72-925...	3-31-72	Wednesday Night Corp., 1012 Pere Marquette Bldg., New Orleans, La. 70112.
CS72-926...	3-30-72	Staats, Inc., Post Office Box 3407, Enid, OK 73701.
CS72-927...	4- 3-72	Kalda Co., 300 City National Bldg., Wichita Falls, Tex. 76301.
CS72-928...	4- 3-72	J. E. Hill Estate, 3437 Overbrook Lane, Houston, TX 77027.
CS72-929...	4- 3-72	Roger C. Hanks, Post Office Box 82, Midland, TX 79701.
CS72-930...	4- 3-72	Paul D. Anderson, Post Office Box 136, Midland, TX 79701.
CS72-931...	4- 3-72	Warren D. Anderson, Post Office Box 136, Midland, TX 79701.
CS72-932...	4- 3-72	Payton V. Anderson, Post Office Box 136, Midland, TX 79701.
CS72-933...	4- 3-72	W. D. Anderson & Sons, Post Office Box 136, Midland, TX 79701.
CS72-934...	4- 3-72	Jack R. Hall, Post Office Box 1650, Lubbock, TX 79400.
CS72-935...	4- 3-72	Wood, McShane & Thams 692, Ltd., Post Office Box 82, Midland, TX 79701.
CS72-936...	4- 5-72	M. Robert Gallop, 245 Park Ave., New York, NY 10017.
CS72-937...	4- 5-72	Ran Ricks, Jr., 1606 First National Bldg., Oklahoma City, Okla. 73102.
CS72-938...	3-31-72	Perry, Adams & Lewis Inc., 1012 Baltimore Ave., Kansas City, MO 64105.
CS72-939...	3-30-72	Glen Dale Skinner, d.b.a. Skinner Energy & Development Co., 6509 Kingswood, Fort Worth, TX 76133.
CS72-940...	4- 5-72	Stewart A. Hoge, 313 Hightower Bldg., Oklahoma City, Okla. 73102.
CS72-941...	4- 5-72	Julius Karosen, 425 East Pico Blvd., Los Angeles, CA 90015.
CS72-942...	4- 6-72	Virginia M. Bailey and Joseph G. Mitchell, 825 Pyramid Life Bldg., Little Rock, Ark. 72201.

[FR Doc.72-6176 Filed 4-24-72;8:45 am]

[Docket No. E-7701]

MISSOURI POWER & LIGHT CO.

Notice of Proposed Changes in Rates and Charges

APRIL 21, 1972.

Take notice that Missouri Power & Light Co. on March 28, 1972, tendered for filing proposed changes in its Rate Schedule: F.P.C. No. 33. The proposed changes would increase by 6 percent the rates charged to customers under FPC Rate Schedule No. 33. The proposed rate change is described in the company's transmittal letter as follows:

In 1971, I.S. rate was increased approximately 6 percent, permitted by two orders handed down by the Missouri Public Service Commission referred to in III(A) and III(B). This 6 percent was applied uniformly to Missouri Power & Light Co. customers affected, namely residential, commercial and industrial.

Missouri Public Service Commission Order No. 868 dated July 27, 1971, provided for an interim increase of approximately 3.3 percent. This increase reflects the increased cost of purchased power from the applicant's major supplier, Union Electric Co., and is subject to refund pending final disposition of Docket No. E-7571 currently pending before the Federal Power Commission.

Missouri Public Service Commission Order No. 17,108 dated December 12, 1971, provided for an increase of approximately 2.7 percent. This increase reflects the outcome of rate case No. 17,108, which covered the test period July 1, 1969, through June 30, 1970. The order was delayed ninety (90) days by the price freeze and was officially put into effect December 23, 1971. Based on operations of the test period as adjusted by the Missouri Public Service Commission, the increase would allow a rate of return on common equity of approximately 11.95 percent.

The five municipalities, as all other I.S. customers were included in the rate case. Based on Missouri Public Service Commission's above findings, Missouri Power & Light Co. requests to increase Rate Schedule F.P.C. No. 33 by approximately 6 percent effective May 1, 1972.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 26, 1972. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-6323 Filed 4-24-72;8:50 am]

FEDERAL RESERVE SYSTEM

BARNETT BANKS OF FLORIDA, INC

Acquisition of Bank

Barnett Banks of Florida, Inc., Jacksonville, Fla., has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 80 percent or more of the voting shares of Barnett Bank of North Jacksonville, Jacksonville, Fla., a proposed new bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than May 15, 1972.

Board of Governors of the Federal Reserve System, April 19, 1972.

[SEAL] MICHAEL A. GREENSPAN,
Assistant Secretary.

[FR Doc.72-6264 Filed 4-24-72;8:46 am]

FIRST CITY BANCORPORATION OF TEXAS, INC.

Acquisition of Banks

First City Bancorporation of Texas, Inc., Houston, Tex., has applied in four

separate applications for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares (less directors' qualifying shares) of the successor by acquisition of assets and assumption of liabilities to each of the following banks:

(1) First State Bank of Clear Lake City, Clear Lake City, Tex.;

(2) Highland Village State Bank, Houston, Tex.;

(3) South Main Bank, Houston, Tex.; and

(4) Heights State Bank, Houston, Tex.

The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The applications may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the applications should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than May 15, 1972.

Board of Governors of the Federal Reserve System, April 19, 1972.

[SEAL] MICHAEL A. GREENSPAN,
Assistant Secretary.

[FR Doc.72-6265 Filed 4-24-72;8:47 am]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN EL SALVADOR

Entry or Withdrawal From Warehouse for Consumption

APRIL 21, 1972.

On April 19, 1972, the U.S. Government, in furtherance of the objectives of, and under the terms of, the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, concluded a comprehensive bilateral cotton textile agreement with the Government of El Salvador concerning exports of cotton textiles and cotton textile products from El Salvador to the United States over a 5-year period beginning on April 1, 1972. Among the provisions of the agreement were those establishing an aggregate limit for the 64 categories and within the aggregate limit specific limits on Categories 1/2/3/4, 9, 31, and 61 for the first agreement year which began on April 1, 1972.

There is published below a letter of April 21, 1972, from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs, directing that the amounts of cotton textiles and cotton textile products in Categories 1/2/3/4, 9, 31, and 61 produced or manufactured in El Salvador which may be entered or withdrawn from warehouse for consumption in the United States for the 12-month period beginning April 1, 1972, be limited to the designated levels. The letter published below and the actions pursuant thereto are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

Previously, the Chairman of the President's Cabinet Textile Advisory Committee issued a directive, pursuant to Article 3 of the Long-Term Arrangement Regarding International Trade in Cotton Textiles, limiting imports of cotton textiles in Category 9 from El Salvador for the 12-month period beginning October 29, 1971. The letter published below also cancels and supersedes this directive.

STANLEY NEHMER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources.

ASSISTANT SECRETARY OF COMMERCE

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20226.

APRIL 21, 1972.

DEAR MR. COMMISSIONER: This directive cancels and supersedes the directive issued to you on December 14, 1971 by the Chairman, President's Cabinet Textile Advisory Committee, regarding imports of cotton textiles in Category 9 produced or manufactured in El Salvador.

Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, pursuant to the bilateral cotton textile agreement of April 19, 1972, between the Governments of the United States and El Salvador, and in accordance with the procedures of Executive Order 11651 of March 3, 1972, you are directed to prohibit, effective as soon as possible, and for the twelve-month period beginning April 1, 1972, and extending through March 31, 1973, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles and cotton textile products in Categories 1/2/3/4, 9, 31, and 61, produced or manufactured in El Salvador, in excess of the following levels of restraint:

Category		*12-month levels of restraint* [1]
1/2/3/4	pounds	260,870
9	square yards	3,000,000
31	number	1,436,781
61	dozen	84,210

[1] These levels have not been adjusted to reflect any entries made on or after Apr. 1, 1972.

Cotton textiles and cotton textile products in the above categories produced or manufactured in El Salvador and which have been exported prior to April 1, 1972, shall not be subject to this directive.

Cotton textiles and cotton textile products in the above categories which have been released from the custody of the Bureau of Customs under the provisions of 19 U.S.C. 1448(b) prior to the effective date of this directive shall not be denied entry under this directive.

The levels of restraint set forth above are subject to adjustment pursuant to the provisions of the bilateral agreement of April 19, 1972, between the Governments of the United States and El Salvador which provide, in part, that within the aggregate limit, the limits on certain categories may be exceeded by not more than 5 percent; for the limited carryover of shortfalls in certain categories to the next agreement year; and for administrative arrangements.

A detailed description of the categories in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on October 9, 1971 (36 F.R. 19722).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of El Salvador and with respect to imports of cotton textiles and cotton textile products from El Salvador have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely yours,

STANLEY NEHMER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources.

[FR Doc.72-6349 Filed 4-24-72;8:51 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24NY-6981]

AMERICAN TRUCK SERVICE CLUB, INC.

Order Temporarily Suspending Exemption, Statement of Reasons, and Notice of Opportunity for Hearing

APRIL 18, 1972.

I. American Truck Service Club, Inc. (ATSC), 26 Platt Street, New York, NY 10038, incorporated in the State of Delaware on May 1, 1968, filed with the Commission on November 20, 1969, a notification on Form 1-A and an offering circular relating to an offering of 50,000 units, consisting of one share of common stock and four warrants, at $6 per unit for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, pursuant to the provisions of section 3(b) thereof and Regulation A promulgated thereunder.

Kenneth Bove & Co., Inc., a registered broker-dealer having its principal place of business in New York City, was named as underwriter. The offering was to be conducted on a "best efforts all or none" basis. The offering commenced on March 16, 1970, and according to the Form 2-A filed by ATSC was completed on April 2, 1970.

II. The Commission on the basis of information reported to it by its staff, has reasonable cause to believe that:

A. The notification and offering circular of ATSC contain untrue statements of material facts and omit to state material facts necessary in order to make the statements made, in light of the circumstances under which they were made, not misleading with respect to:

(1) The names of the actual promoters, affiliates and principal stockholders of ATSC;

(2) The criminal records of two of the affiliates and principal stockholders of ATSC;

(3) The sale of unregistered securities of ATSC by its affiliates;

(4) Liabilities of ATSC which arose as a result of loans made to ATSC by and on behalf of its control persons;

(5) The use of proceeds of its public offering to repay loans made to it by and on behalf of its controlling persons;

(6) The number of its shares owned by its principal stockholders; and

(7) The actual method of distribution for its offering pursuant to regulation A.

B. The regulation A exemption was not available to ATSC because Martin Clare, a promoter and affiliate of ATSC presently connected with it, has been convicted of a crime specified in Rule 252(d)(1) within 10 years of the filing of ATSC's notification.

C. The offering was made in violation of sections 5 and 17 of the Securities Act of 1933.

III. It appearing to the Commission that it is in the public interest and for the protection of the investors that the exemption of the issuer under regulation A be temporarily suspended.

It is ordered, Pursuant to Rule 261(a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption of the issuer under regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any persons having any interest in the matter may file with the Secretary of the Commission a written request for a hearing within 30 days after the entry of this order; that within 20 days after receipt of such request the Commission will, or at any time upon its own motion, may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission. If no hearing is requested and none is ordered by the Commission, the order shall become permanent on the 30th day after its entry and shall remain in effect unless it is modified or vacated by the Commission.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72-6266 Filed 4-24-72;8:47 am]

[812-3091]

ISRAEL CORP. LTD.

Notice of Filing of Application Exempting Company or, in Alternative, for Order Declaring That Company Is Not an Investment Company

APRIL 18, 1972.

Notice is hereby given that the Israel Corporation Ltd. (Applicant), 9 Ahad Haam Street, Tel Aviv, Israel, a corporation organized under the laws of the State of Israel, has filed an application for an order pursuant to section 6(c) of the Investment Company Act of 1940 (Act) exempting it from all provisions of the Act or, in the alternative, pursuant to section 3(b)(2) of the Act declaring that it is primarily engaged in a business or businesses other than that of investing, reinvesting, owning, holding or trading in securities either directly or (A) through majority-owned subsidiaries or (B) through controlled companies conducting similar types of businesses. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

The Applicant was incorporated on August 29, 1968, in order to engage in business in Israel in industry, utilities, tourism, finance, agriculture and service related industries. In order to implement these purposes, the Applicant has raised and intends to continue to raise capital in many countries, including the United States. At least 80 percent of the capital of Applicant will be held by nonresidents of Israel and it is intended that its initial shareholders should be wealthy, sophisticated individuals.

The Applicant, under its prospectus dated June 5, 1969, has offered its securities to residents of the United States in units consisting of 100 Ordinary Shares, Series "A" (par value $1,000 per share) at a purchase price of $100,000 per unit, and has sold $7,300,000 of its Ordinary Shares, Series "A" to residents of the United States. The Applicant expects that its next series of shares will be offered in the United States and elsewhere during 1972 and said offering is expected also to be made in terms of units of at least $100,000.

To date, the Applicant has implemented two major transactions. It has acquired 50 percent of the issued share capital of Zim Israel Navigation Co. Ltd. (Zim), Israel's largest shipping company, and 26 percent of the voting shares of Haifa Refineries Limited (HLR), Israel's only refiner of petroleum products. The Applicant acquired its 50 percent interest in Zim for a purchase price of IL. 58,537,288, subject to adjustment under certain circumstances based upon the profit of Zim, and acquired its 26 percent interest in HRL for a purchase price of IL. 42,163,000. The Government of Israel owns the remaining 50 percent and 74 percent interest in Zim and HRL, respectively.

In its application, Applicant asserts that it may, from time to time, temporarily fall within the definition of the term "investment company" contained in section 3(a)(3) of the Act, due to the fact that it may own or may propose to acquire investment securities having a value exceeding 40 percent of its total assets. However, Applicant contends that it has implemented its two major acquisitions in a manner which has yielded it control over the business and activities of Zim (a majority-owned subsidiary of the Applicant) and which will enable it to exercise a controlling influence over the management and affairs of the business of HRL.

The Applicant presently has total assets (exclusive of cash) on an unconsolidated basis as follows:

Securities of majority-owned subsidiaries:		
Zim, issued share capital	IL	58,537,288
Zim, long-term loan		2,625,000
Yehuda Hotels Ltd., issued share capital		3,484,774
Securities of companies of which Applicant claims control:		
HRL, issued share capital		42,163,000
Other Assets		
Nonmarketable Israel Government Bonds		432,000
Total assets	IL	107,242,062

Section 3(a)(3) of the Act defines as an investment company any issuer which is engaged or proposes to engage in the business of investing, reinvesting, owning, holding, or trading in securities, and owns and proposes to acquire investment securities having a value exceeding 40 percent of the value of such issuer's total assets (exclusive of Government securities and cash items) on an unconsolidated basis. The above chart indicates that investment securities represented by applicant's holdings of less than majority-owned companies aggregate IL. 42,595,000 or approximately 39.72 percent of its total assets (exclusive of cash) on an unconsolidated basis.

In connection with the acquisition of 50 percent of the issued share capital of Zim, the applicant has acquired, pursuant to an agreement with the Government of Israel, dated August 2, 1970, 50 percent of the voting and management power in Zim. In accordance with the terms of that agreement, applicant can nominate the Chairman of the Board of Directors, Managing Director, and Chairman of the Finance Committee of Zim, and at least one-half of the membership in all Committees of the Board of Zim.

In connection with the acquisition of 26 percent of the voting securities of HRL, the Applicant has received certain contractual and statutory privileges either by agreement with the Government of Israel, or under Israel law, as follows:

1. The right to appoint directors of HRL in proportion to share ownership.

2. The right to 26 percent of the voting power in HRL, which right may not be diluted and which carries with it the ability to block the taking of certain crucially important actions by HRL including all actions which require the passing of an extraordinary resolution under Israel law.

3. The right to representation on all committees of the HRL Board of Directors, as well as the Boards of Directors of HRL's subsidiaries and affiliates and committees of such Boards.

4. The right to designate the Vice Chairman of the Board of Directors of HRL and to be consulted with respect to the appointment of senior staff members.

5. The right to appoint the Chairman of the Finance Committee of HRL.

6. The right to participate in the choice of the Managing Director of HRL in that the said Managing Director shall be elected only with the approval of the directors appointed by the applicant, which election or reelection will take place annually.

7. The right to require arbitration with respect to expenditures by HRL which are opposed by directors appointed by applicant, under certain circumstances.

In view of the above-mentioned contractual and statutory rights conferred upon applicant by the Government of Israel, applicant asserts that HRL is a controlled company of applicant and that applicant is engaged in a business or businesses other than that of investing, reinvesting, owning, holding, or trading in securities either directly or (A) through majority-owned subsidiaries or (B) through controlled companies conducting similar types of businesses.

Section 3(b)(2) of the Act, among other things, excepts from the definition of an investment company in section 3(a)(3), any issuer which the Commission finds and by order declares to be primarily engaged in a business or businesses other than that of investing, reinvesting, owning, holding, or trading in securities either directly or (A) through majority-owned subsidiaries or (B) through controlled companies conducting similar types of businesses.

Section 6(c) of the Act provides that the Commission, by order upon application, may conditionally or unconditionally exempt any person from any provisions of the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than May 10, 1972, at 5:30 p.m., submit to the Commission in writing a request for 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 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 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 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 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.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.72-6267 Filed 4-24-72;8:47 am]

TARIFF COMMISSION

[AA1921-86/90]

LARGE POWER TRANSFORMERS FROM FRANCE, ITALY, JAPAN, SWITZERLAND, AND THE UNITED KINGDOM

Determinations of Injury

The Assistant Secretary of the Treasury advised the Tariff Commission on January 20, 1972, that large power transformers from France, Italy, Japan, Switzerland, and the United Kingdom are being, or are likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended. In accordance with the requirements of section 201(a) of the Antidumping Act (19 U.S.C. 160(a)), the Tariff Commission instituted joint investigations Nos. AA1921-86/90 to determine whether an industry in the United States is being, or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

A public hearing was held March 7-10, 13, and 14, 1972. Notice of the joint investigations and hearing was published in the FEDERAL REGISTER of January 29, 1972 (37 F.R. 1509).

In arriving at its determinations, the Commission gave due consideration to all written submissions from interested parties, evidence adduced at the hearing, and all factual information obtained by the Commission's staff from questionnaires, personal interviews, and other sources.

On the basis of its investigations, the Commission has unanimously determined[1] that an industry in the United States is being injured by reason of the importation of large power transformers from France, Italy, Japan, Switzerland, and the United Kingdom sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended.

STATEMENT OF REASONS OF CHAIRMAN BEDELL AND COMMISSIONER MOORE[2]

In our opinion, an industry in the United States is being injured by reason of the importation of large power transformers from France, Italy, Japan, Switzerland, and the United Kingdom that are being sold at less than fair value (LTFV) within the meaning of the Antidumping Act, 1921, as amended.

The imported product. The term "large power transformers" as used in this determination includes all transformers rated 10,000 kv.-a. or above, by whatever name designated, used in the generation, transmission, distribution, and utilization of electrical power, including but not limited to shunt reactors, autotransformers, rectifier transformers, and power rectifier transformers.

The industry. In making these determinations, we have considered the injured industry to consist of the facilities of the United States used in producing large power transformers of the type described above.

Conditions of competition. Large power transformers are custom-made articles, not "off the shelf" articles. The purchasers of such articles plan their needs several years in advance of delivery and then solicit bids on units made according to their specifications. Orders are placed about 1 to 2 years in advance of delivery except in emergencies arising from a failure in the system. It takes from 1 to 2 years to build the largest units. Prices are generally established at the time an order is accepted. Thus, price competition occurs at the time an order is placed, not at the time of delivery; consequently, the level of pricing in effect in a given year will significantly affect the earnings of a producer 1 or 2 years later.

Most purchasers of large power transformers, when considering offers, compare prices on the basis of an "evaluated bid price" rather than the "raw bid price." That is, they compare the total cost of each transformer in terms of its delivered cost plus the estimated expenses of installation and operation during its anticipated life (including power losses).

Ten firms produce large power transformers in the United States. In the last 6 years, U.S. producers' shipments of such transformers have doubled, measured in terms of megavolt amperes (MVA) or dollars. To keep pace with the increase in demand during the period, the industry has made large increases in its capacity to produce large power transformers.

Margins of dumping and underselling. The Treasury Department compared the purchase price of 38 transformers (imported from the five countries named in its determination) with the foreign market price of similar transformers and found that 28 were sold at LTFV. Efforts by Treasury to obtain pricing information on other transactions were frustrated by a lack of response on the part of some foreign producers. The dumping margins (percent of price discrimination, i.e., percent by which foreign market price was reduced with respect to export sales) were as high as 46 percent, with the weighted country averages ranging from 9.8 to 33.0 percent.

Of the 28 instances of specific sales of LTFV transformers, the Commission was able to obtain information on the competitive bids involved in the sales

[1] Commissioners Sutton and Leonard did not participate in the investigations.

[2] Vice Chairman Parker and Commissioner Young concur in the result.

of 20 such transformers. In every one of them the foreign producer undersold the lowest U.S. bidder by a margin in the range of 2.8 to 33.7 percent, based on evaluated bids. In every one the margin of dumping constituted a substantial part of the margin of underselling, and in most of them it completely underwrote the amount of underselling.

By analyzing the repeat purchases of virtually identical transformers by specific systems, it was determined that in nine out of fourteen analyses the producers of LTFV exports were the price leaders in the U.S. market. The underselling (price leadership) by the producers of LTFV exports was concentrated in the medium-to-large capacity transformers.

Consequences of underselling. As a direct result of the underselling, contract awards to LTFV suppliers have taken an appreciable share of the domestic market for large power transformers, based on the aggregate MVA and the value of such awards. The market penetration represented by awards to LTFV suppliers, on a cumulative basis (almost 7 percent in 1967–69) is more than adequate to warrant an injury determination, i.e., it is more than de minimis.

The primary injury resulting from the prices of the LTFV transformers in this case is due, not to the loss of individual transformer orders, but to the depressant effect those prices had on the price level of the total U.S. market for large power transformers. Prices for large power transformers increased during the years 1965–68; however, despite increasing production costs and a continuing large backlog of orders, prices underwent a significant decline in 1969. This decline in the overall level of pricing was attributable in large part to LTFV sales to investor-owned utilities, which constitute 85 percent of the total U.S. market for large power transformers. Foreign purchases by investor-owned utilities had been minimal prior to 1967, when one large company placed significant contracts with a foreign supplier. In 1968 and 1969, other large investor-owned utilities began purchasing foreign-made transformers from LTFV suppliers, and price deterioration commenced.

Prior to the large market penetration by LTFV imports, the industry was receiving a modest return on its sales. After sales of LTFV imports reached their peak, the annual industry returns became nominal, and then the industry began to experience a net loss on sales. During the years 1965–69, the industry was profitable; in 1970, earnings from large-power-transformer operations declined to just above the break-even point; and in 1971, the industry experienced a 4.5-percent loss on its net sales. Price depression that occurred in 1969 and thereafter affected profit levels in 1970 and 1971.

An analysis of the bid-pricing practices of the producers in each of the five countries named by the Treasury Department in its determination showed that each country had producers that undersold U.S. producers by appreciable margins. Following a well-established precedent of this Commission, we perceive no reason for separating any country from this affirmative determination. Each country made a substantial contribution to the injuries incurred by the LTFV imports.

Conclusion. In summary, the LTFV imports of large power transformers from France, Italy, Japan, Switzerland, and the United Kingdom have had a substantial disruptive effect on the domestic market for such transformers. The dumping margins have undergirded substantial margins of underselling in the United States, with a resulting loss of a significant share of the market and a resulting suppression or depression of market prices to the point where the national industry is no longer able to operate at a profitable level. If these dumping practices are allowed to continue, there is adequate capacity among these nations to threaten the continued existence of the large-power-transformer industry.

By order of the Commission.

[SEAL] KENNETH R. MASON, *Secretary.*

[FR Doc.72-6289 Filed 4-24-72;8:48 am]

[AA1921-95]

HAND PALLET TRUCKS FROM FRANCE

Notice of Investigation and Hearing

Having received advice from the Treasury Department on April 17, 1972, that hand pallet trucks from France are being, or are likely to be, sold in the United States at less than fair value, the U.S. Tariff Commission has instituted an investigation under section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

Hearing. A public hearing in connection with the investigation will be held in the Tariff Commission's Hearing Room, Tariff Commission Building, Eighth and E Streets NW., Washington, DC, beginning at 10 a.m., e.d.s.t., on June 13, 1972. All parties will be given opportunity to be present, to produce evidence, and to be heard at such hearing. Interested parties desiring to appear at the public hearing should notify the Secretary of the Tariff Commission, in writing, at its offices in Washington, D.C., at least 5 days in advance of the date set for the hearing.

Issued: April 20, 1972.

By order of the Commission.

[SEAL] KENNETH R. MASON, *Secretary.*

[FR Doc.72-6268 Filed 4-24-72;8:47 am]

[AA1921-94]

WELDED-WIRE MESH FROM BELGIUM

Notice of Investigation and Hearing

Having received advice from the Treasury Department on April 17, 1972, that welded-wire mesh for concrete reinforcements from Belgium is being, or is likely to be, sold in the United States at less than fair value, the U.S. Tariff Commission has instituted an investigation under section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

Hearing. A public hearing in connection with the investigation will be held in the Tariff Commission's Hearing Room, Tariff Commission Building, Eighth and E Streets NW., Washington, DC, beginning at 10 a.m. e.d.s.t., on June 6, 1972. All parties will be given opportunity to be present, to produce evidence, and to be heard at such hearing. Interested parties desiring to appear at the public hearing should notify the Secretary of the Tariff Commission, in writing, at its offices in Washington, D.C., at least 5 days in advance of the date set for the hearing.

Issued: April 20, 1972.

By order of the Commission.

[SEAL] KENNETH R. MASON, *Secretary.*

[FR Doc.72-6269 Filed 4-24-72;8:47 am]

TENNESSEE VALLEY AUTHORITY

COLBERT STEAM PLANT AND THOMAS H. ALLEN STEAM PLANT

Final Environmental Statements; Notice of Availability

Notice is hereby given that copies of documents entitled "Environmental Statement, Gas Turbine Peaking Plant Addition, Units 1–8, Colbert Steam Plant" dated March 31, 1972, and "Environmental Statement, Gas Turbine Peaking Plant Addition, Units 17–20, Thomas H. Allen Steam Plant" dated March 31, 1972, have been made available to the President, the Council on Environmental Quality, and to the public as required by section 101(2)(C) of the National Environmental Policy Act. Copies of the documents are available for public examination in the office of the Director of Information, 508 Union Avenue, Knoxville, TN 37902, and at TVA's Washington office, 435 Woodward Building, 15th and H Streets NW., Washington, DC 20444.

Single copies of the final statements will be furnished upon request addressed to the Director of Information at the above address.

Dated at Knoxville, Tenn., this the 14th day of April 1972, for the Tennessee Valley Authority.

LYNN SEEBER,
General Manager.

[FR Doc.72-6253 Filed 4-24-72;8:46 am]

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WATTS BAR NUCLEAR PLANT

Draft Environmental Statement; Notice of Availability

Notice is hereby given that a document entitled "Draft Environmental Statement, Supplements and Additions, Watts Bar Nuclear Plant Units 1 and 2" dated April 7, 1972, has been prepared by the Tennessee Valley Authority and distributed for Federal and State review pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969. Copies of the document have been placed for public examination in the Atomic Energy Commission's Public Document Room, 1717 H Street NW., Washington, DC 20545, at the Washington Office, Tennessee Valley Authority, 435 Woodward Building, 15th and H Streets, Washington, DC 20444, and in the office of the Director of Information, Tennessee Valley Authority, 508 Union Avenue, Knoxville, TN 37902. The statement is also available for examination in the office of the County Judge of Rhea County, Tenn., at Dayton, Tenn.

Single copies of the draft statement will be furnished upon request addressed to the Director of Information, Tennessee Valley Authority, at the above address.

Dated at Knoxville, Tenn., this the 14th day of April 1972, for the Tennessee Valley Authority.

LYNN SEEBER,
General Manager.

[FR Doc.72-6252 Filed 4-24-72;8:45 am]

DEPARTMENT OF LABOR

Office of the Secretary

GENERAL INSTRUMENT CORP.

Notice of Investigation Regarding Certification of Eligibility of Workers To Apply for Adjustment Assistance

The Department of Labor has received a Tariff Commission report containing an affirmative finding under section 301(c)(2) of the Trade Expansion Act of 1962 with respect to its investigation of a petition for determination of eligibility to apply for adjustment assistance filed on behalf of workers of the Joliet, Ill., plant of General Instrument Corp. (TEA-W-132). In view of the report and the responsibilities delegated to the Secretary of Labor under section 8 of Executive Order 11075 (28 F.R. 473), the Director, Office of Foreign Economic Policy, Bureau of International Labor Affairs, has instituted an investigation, as provided in 29 CFR 90.5 and this notice. The investigation relates to the determination of whether any of the group of workers covered by the Tariff Commission report should be certified as eligible to apply for adjustment assistance, provided for under title III, chapter 3, of the Trade Expansion Act of 1962, including the determination of related subsidiary subjects and matters, such as the date unemployment or underemployment began or threatened to begin and subdivision of the firm involved to be specified in any certification to be made, as more specifically provided in Subpart B of 29 CFR Part 90.

Interested persons should submit written data, views, or arguments relating to the subjects of investigation to the Director, Office of Foreign Economic Policy, U.S. Department of Labor, Washington, D.C., on or before April 28, 1972.

Signed at Washington, D.C. this 19th day of April 1972.

EDGAR I. EATON,
Director,
Office of Foreign Economic Policy.

[FR Doc.72-6281 Filed 4-24-72;8:48 am]

INTERSTATE COMMERCE COMMISSION

ASSIGNMENT OF HEARINGS

APRIL 20, 1972.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

FD No. 27022, The Colorado & Wyoming Railway Co.—Construction and Operation—Pueblo County, Colo., now assigned May 8, 1972, at Pueblo, Colo., hearing postponed indefinitely.

MC-F-11449, Howard Wofsy—Investigation of Control—Air-Freight Trucking Service, Inc., and Aft Services, Inc., now being assigned hearing June 8, 1972 (2 days), at New York, N.Y., in a hearing room to be later designated.

MC 125066 Sub 10, M. I. Loker and Pauline Loker, doing business as Seaway Coach Lines, now assigned May 15, 1972, at Erie, Pa., postponed to June 5, 1972, at the Erie County Courthouse, Sixth Street, Erie, PA.

MC 111812 Sub 455, Midwest Coast Transport, Inc., now assigned June 13, 1972, at Washington, D.C., hearing postponed to July 18, 1972, at the offices of the Interstate Commerce Commission in Washington, D.C.

No. 35564, Bus fares, between New York and New Jersey, now being assigned hearing July 10, 1972, at New York, N.Y., in a hearing room to be later designated.

I & S No. 8720, Icing Services, U.S. railroads, now being assigned hearing June 12, 1972, at the Offices of the Interstate Commerce Commission, Washington, D.C.

I & S M-25603, Bus fares between New York, N.Y., and New Jersey points, now being assigned hearing June 5, 1972, at New York, N.Y., in a hearing room to be later designated.

MC 111812 Sub 461, Midwest Coast Transport, Inc., now assigned June 21, 1972, at Washington, D.C., postponed to July 25, 1972, at the offices of the Interstate Commerce Commission, Washington, D.C.

MC 123968 Sub 1, J & J Motor Service, Inc., now being assigned hearing May 15, 1972, in Room 1086A, Everett McKinley Dirksen Building, 219 South Dearborn Street, Chicago, IL.

MC 107295 Sub 564, Pre-Fab Transit Co., now assigned June 8, 1972, at Columbus, Ohio, hearing canceled and application dismissed.

MC 110585 Sub 15, Republic Van & Storage Co., Inc., now assigned April 24, 1972, at Washington, D.C., postponed to May 15, 1972, at the offices of the Interstate Commerce Commission, Washington, D.C.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-6312 Filed 4-24-72;8:49 am]

[Notice 50]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. 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-73526. By order of April 10, 1972, the Motor Carrier Board approved the transfer to Gambrell Trans-Mobile, Inc., Augusta, Ga., of the operating rights set forth in certificates Nos. MC-127634 and MC-127634 (Sub-No. 2), and MC-127634 (Sub-No. 3), issued March 28, 1967, September 20, 1971, September 20, 1971, respectively, to James J. Gambrell, doing business as Gambrell Mobile Home Trailer Towing, Augusta, Ga., authorizing the transportation of: Mobile homes, in initial movements, in truckaway service, from Milledgeville, Ga., to points in Alabama, Florida, Louisiana, Mississippi, South Carolina, North Carolina, and Tennessee; and from Sparta, Ga., to points in Alabama, Florida, Mississippi, South Carolina, North Carolina, and Tennessee. Ariel V. Conlin, 53 Sixth Street NE., Atlanta, GA 30308, attorney for applicants.

No. MC–FC–73534. By order of April 14, 1972, the Motor Carrier Board approved the transfer to Art Pape Transfer, Inc., Dubuque, Iowa, of the operating rights in certificate No. MC–111467 and subs thereunder issued to Arthur J. Pape, doing business as Art Pape Transfer, Dubuque, Iowa, authorizing the transportation of general commodities, with exceptions, and various other named commodities of a general commodity nature, fertilizer, livestock, and numerous and various other agricultural commodities, from and to specified points and parts in Iowa, Illinois, Wisconsin, Missouri, and Indiana, and to points in Iowa, Illinois, Minnesota, Wisconsin, Missouri, and Nebraska, varying with the commodity involved. William L. Fairbank, 900 Hubbell Building, Des Moines, Iowa 50309, attorney for applicants.

No. MC–FC–73539. By order of April 14, 1972, the Motor Carrier Board approved the transfer to V. B. Hunt Transport, Inc., Atlanta, Ga., of the operating rights in certificate No. MC–129054 Sub. No. 5, issued August 4, 1969, to Gilder Trucking Co., a corporation, Atlanta, Ga., authorizing the transportation of polystyrene forms and shapes from Lawrenceville, Ga., to points in the United States on and east of U.S. Highway 85, except points in North Carolina, South Carolina, Virginia, and a specified portion of Tennessee. Virgil H. Smith, 431 Title Building, Atlanta, Ga. 30303, attorney for applicants.

No. MC–FC–73542. By order of April 14, 1972, the Motor Carrier Board approved the transfer to Lyle Schladweiler, Ellsworth, Wis., of the operating rights in Certificates Nos. MC–32182 and MC–32182 (Sub-No. 1) issued October 16, 1967, and May 21, 1971, respectively, to Arnold Schladweiler, Ellsworth, Wis., authorizing the transportation of livestock and farm products, from points in the Towns of Hartland, Trenton, Trimbelle, and Ellsworth, Pierce County, Wis., to South St. Paul, St. Paul, Minneapolis, Red Wing, and Newport, Minn., feed, seed, fertilizer, farm machinery, and farm supplies, from South St. Paul, St. Paul, Minneapolis, Red Wing, and Newport, Minn., to points in the above-specified Wisconsin Towns; and animal and poultry feed, from Hager City, Wis., to Minneapolis, Minn., subject to restrictions. Robert R. Gavic, Attorneys Building, Spring Valley, Wis. 54767, attorney for applicants.

No. MC–FC–73610. By order of April 14, 1972, the Motor Carrier Board approved the transfer to Airport Limousine Service, Inc., Newark, N.J., of a portion of the operating rights set forth in certificate No. MC–128823, issued by the Commission May 16, 1969, in the name of Robert C. Bell, Jr., doing business as N.J. & N.Y. Airport Limousine, and subsequently transferred to N.J. & N.Y. Airport Limousine, Inc., Newark, N.J., pursuant to No. MC–FC–72376 approved September 18, 1970 and consummated January 11, 1971, and subsequently acquired by N.J. & N.Y. Airport Limousine, Inc., Hackensack, N.J., pursuant to No. MC–FC–72711 approved February 26, 1971, and consummated April 16, 1971, authorizing the transportation of: Passengers and their baggage, and pets, in the same vehicle with passengers, with certain restrictions, over specified routes, between John F. Kennedy International Airport (N.Y.) and Ramsey, N.J., via La Guardia Airport (N.Y.), serving all intermediate points. Herbert L. Weisman, 535 Fifth Avenue, New York, NY 10017, attorney for applicants.

No. MC–FC–73638. By order of April 14, 1972, the Motor Carrier Board approved the transfer to Esbit Transportation & Storage Co., Inc., Glendale, N.Y., of a portion of the operating rights in certificate No. MC–116792 (Sub-No. 1) issued January 14, 1958, to Fletcher Brothers, Inc., Newark, N.J., authorizing the transportation of crated and uncrated furniture from New York, N.Y., to points in Fairfield County, Conn. Martin Werner, 2 West 45th Street, New York, NY 10036, attorney for applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72–6310 Filed 4–24–72;8:49 am]

[Notice 55]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

APRIL 18, 1972.

The following are notices of filing of applications[1] 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 REGISTER, 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 108884 (Sub-No. 22 TA), filed April 3, 1972. Applicant: ROGERS TRANSFER, INC., Route 46, Post Office Box 175, Great Meadows, NJ 07838. Applicant's representative: Bert Collins, 140 Cedar Street, New York, NY 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, in less-than-truckload shipments, in refrigerated equipment, from plantsite of Avoset Food Corp., Newburgh, N.Y., to points in Connecticut, Rhode Island, Massachusetts, New Hampshire, and Vermont, for 180 days. Supporting shipper: Avoset Food Corp., 162 South Robinson Avenue, Newburgh, NY 12550. Send protests to: District Supervisor Joel Morrows, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, NJ 07102.

No. MC 126537 (Sub-No. 28 TA), filed March 31, 1972. Applicant: KENT I. TURNER, KENNETH E. TURNER, AND ERVIN L. TURNER, doing business as TURNER EXPEDITING SERVICE, Post Office Box 21333, Standiford Field, Louisville, KY 40221. Applicant's representative: Ollie L. Merchant, Suite 202, 140 South Fifth Street, Louisville, KY 40202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Artist paint and supplies*, from the plantsite of Boucour Artists Colors, Inc., at Garnerville, N.Y., to the plantsite of American Greetings Corp. near Danville, Ky., for 180 days. Supporting shipper: James H. Edler, Transportation Manager, American Greetings Corp., 10500 American Road, Cleveland, OH 44144. Send protests to: Wayne L. Merilatt, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Louisville, Ky. 40202.

No. MC 128075 (Sub-No. 17 TA), filed March 28, 1972. Applicant: LEON JOHNSRUD, Post Office Box 447, Highway 9 West, Cresco, IA 52136. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Butter*, between Chicago, Ill., on the one hand, and, on the other, Cresco and Fredricksburg, Iowa, for 180 days. Supporting shipper: Land O'Lakes Inc., Post Office Box 116, Minneapolis, MN 55440. Send protests to: Herbert W. Allen, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 133095 (Sub-No. 26 TA), filed April 3, 1972. Applicant: TEXAS-CONTINENTAL EXPRESS, INC., Post Office Box 434, 2603 West Euless Boulevard, Euless TX 76039. Applicant's representative: Rocky Moore (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcohol and alcoholic beverages*, from Hammondsport, N.Y., to Little Rock, Ark.; Shreveport and New Orleans, La.; and Dallas and Houston, Tex., for 180 days. Supporting shipper: Gold Seal Vineyards, Inc., Southwest Division Office, 13709 Brookgreen Circle, Dallas, TX 75240. Send protests to: H. C. Morrison, Sr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 9A27 Federal Building, 819 Taylor Street, Fort Worth, TX 76102.

[1] Except as otherwise specifically noted, each applicant (on applications filed after Mar. 27, 1972) states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

No. MC 136030 (Sub-No. 1 TA), filed March 30, 1972. Applicant: CAVALIER TRANSPORTATION CO., INC., Post Office Box 7, Riverside, NJ 08075. Applicant's representative: Bert Collins, 140 Cedar Street, New York, NY 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum products* (except in bulk) and *building materials* as described in appendix VI to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 (except commodities in bulk), from the plant and warehouse sites of Kaiser Gypsum Co., Inc., at Delanco, N.J., to points in Hudson, Essex, and Union Counties, N.J., and, on the return *materials, supplies, and equipment* used in connection with the manufacture and distribution of such products, restricted to a service having a prior or subsequent movement in interstate or foreign commerce, for 180 days. Supporting shipper: Kaiser Gypsum Co., Oakland, Calif. Send protests to: Richard M. Regan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 428 East State Street, Room 204, Trenton, NJ 08608.

No. MC 136478 (Sub-No. 1 TA), filed March 31, 1972. Applicant: BENSON TRANSPORT, INC., Route 3, Post Office Box 386, Lakeville, MN 55044. Applicant's representative: F. H. Kroeger, 2288 University Avenue, St. Paul, MN 55114. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Frozen pizza* from Minneapolis-St. Paul, Minn., commercial zone to points in Minnesota, Iowa, Missouri, Arkansas, Louisiana, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, New Mexico, Colorado, Wyoming, Montana, Idaho, Washington, Oregon, California, Nevada, Utah, and Arizona and *materials and supplies* used in the manufacture and distribution of frozen pizzas on return for the account of Totino's Finer Foods, Inc., Minneapolis, Minn., for 180 days. Supporting shipper: Totino's Finer Foods, Inc., 7350 Commerce Road, Minneapolis, MN 55432. Send protests to: District Supervisor A. N. Spath, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building, 110 South Fourth Street, Minneapolis, MN 55401.

No. MC 136565 TA, filed March 31, 1972. Applicant: TRANS AMERICAN EXCHANGE, INC., Post Office Box 1949, Brownsville, TX 78520. Applicant's representative: Robert M. Reynolds (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods and frozen fish and shrimp*, when moving at the same time and in the same vehicle with frozen foods, from Brownsville, Tex., to Savannah, St. Simons Island, and Brunswick, Ga., with no transportation for compensation on return except as otherwise authorized, for 180 days. Supporting shipper: Trade Winds Co., Post Office Box 1867, Brownsville, TX 78521. Send protests to: Richard H. Dawkins, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 301 Broadway, Room 206, San Antonio, TX 78205.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72-6311 Filed 4-24-72;8:49 am]

FOURTH SECTION APPLICATION FOR RELIEF

APRIL 20, 1972.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the General Rules of Practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 42405—*Perlite, vermiculite, and volcanic ash between points in WTL and southern territories.* Filed by Western Trunk Line Committee, agent (No. A-2663), for interested rail carriers. Rates on perlite, vermiculite, and volcanic ash, other than crude, in carloads, as described in the application, between points in western trunkline territory, on the one hand, and points in southern territory, on the other.

Grounds for relief—Short-line distance formula and grouping.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72-6313 Filed 4-24-72;8:49 am]

[Revised S.O. 994; ICC Order 63; Amdt. 2]

LOUISVILLE AND NASHVILLE RAILROAD CO. AND BIRMINGHAM SOUTHERN RAILROAD CO.

Rerouting or Diversion of Traffic

Upon further consideration of ICC Order No. 63 and good cause appearing therefor:

It is ordered, That: ICC Order No. 63 be, and it is hereby, amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date.* This order shall expire at 11:59 p.m., August 31, 1972, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., April 30, 1972, 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 car hire 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., April 19, 1972.

INTERSTATE COMMERCE COMMISSION,
[SEAL] LEWIS R. TEEPLE, *Agent.*

[FR Doc.72-6309 Filed 4-24-72;8:50 am]

PAY BOARD

[Order 2, Amended]

CONSTRUCTION INDUSTRY STABILIZATION COMMITTEE

Authorization Regarding Wages, Salaries and Other Economic Adjustments

In order to more clearly delineate the delegation of authority from the Pay Board to the Construction Industry Stabilization Committee (CISC), the Pay Board has determined that it would be appropriate to amend Pay Board Order No. 2.

Pursuant to the authority vested in the Pay Board by Executive Order No. 11640, and Cost of Living Council Order No. 3, as amended, it is hereby ordered as follows:

1. The Pay Board authorizes the Construction Industry Stabilization Committee (CISC) to administer Pay Board regulations to the extent applicable with respect to collective bargaining agreements in the construction industry. CISC shall also administer CISC "Substantive Policies" as approved by the authorized construction subcommittee of the Pay Board, which are attached as a supplement to this order.

2. All wage and salary increases and other economic adjustments contained in collective bargaining agreements in the construction industry scheduled to take effect on or after August 16, 1971, require approval of CISC regardless of the number of employees involved.

3. Pay adjustments shall be governed by Pay Board regulations as provided in the "Substantive Policies" of CISC. Pay Board regulations established subsequent to this date shall be made applicable to collective bargaining agreements in the construction industry to the extent specifically provided in such regulations, or as otherwise modified following consultation between the Pay Board and CISC.

4. In administering the foregoing regulations of the Pay Board, CISC shall comply with the following procedures:

a. CISC shall make regular reports to the Pay Board, particularly relating to (i) cases received for processing by CISC, (ii) the current administrative report and the agenda of cases to be considered by CISC, (iii) the results of cases approved and denied, and the cases returned to the parties for modification or further negotiation. It shall also report with respect to such other matters, such as significant activities of the craft boards, as are deemed by CISC to be responsive in carrying out the delegation of authority under this order, or are in response to specific requests of the Pay Board.

b. CISC shall consult with the Pay Board on a timely basis with respect to any matter of unusual import or of special significance to the effectiveness of the stabilization objectives, particularly in those situations or application of policy which may establish precedents outside of the construction industry.

c. Because of the relation of construction contract administration to the general administration of Pay Board regulations or policies, if special instances arise where CISC wishes to make exceptions to applicable Pay Board regulations or policies or to modify or add to the approved "Substantive Policies," CISC will first work out an agreement with respect thereto with the construction subcommittee of the Pay Board.

d. CISC and the Pay Board will each appoint a liaison committee and provide for alternates to serve in place of members of the liaison committees. The purpose of the liaison committees will be to consult regularly and to coordinate procedures, policies, and general activities of CISC and the Pay Board insofar as they relate to matters delegated to CISC. The Executive Directors of the Pay Board and CISC shall consult as to any case where a question of appropriate jurisdiction is raised.

e. CISC shall refer to the Pay Board any request for legal action by the Justice Department to enforce compliance with wage stabilization standards or CISC orders.

f. Significant CISC public information releases, and public reports, including annual reports, shall be reviewed by the construction subcommittee of the Pay Board before being issued. Provisions can be made for the issuance of routing repetitive reports or releases.

SUPPLEMENTARY "SUBSTANTIVE POLICIES"

(1) The CISC will carry out its responsibilities in the framework of the general regulations of the Pay Board, and where applicable, Pay Board regulations will be used by CISC. However, specific regulations of the Pay Board with respect to matters such as tandem relationships, deferred increases, merit increases, incentives, and the like may not be directly applicable in all instances to construction and will need supplementation. In addition, CISC will apply the policies set forth below. Together, they constitute a complete substitute for the standards set forth in sections 6(a) and 6(b) of Executive Order 11588 dated March 29, 1971. These CISC policies shall be applied so as to conform as closely as the special conditions of the construction industry permit to those of the Pay Board.

(2) No agreement is automatically entitled to the "general wage and salary standard" or the exceptions thereto of the Pay Board. Moreover, the application of equal percentage adjustments to all crafts in any locality is often not a practical basis for stabilization; on occasion cents-per-hour developments among some or all crafts may be more appropriate.

(3) Pending final resolution of treatment of fringe benefits exempt under section 203(g) of the Economic Stabilization Act Amendments of January 9, 1971, these benefits, together with all other benefits, will be considered in determining economic adjustments subject to the review of the CISC.

(4) In the application of exceptions in individual cases providing for adjustments in excess of the "general wage and salary standard," the following principles are to be applied:

(a) There are some few situations with long established formulas for setting wage rates on the basis of averaging other construction rates for the same craft in other localities. The adjustments provided by these formulas may be approved except where they are shown to have an unstabilizing effect, or where the formula includes deferred increases which are themselves found to be unreasonably inconsistent with stabilization. The CISC will not approve "me-too" clauses, but will examine all economic adjustments provided by contract clauses.

(b) There are a few intercraft relationships, often within a single international union, which are so well recognized that adjustments, at least to a degree, to restore appropriate relationships among these classifications may be approved. The case of plumbers and fitters or plaster tenders, lathers and plasterers may be illustrative in some localities.

(c) In general, any restoration to appropriate historic relationships among crafts or localities should be spread over a period of 2 or 3 years or more. The CISC in reviewing historical relationships will also give attention to clear evidence of changing historical relationships over the past decade.

(d) Attention should be directed to questions of appropriate differentiation of rates by crafts among branches of the industry, such as heavy and highway, housing and commercial work, and local parties and craft boards may be urged to review or consider such differentiations.

(e) The CISC may give special consideration to agreements which provide for significant changes in the geographical structure of bargaining, including the development of wage zones under one agreement, where such changes would promote the stabilization of collective bargaining and the effective utilization of manpower and management resources.

(5) Deferred increases which would cause unstabilizing effects on wage relationships in a locality or among localities (i.e., which would prove unreasonably inconsistent with the application of such standards to a locality or a branch of the industry), should be promptly reviewed and agreement sought on adjustments at a local level or the adjustment spread over a sufficiently long period to reduce unstabilizing effects and to achieve settlements at reasonable amounts. In general, such deferred increases are now held up and may not be placed into effect without approval of the CISC. The CISC is to proceed promptly to identify those cases on a locality by locality basis and to seek revisions in agreements. The CISC ordinarily intends to handle these cases directly with the International Unions and the national offices of contractor associations in the first instance, rather than with the craft dispute boards.

(6) In the consideration of all applications in 1972, the CISC recognizes the necessity to show continued retardation in the rate of increases permitted for 1972 as measured by Pay Board standards. The CISC shall also apply this principle to agreements extending into 1973 and 1974.

(7) The CISC is to continue to apply its policy on economic adjustments which are broader than wages and fringe benefits, that is, which would include the money value of all economic adjustments including work rules.

(8) The CISC is to seek to improve the role of the craft boards and to enhance their contribution to the improvement of collective bargaining and procedures for dispute settlements in the industry.

Effective date. This amendment shall be effective on the date of publication in the FEDERAL REGISTER.

GEORGE H. BOLDT,
Chairman.

[FR Doc.72-6431 Filed 4-24-72;3:21 pm]

CUMULATIVE LIST OF PARTS AFFECTED—APRIL

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PRESIDENTIAL DOCUMENTS OTHER THAN PROCLAMATIONS AND EXECUTIVE ORDERS:

Memorandum of March 1, 1972 — 7289

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PART II



DEPARTMENT OF THE TREASURY

Internal Revenue Service

■

GUN CONTROL

Published Ordinances of Political Subdivisions of States

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 April 2, 1971 (36 F.R. 6202).

[SEAL]

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.

(2) Any resident of Alabama who legally purchases rifles, shotguns and ammunition in any state adjoining Alabama, may take delivery of said weapons either in the state where they were purchased, or in Alabama.

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.

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

15–39. *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.

Mobile

4. *After proclamation of a civil emergency,* the Mayor of the City of Mobile 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 ammunition of an character whatsoever. (h) Order the closing of any or all establishments or portions thereof, the chief activity of which is the sale, distribution, dispensing or giving away of firearms and/or ammunition.

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.

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 any 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.

13–924. *Firearm purchase in other states.* A. A person residing in this state, or a corporation or other business entity maintaining a place of business in this state, may purchase or otherwise obtain firearms anywhere in the United States if such purchase or acquisition fully complies with the laws of this state and the state in which the purchase or acquisition is made and the purchaser and seller, prior to the sale or delivery for sale, have complied with all the requirements of the Federal Gun Control Act of 1968, Public Law 90–618, § 922, subsection (C)[1] and the Code of Federal Regulations, Volume 26, § 178.96, subsection (C).

B. For purposes of this section, all terms are to be given the meaning prescribed by the Federal Gun Control Act of 1968, Public Law 90–618, § 921.[2] Added Laws 1971, Ch. 42, § 1.

*COMPILER'S NOTE: Alabama State Law indicates a minor is a person who is under eighteen years of age.

(NOTE: Because of the restrictions in Federal Gun Control Act (Public Law 90–618) Arizona residents are authorized to purchase only rifles and shotguns in contiguous states only, i.e., California, Colorado, Nevada, Utah and New Mexico.)

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.

Jerome

2. *Any person, firm or corporation who shall sell,* give, rent, barter or furnish within the town of Jerome, any rifle, carbine, shotgun, pistol, revolver or any firearm whatsoever, or any ammunition or cartridge for any rifle, carbine, shot-gun, pistol, revolver or any firearm whatsoever to any person unless such person shall at the time have and show the permit herein provided for from the Marshal of the town of Jerome shall be guilty of a misdemeanor * * *.

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 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 machine 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 1968 * * *.

El Dorado

23–27. *Weapons; carrying, bartering, etc.* * * * 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 pistol of any kind whatever, any kind of cartridges for any firearm, shall be guilty of a misdemeanor. * * *.

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. "Pistol," "revolver," and "firearm capable of being concealed upon the person" as used in Sections 12021, 12072, and 12073 include the frame or receiver of any such weapon.

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.* (a) Every defendant who has fulfilled the conditions of his probation for the entire period thereof or has been discharged from probation prior to the termination of the period thereof shall, at any time thereafter, if he is not then serving a sentence for any offense, on probation for any offense, or charged with the commission of any offense, 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 the defendant and he shall thereafter be released from all penalties and disabilities resulting from the offense 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 the defendant for any other offense, the 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 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.

This subdivision shall apply to all applications for relief under this section which are filed on or after the effective date of the amendment of this section enacted at the 1970 Regular Session of the Legislature.

(b) Subdivision (a) of this section does not apply to any misdemeanor which is within the provisions of subdivision (b) of Section 42001 of the Vehicle Code, or to any infraction.

12020. *Blackjacks, etc., manufacture, sale or possession; concealed explosive or dagger; offense; punishment.* 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 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.

(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.

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. *Retail licenses; business regulations.* 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. *Prohibited transfers; delivery of weapon; transfer to stranger; offense.* 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; violations; mailing copies; possession by unauthorized persons.* 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.

If the bureau determines that the purchaser is a person described in Section 12021 of this code or Section 8100 or 8103 of the Welfare and Institutions Code, it shall immediately notify the dealer of such fact.

12078. *Exemption of sales to government officers; identification; report of sale.* 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.

12090. *Unauthorized alteration; punishment.* 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. *Presumption that possessor altered mark.* 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. *Unmarked pistol; purchase, sale or possession; offense.* 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. *Definition.* 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. *Authority to issue; showing necessary.* 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. *Applications; contents; uniformity.* 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. *Authority to grant license; revocation; business regulations.* 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. *Exemptions.* 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. *Sale, possession or transportation; 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. *Sale, possession or transportation of fixed ammunition; punishment; subsequent conviction.* 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 to conduct business; fee.* 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. *Permits; non-business purposes; fee.* 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.

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. *Exemptions.* 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; offense; punishment.* 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. *Necessity of parental consent; violation; misdemeanor.* 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. *Violation; penalty.* 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 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.

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 ma 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.

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. * * *.

*NOTE: Formerly known as Dairy Valley.

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.

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, 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.

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, 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 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.

Isleton

42.1. *It shall be unlawful for any person,* firm, co-partnership, association or corporation to sell at retail within the Town of Isleton any pistol, revolver or other firearm capable of being concealed upon the person, as such firearms are defined by the terms of Chapter 339 of the Statutes of the State of California of the year 1923, without first procuring from said Town of Isleton, a license so to do.

2–3. *No pistol or revolver shall be delivered* (a) On the day of the application for the purchase, and when delivered shall be unloaded and securely wrapped; nor (b) Unless the purchaser either is personally known to the seller or shall present clear evidence of his identity.

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.

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

*NOTE: Formerly known as City of Mirada Hills.

of such person, any article mentioned in Sections 4200 and 4201 hereof; * * *.

Long Beach

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.

Monterey Park

4233. *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, sling shot or ammunition.

4234. *Possession prohibited.* No person under the age of eighteen years, shall use or have in his possession any firearm, spring gun, air rifle, sling shot or ammunition within the City.

Norwalk

4302. *Miners, 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 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, 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.

Placentia City

(c) *It shall be unlawful to sell,* give away, barter, or trade, any gun, pistol, or firearms or any air gun or pistol or any spring gun or pistol or any device that shoots or propels pellets or missiles by any means, to any minor under the age of eighteen years without the written consent of the Police Department.

(d) *It shall be unlawful to sell,* give away, barter, or trade any ammunition, pellets, missiles or any device used for shooting from pistols, guns or fire arms, or any spring-loaded gun or pistol or device that shoots or propels or missiles by any means to any person under the age of eighteen years without the written consent of the Police Department.

(e) *It shall be unlawful for any parent,* juvenile, or any person, to transport or have shipped into the City of Placentia, any of the above-mentioned items for the use of any person under the age of eighteen years.

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 designated 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 the 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 for 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

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, and hereinafter referred to as concealable weapons, unless such seller has been issued a license by the Tax Collector of the County of San Diego as provided in this chapter.

21.1207. *Delivery of firearms.* No concealable weapon shall be delivered: (a) Within five days of the application for the purchase thereof; nor (b) Unless the purchaser either is personally known to the seller or shall present clear evidence of his identity. When delivered, such concealable weapon shall be unloaded and securely wrapped.

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 ex-

plosive 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 Marino

14.3 *Firearms, Ammunition, etc.—selling, etc., to minors.* 1. Sale, etc., of firearms to minors. It shall be unlawful for any person to sell, exchange, give or loan, or to cause or permit to be sold, exchanged, given or loaned, any gun, revolver, pistol or firearms of any description to any person under the age of eighteen years.

2. *Sale, etc., of ammunition to minors.* It shall be unlawful for any person to sell, exchange, give or loan, or to cause or permit to be sold, exchanged, given or loaned, 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 firearms of any description, or any ammunition of any description, containing any explosive to any person under the age of eighteen years.

4. *Unlawful possession by minors.* It shall be unlawful for any person under the age of eighteen years to have in his possession, care, custody or control any gun, revolver, pistol, spring or BB or air gun or firearms 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 firearms of any description, or any ammunition of any description containing any explosive.

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.

South San Francisco

1. *It shall be unlawful for any person,* persons, firm or corporation, within the limits of the City of South San Francisco, to sell any gun, rifle, revolver, pistol, or other firearms, or any air-gun, or any instrument of any kind or character which throws or projects bullets or missiles of any kind, to any distance, by means of the elastic force of air, or by means of any explosive substance, except to such person, persons, firm or corporation as shall have first received a written permit from the City Marshal of said City to purchase the same.

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 * * *.

4–046. *License to sell:* The City Manager is hereby authorized to issue licenses to sell, at retail, within the City of Stockton, pistols, revolvers, and other firearms capable of being concealed upon the person. Such licenses shall be issued in the form prescribed by the Attorney General and shall be effective for not more than one year from date of issue.

4–046.1 *License*—Chief of police to approve: The said licenses shall be issued only after a report in writing concerning said prospective licensee has been made by the Chief of Police to the City Manager. Said licenses shall not be issued to any person who: (a) Has been convicted of a felony and has served a term of imprisonment therefor in a State or Federal prison, (b) Has been convicted of any violation of the Dangerous Weapons Control Law of the State of California, or (c) Is not of good moral character.

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.

Union City

1. *Dangerous weapon, definition.* Dangerous weapon shall mean and include: * * * f. 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.

2. *Use, possession, discharge, sale of dangerous weapons.* Except as otherwise provided herein it shall be unlawful for any person in the City of Union 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. *Same: exceptions.* Nothing in this Ordinance shall be deemed or construed to prohibit the selling, giving, loaning, or furnishing to any minor, upon written consent of the parent or guardian or such minor, any dangerous weapon as defined in subdivision of Section 1; nor 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 adult person; nor to prohibit any minor from using or having in his possession or control any dangerous weapon which is in good faith in his possession or control or use for his lawful occupation or employment or for the purpose of lawful recreation.

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 firearms, 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.

40–12–101. *Definitions.* (1) The following definitions apply to this article: (a) "Blackjack" includes any billy, sand club, sand bag, or other hand-operated striking weapon consisting, at the striking end of an encased piece of lead or other heavy substance, and at the handle end, a strap or springy shaft which increases the force of impact.

(b) "Firearm silencer" means 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 such weapon.

(c) "Short rifle" means a rifle having a barrel less than sixteen inches long, or an overall length of less than twenty-six inches.

(d) "Short shotgun" means a shotgun having a barrel or barrels less than eighteen inches long or an overall length of less than twenty-six inches.

(e) "Gas gun" means a device designed for projecting gas-filled projectiles which release their contents after having been projected

from the device, and includes projectiles designed for use in such a device.

(f) "Bomb" means any explosive or incendiary device or molotov cocktail as defined in section 53–7–3, C.R.S. 1963, which is not specifically designed for lawful and legitimate use in the hands of its possessor.

(g) "Machine gun" means any firearm, whatever its size and usual designation, that shoots automatically more than one shot, without manual reloading, by a single function of the trigger.

(2) The provisions of this article shall not be held to prohibit any act by a peace officer in the lawful discharge of his duties.

40–12–102. *Possessing an illegal weapon.* (1) As used in this section, the term "illegal weapon" means a blackjack, bomb, firearm silencer, gas gun, machine gun, short shotgun, short rifle, metallic knuckles, gravity knife, or switchblade knife.

(2) A person other than a peace officer or member of the armed forces of the United States or Colorado national guard commits a class 1 misdemeanor if he knowingly possesses an illegal weapon.

40–12–103. *Possession of a defaced firearm.* A person commits a class 3 misdemeanor if he knowingly and unlawfully possesses a firearm, the manufacturer's serial number of which, or other distinguishing number or identification mark, has been removed, defaced, altered, or destroyed.

40–12–106. *Prohibited use of weapons.* (1) A person commits a class 2 misdemeanor if: (d) He has in his possession a firearm while he is under the influence of intoxicating liquor or of a narcotic drug, or dangerous drug. Possession of a permit issued under 40–12–105(2)(c), is no defense to a violation of this subsection.

40–12–108. *Possession of weapons by previous offenders.* Any person previously convicted of burglary, arson, or a felony involving the use of force or violence or the use of a deadly weapon, or attempt or conspiracy to commit such offenses, under the laws of the United States of America, the state of Colorado, or another state, within the ten years next preceding or within ten years of his release from incarceration, whichever is greater, who shall possess, use, or carry upon his person a firearm or other weapon mentioned in sections 40–12–101 to 40–12–106, commits a class 5 felony. A second or subsequent offense under this section is a class 4 felony.

53–6–3. *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.

53–4–1. *Insurrection — firearms prohibited.*—Whenever in the opinion of the governor a condition of riot, insurrection or invasion exists in this state, or in any county, city, town, or district in this state, he shall have the right to declare the state or any such county, city, town, or district, to be in a state of riot, or insurrection, or invasion, by proclamation, and to prohibit the purchase, manufacture for sale or use, receiving, carrying or use, or the selling, giving away, transportation, or otherwise disposing of, or the permitting of others to obtain possession of, any firearms or ammunition in the places covered by said proclamation or in any other portion of the state designated by him during the time that said proclamation remains in force.

53–4–2. *Permit to bear arms.*—If the governor at any time shall issue his proclamation as provided in section 53–4–1, declaring the state, or any county, city, town, or district within the state to be in a state of riot, or insurrection, or invasion, it shall be unlawful while said proclamation is in force, for any person, firm or corporation within the territory covered by said proclamation to purchase, manufacture for sale or use, receive, transport, carry or use, any firearm or ammunition, or to sell, give away, or otherwise dispose of, or permit others to obtain possession of any firearm or ammunition, without a written permit from the governor or his regularly authorized representative. No permit shall be issued by the governor or his representative unless and until the person so desiring such permit shall satisfy the governor or his representative that the same is to be used in defense of his home, person or property. This section shall not apply to legally authorized peace officers, or sheriffs, designated by the governor or his representative, or members of the national guard of Colorado. No permit shall be issued to allow the purchase, manufacture for sale or use, receipt, use, transportation or disposing of firearms or ammunition by anyone not a citizen of the United States or to anyone who has not been a resident of the state of Colorado for more than one year prior to the issuance of the proclamation mentioned in section 53–4–1.

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.

Edgewater

.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 846.4 of 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.

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

23–6. *Sale, rental, etc., of firearms 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. Further, such unlawful purchase, sale, loan or furnishing shall be grounds for revocation of any license issued by the city to such person.

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 possess 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.

CONN. LEGISLATIVE SERVICE 1971, PA 400, P. 437

AN ACT CONCERNING THE OUT-OF-STATE PURCHASE OR ACQUISITION OF RIFLES OR SHOTGUNS BY RESIDENTS OF THIS STATE

BE IT ENACTED BY THE SENATE AND HOUSE OF REPRESENTATIVES IN GENERAL ASSEMBLY CONVENED:

1. For the purposes of the federal gun control act of 1968, Public Law 90–618, 18 U.S.C. 921 et seq., and any law amendatory thereof, any person resident in this state, including a corporation or other business entity maintaining a place of business in this state, may purchase or otherwise receive delivery of a rifle or shotgun in the states of New York or Rhode Island or in the Commonwealth of Massachusetts, unless such purchase or receipt of delivery violates any applicable law of this state, any applicable law of the state

in which such purchase or receipt of delivery takes place, or any applicable provision of said gun control act of 1968, as amended.

2. Nothing in section 1 of this act shall be deemed to deprive any such resident of this state of any rights granted to such resident under title 18 U.S.C. section 922(a)(5), section 922(b)(3)(B) or section 922(b)(3)(C).

Approved June 9, 1971.

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

13-7. *Same—Sale to children prohibited.* 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 (16) 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 the limits of the Town of Seymour.

13-8. *Same—Ownership, possession, use by children prohibited; exception.* It shall be unlawful and is hereby prohibited for any person or persons, under the age of sixteen (16) years to own, possess, use or carry any air gun or rifle or pistol, B-B gun, spring gun or rifle or pistol, or any other implement which impels with force a pellet of any kind or any gun, 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 the limits of the Town of Seymour.

Provided, however, that a person under sixteen (16) years of age can have the use of a rifle or other device described in this section, provided they are with their parents or guardians and under their supervision.

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.

468B. *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.

22–3215a. *Manufacture, transfer, use, possession or transportation of molotov cocktails, or other explosives for unlawful purposes, prohibited—definitions—penalties.* (a) No person shall within the District of Columbia manufacture, transfer, use, possess, or transport a molotov cocktail. As used in this subsection, the term "molotov cocktail" means (1) a breakable container containing flammable liquid and having a wick or a similar device capable of being ignited, or (2) any other device designed to explode or produce uncontained combustion upon impact; but such term does not include a device lawfully and commercially manufactured primarily for the purpose of illumination, construction work, or other lawful purpose.

(b) No person shall manufacture, transfer, use, possess, or transport any device, instrument, or object designed to explode or produce uncontained combustion, with the intent that the same may be used unlawfully against any person or property.

(c) No person shall, during a state of emergency in the District of Columbia declared by the Commissioner pursuant to law, or during a situation in the District of Columbia concerning which the President has invoked any provision of chapter 15 of title 10, United States Code, manufacture, transfer, use, possess, or transport any device, instrument, or object designed to explode or produce uncontained combustion, except at his resident or place of business.

(d) Whoever violates this section shall (1) for the first offense, be sentenced to a term of imprisonment of not less than one and not more than five years, (2) for the second offense, be sentenced to a term of imprisonment of not less than three and not more than fifteen years, and (3) for the third or subsequent offense, be sentenced to a term of imprisonment of not less than five years and of any term of years up to life imprisonment. In the case of a person convicted of a third or subsequent violation of this section, chapter 402 of title 18, United States Code (Federal Youth Corrections Act) shall not apply.

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,

* NOTE: Apparently should read Art. 51, sec. 7(b).

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 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.

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.

790.17. *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.

790.22. *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.

COMPILER'S NOTE: Florida residents legally possessing short-barreled shotguns, short-barreled rifles or machine guns under federal law may transfer such weapons pursuant to 26 U.S.C. Section 5812 to another Florida resident; they would not come within the proscription of Section 790.221, Florida Statutes.

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.

Boynton Beach

17–50. *Same—Sale, purchase from, furnishing to persons under influence of drugs, alcohol, etc.; minors.* It shall be unlawful for any person to purchase from, 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.

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 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 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

328.101. *Certificate from sheriff required for license to deal in certain firearms.* No office 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. * * *.

328.202. *Allowing minors or habitual drunkards to obtain firearms.* It shall be unlawful and a Class D offense against the City for any person to 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.

328.205. *Machine guns.* It shall be unlawful for any person to possess, use, keep or store any machine gun, sub-machine gun or similar firearm within the City. The provisions of this section shall not apply to the Armed Forces or any duly constituted and authorized law-enforcement officer of the United States government, the State of Florida, or the City.

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 conclusive. 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 replicas 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

3. *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.

Riviera Beach

13–36. *It shall be unlawful* for any dealer in arms, guns, rifles or other weapons, to sell to minors any pistol, rifle, repeating rifle, tear gas, gun, flair, gun, bowie knife or dirk knife, brass knuckles, slingshot or any type of air pressure rifle discharging B.B. shot or pellets, or any other type of dangerous weapon.

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

25.76. *Same—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.

25.77. *Same—registration of sales of pistols, revolvers, and other like weapons.* (1) Every retail dealer who 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 Paragraph (1) or any agent or employee to fail or refuse to comply with the provisions of said Paragraph.

(3) It shall be unlawful for any person purchasing a weapon as described in Paragraph (1) to give a false name, age or place of residence as provided in this Section.

(4) This section shall not be applicable to the sale of any bona fide antique weapon that is incapable of being fired.

Tallahassee

3. *It shall be unlawful* for any person, firm or corporation within the City of Tallahassee to sell, give, lend or otherwise place in the possession of any minor any pistol, revolver or other firearm which may be concealed on the person.

Tampa

24–114. *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.

24–116. *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 viola-

tion 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 pur-

chaser 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 possess 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 gauge, 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."

Tifton

Be it enacted by the City of Tifton, by and through the Board of City Commissioners of said city, and it is hereby enacted by the authority of the same that from and after passage of this Ordinance it shall be unlawful for any person, firm, or corporation within the said city to keep on hand for sale or barter, or to sell to any person, firm or corporation, any pistols or revolvers, without first obtaining fom the authorities of said city a license to sell said pistols or revolvers.

Be it further enacted that any person engaged in the sale of revolvers or pistols after having obtained a license for such sales is by this ordinance prohibited from accepting in pawn any pistol or revolver from any minor.

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.

8901.1. *Permits to acquire.* (a) No person shall acquire the ownership of a firearm of any description, whether usable or unusable, either by purchase, gift, inheritance or in any other manner, until he has first procured a permit to acquire such firearm from the Director of Public Safety. Further, no person shall use or have in his possession any such firearm which is owned by another, whether registered or unregistered and irrespective of whether or not such use or possession is with the consent of the owner, without a permit from the Director of Public Safety.

Any person acquiring ownership of a firearm under the provisions of this section shall register the same as provided in § 8901.

(b) No person shall sell, give, loan or deliver any firearm into the possession of one not holding a permit issued under this section.

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.

8905.1. *Same: temporary suspension.* The privilege of owning, possessing or using any firearm in the Territory of Guam shall be suspended for a period of one (1) year following the conviction of any person over the age of twenty-one (21) years of his third violation of the game laws of the territory. The court having jurisdiction over such offender shall notify the Department of Public Safety of the third such conviction and any certificate of registration previously issued to such person shall be revoked and no new certificate issued for one (1) year.

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.

8910. *Sale, gift, or transfer.* Before any person sells, transfers, loans or gives any firearm, he shall obtain from the Director of Public Safety a written statement to the effect that the intended buyer, transferee, borrower, or recipient of said firearms has registered the same pursuant to Section 8901 of this Chapter.

8925. *Definitions.* For purposes of this Chapter: (a) "Explosives" means gun powders, dynamite, blasting powder, all forms of high explosives, initiating or priming explosives, blasting caps, ammunition for cannon, explosive projectiles, bombs, torpedoes, mines, grenades, detonating fuses, or any other such chemical compounds, mechanical mixtures or devices which may be designated by regulation as materials which the protection of life and property requires to be considered as explosives.

(b) The term "explosives" does not include small arms ammunition designed for use in firearms which are entitled to registration pursuant to Chapter X.

8926. *Permit to receive explosives.* No person shall receive or possess any explosives without first having secured a permit therefor from the Director of Public Safety, and it is unlawful for any person to sell, give away or deliver explosives to any person who does not present such a permit.

8927. *Same: persons under twenty-one (21) years of age.* No explosives shall be sold, given or delivered to any person under twenty-one (21) years of age, whether such person is acting for himself or for another person, nor shall any such person be eligible to obtain any permit to receive explosives.

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 possession 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. *Possession 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 felony or to avoid giving testimony in any criminal proceeding.

(b) No person who has been convicted in this State or elsewhere, of having committed a felony, or of the illegal use, possession, or sale of any drug, 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, or rifles with barrel lengths less than 16 inches, or shotguns with barrel length less than 18 inches, 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 imprisoned for a term of not less than two years nor more than five years, without probation.

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 imprisoned for a term of not less than one year nor more than two years, without probation.

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

COMPILER'S NOTE: No applicable Idaho firearms laws. Previous Statutes including provisions permitting residents to purchase rifles and shotguns in contiguous States contained in 18–3314 Idaho Code, repealed by S.L. 1971, Chapter 143, Section 5, effective January 1, 1972.

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 Law Enforcement; 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 device 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.

3. *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.

Alsip

442-4. *After the proclamation of a civil emergency,* the Mayor of the Village of Alsip may also, in the interest of public safety and welfare, make any or all of the following orders: * * *.

(d) order the discontinuance of selling, distributing, dispensing or giving away of any firearms or ammunition of any character whatsoever.

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.

Bloomington

69. *Minors—selling, etc., weapons to prohibited.* No person shall sell, give, loan, hire, barter, furnish, or offer to sell, give, loan, hire, barter or furnish to any minor within the City any gun, pistol, revolver, fowling piece, or toy firearm in which any explosive substance can be used or any Bowie knife, dirk, dagger, switch blade knife, or other deadly weapon of a like character.

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. * * *

Cahokia

4. *No person, firm or corporation* shall sell or give or loan to any person under the age of 18 years any firearm or other deadly weapon in the Village of Cahokia, Illinois.

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

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. *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.

32-36. *License required to engage in business.* 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.

Franklin Park

17-202. *Affidavit required for sales.* (a) No person licensed under the provisions of this article having secured such a license, shall sell or give away any deadly weapons as defined in this division to any person within this village who has not filled out, signed and had witnessed by a notary public a federal firearms affidavit.

(b) It shall be unlawful, for any person to purchase any deadly weapon as defined in this article 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 shall notarize the affidavit. It shall be the duty of the notary, upon witnessing the identification of the applicant to affix his notary seal and sign the affidavit, refusing any applicant whom he concludes is a minor, lacks proper identification, shows physical signs of being a narcotic, or is unemployed.

17-211. *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 deadly weapon as defined in this article, without securing a license so to do as provided in this division and the general licensing provisions of this chapter.

Glencoe

24–47. *Weapons—Carrying concealed prohibited.* It shall be unlawful for any person within the village to carry or wear under his clothes, 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.

Joliet

32–19. *License required.* It shall be unlawful for any person to engage in the business of selling or to sell or offer to sell or give away to any person within the city any pistol, rifle, shotgun, revolver, Bowie knife, dagger or other weapons of like character without first securing a license to do so. * * *

32–21. *Sales to minors.* None of the articles governed by this article or of like character, shall be sold to any minor.

32–22. *Permit required for concealable weapons.* (a) No sale of any revolver, pistol, Bowie knife, or other deadly weapon which can be concealed on the person shall be made by any licensee under this article to any purchaser unless the purchaser shall first exhibit to the licensee a permit for the purchase thereof, issued by the chief of police of the 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.

Lindenhurst

41.01. *Gun dealers—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. * * *.

41.06. *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 this section except to licensed dealers and to persons who have secured a permit for the purchase of such articles from the village marshal as herein required. This does not apply to sales made of such articles which are to be delivered or furnished outside the village.

41.07. *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 village marshal a permit to do so. * * *.

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.

Lombard

9.16.040. *Selling firearms to minors unlawful.* No person shall sell, loan or furnish to any minor any gun, pistol or other firearm, in which any explosive substance can be used, within the limits of the village.

Maywood

8.259. *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.

8.265. *It shall be unlawful for any person* to purchase any deadly weapon mentioned in Section 8.259, which can be concealed on the person without first securing from the Chief of Police a permit so to do. * * *.

It shall be the duty of the Chief of Police to refuse such permit to any person having been convicted of any crime, and any minor. * * *.

8.268. *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.

McCook

9–10–3. *License to sell:* 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. It shall be unlawful for any person to engage in the business of selling or to sell, or give away, to any person, any firearms which are of such size or nature as may be concealed upon the person, without securing a license therefor. And 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.

9–10–4. *Purchasers of 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 (18) years of age or an alien. * * *

9–10–8. *Sale or gift:* No person shall sell or give to any alien or to any minor under the age of eighteen (18) years any firearm of a size which may be concealed upon the person.

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.

Moline

27-47. *Unlawful use of weapons.* A person commits the offense of unlawful use of weapons when he knowingly: * * *

(f) Possesses any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm; or

(g) Sells, manufactures, purchases, possesses or carries 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 (18) inches in length, or any bomb, bombshell, grenade, bottle or other container containing an explosive substance, such as but not limited to black powder bombs and Molotov cocktails; or * * *

27-48. *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 eighteen (18) years of age; or

(b) Sells or gives any firearm to a person under twenty-one (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 * * *

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.

Pinckneyville

39. *Minors not to have certain weapons.* No person, not being the father, guardian or employer of a minor, shall, by himself, agent, servant, or employee, directly or indirectly, sell, give, loan, hire or barter to any such minor, within the city, any pistol, revolver, derringer, bowie knife, dirk, slung shot or other weapon of like character.

Rockford

19-52. *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 purchaser, sale or gift, or in any other manner.

7-260. *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.

7-261. *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.

7-262. *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.

7–263. *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.

Rolling Meadows

13–36. *Same—Handling, possession by minors.* (a) *Prohibited.* It shall be unlawful for any parent or guardian of any child under the age of eighteen (18), 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 which if discharged is of sufficient force or power to inflict bodily injury.

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 Beloit

32. *Firearms—canon—not to furnish to minors.* No person shall fire or discharge any gun, pistol, revolver, fowling-piece or other firearm within the corporate limits of the City, nor shoot, discharge or fire off any canon or piece of artillery in said City, and no person shall sell, loan or furnish to any minor any such gun, pistol, revolver, fowling-piece or other firearms. This shall not apply to officers and persons authorized by law to carry and use such firearms.

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.

Tuscola

18–51. *Same—Selling or furnishing to minors.* Whoever, not being the father, guardian or employer of a minor by himself or agent, shall sell, give, loan, hire or barter to any minor within the corporate limits of the city, any pistol, revolver, derringer, bowie knife, dirk or other deadly weapon of like character, capable of being secreted upon the person shall be subject to penalty as provided by section 1–8 of this Code.

Urbana

21.56. *Weapons—infants.* Any person who, not being the father, guardian or employer of a minor, by himself or agent, shall sell, give, loan, hire or barter to any minor within the corporate limits of the city, any pistol, revolver, derringer, Bowie-knife, dirk or other deadly weapon of like character, capable of being secreted upon the person, shall be subject to the penalties set out in section 1.6 of this Code.

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.

Wheaton

17-83. *Enumeration of dangerous, deadly weapons.* The term "dangerous or deadly weapon" as used herein shall include pistols, revolvers, rifles or other firearms, daggers, billies, bowie knives, and any other deadly weapons which, except for this article, may be lawfully possessed by any person.

17-84. *Selling, furnishing to minors; exceptions.* It shall be unlawful for any person to sell, give, or loan to any minor under the age of eighteen (18) years any deadly or dangerous weapon. * * *

17-93. *License—required.* It shall be unlawful for any person to engage in the business of selling or otherwise dealing in dangerous or deadly weapons (hereafter called a dealer) in the city without securing a license therefor.

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.

Zion

28-1. *Unlawful use or carrying of weapons—defined.* (a) A person commits the offense of unlawful use of weapons when he knowingly:

(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 eight (8) shots or bullets may be discharged by a single function of the firing device, any shotgun with a barrel less than eighteen (18) inches in length, or any bomb, bombshell, grenade, bottle or other container containing an explosive substance, such as but not limited to black powder bombs and Molotov cocktails; * * *

28-14. *To be licensed.* 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, billy, derringer, Bowie knife, dirk, or other deadly weapon which can be concealed on the person, without securing a license to do so.

28-34. *License required.* 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.

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.

10-4740a. *Interstate firearms sales.*—Any resident of this state who is eighteen (18) years of age or over and not otherwise prohibited by IC 1971, 35-23-4-6 [§ 10-4739], IC 1971, 35-1-79-3 [§ 10-4702], or IC 1971, 35-23-5-1 [§ 10-4736], 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 for either a rifle or shotgun in Ohio, Kentucky, Michigan or Illinois. Any resident of those states who is eighteen (18) years of age or over and not otherwise prohibited by IC 1971, 35-23-4-6 [§ 10-4739], IC 1971, 35-1-79-3 [§ 10-4702], or IC 1971, 35-23-5-1 [§ 10-4701] or the laws of his domicile or of the United States from obtaining, possessing, or using a firearm in this state or his home state, may purchase or obtain a rifle, shotgun, or ammunition for either a rifle or shotgun in this state. Any such transaction shall be for the purposes and under the conditions prescribed by the "Gun Control Act of 1968," 82 Stat. 1213, 18 U.S.C. 922(B)(3). [IC 1971, 35-23-10-1, as added by Acts 1971, P.L. 467, § 1, p. —.]

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 corpoartion 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 stilletto, 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, i such proportions, quantities or packing that an ignition by fire, by friction, by concussior 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 contigu us 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.

Sac City

(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 18 years.

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.

48–1903. *Purchase or receipt of rifle or shotgun in contiguous state by resident of Kansas; restrictions.* 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 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.

Atchison

21–124. *Unlawful use of weapons.* (1) Prohibited uses. Unlawful use of weapons is knowingly:

(a) Selling, manufacturing, purchasing, possessing or carrying any bludgeon, sand-club, shotgun with a barrel less than eighteen (18) inches in length, metal knuckles or any knife, commonly referred to as a switch-blade, 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 * * *.

21–129. *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.

21–130. *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.

Cherryvale

10–138. *Firearms 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. *Firearms, 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.

Concordia

15–37. *Unlawful use of weapons generally.* 15–37(a). The following acts shall constitute unlawful use of weapons and a misdemeanor:

(1) Selling, manufacturing, purchasing, possessing or carrying any bludgeon, sand-club, 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; * * *.

(6) Possessing any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm.

15–40. *Unlawful disposal of firearms.* Unlawful disposal of firearms is knowingly:

(1) 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

(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 a 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.

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, sand-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 within 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 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.

Hutchison

24–1001. *Unlawful use of weapons.* (a) Unlawful use of weapons is knowingly: * * *.

(6) Possessing any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm.

(7) 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.

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.

39–6. Same—issuance. After fifteen (15) days, the Chief of Police may, in his discretion, issue such permit required by Section 39–4 to any person filing the proper application, except dope addicts, alcoholics, or persons having been convicted of a crime involving violence or the use of firearms, and upon obtaining a clearance from the F.B.I. Identification Division for the applicant.

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

14–1001. *Unlawful use of weapons.* Rules and regulations relating to use of weapons and subsequent exemptions shall be as follows: a. Unlawful Use of Weapons is knowingly:

1. Selling, manufacturing, purchasing, possession or carrying any bludgeon, sandclub, shotgun with a barrel less than eighteen inches (18") 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; * * *.

6. Possession of any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm.

7. 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.

14–1003. *Unlawful disposal of firearms.* Unlawful disposal of firearms is knowingly: a. Selling, giving or otherwise transferring any firearm with a barrel less than twelve inches (12") long to any person under eighteen (18) years of age; b. Selling, giving or otherwise transferring any firearms to any habitual drunkard or narcotic addict; c. Selling, giving or otherwise transferring any firearm with a barrel less than twelve inches (12") 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.

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 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.

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

17–1001. *Unlawful use of weapons.* (a) Unlawful use of weapons is knowingly:

(1) Selling, manufacturing, purchasing, possession 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 which 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; * * *.

(6) Possession of any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm.

(7) 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.

17–1003. *Unlawful disposal of firearms.* Unlawful disposal of firearms is knowingly:

(1) Selling, giving or otherwise transferring any firearm with a barrel less than twelve inches long to any person under eighteen (18) years of age; or

(2) Selling, giving or otherwise transferring any firearm 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.

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 pisto' 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

I. *Definitions.* When used in this Ordinance, where not otherwise distinctly expressed or manifestly incompatible with the intent thereof, terms shall have the meanings ascribed in this section. Words in the plural form shall include the singular, and vice versa, and words importing the masculine gender shall include the feminine.

Antique firearm. (a) Any firearm (including any firearm with a matchlock, flintlock, percussion cap, or similar type of ignition system) manufactured in or before 1898; and (b) Any replica of any firearm described in paragraph (a) of this definition if such replica (1) is not designed or redesigned for using rim fire or conventional center fire fixed ammunition, or (2) uses rim fire or conventional center fire fixed ammunition which is no longer manufactured in the United States and which is not readily available in the ordinary channels of commercial trade.

Collector. Any person who acquires, holds, or disposes of firearms as curios or relics.

Concealable firearm. Any pistol, or revolver, or other weapon by whatsoever name known, other than an antique firearm as herein defined, 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 a weapon; the term "concealable firearm" shall include any other such weapons irrespective of their original design which have received such extensive modification to stock, barrel or otherwise as to make them sufficiently small to be readily concealable on the person: in addition, the term "concealable firearm" shall include tear gas guns, tear

pens, tear gas pencils, pen guns, mace cans, or other similar devices capable of firing, projecting, expelling or spraying tear gas, mace, or any similar gas, chemical or substance which may be dangerous or injurious to human health or safety.

Curios or relics. Firearms which are of special interest to collectors by reason of some quality other than is ordinarily associated with firearms intended for sporting use or as offensive or defensive weapons. To be recognized as curios or relics, firearms must fall within one of the following categories:

(a) Firearms which were manufactured at least 50 years prior to the current date, but not including replicas thereof;

(b) Firearms which are certified by the curator of a municipal, state or federal museum which exhibits firearms to be curios or relics of museum interest; and

(c) Any other firearms which derive a substantial part of their monetary value from the fact that they are novel, rare, bizarre, or because of their association with some historical figure, period or event.

Dealer. Any person engaged in the business of selling concealable firearms at wholesale or retail; any person engaged in the business of repairing concealable firearms or of making or fitting special barrels, stocks or trigger mechanisms to concealable firearms; or any person who is a pawnbroker.

Felony. Any offense punishable by imprisonment for a term exceeding one (1) year. The term shall not include any offense (other than one involving a firearm or explosive) classified as a misdemeanor under the laws of any state and punishable by a term of imprisonment of two (2) years or less.

Frame or receiver. That part of a concealable firearm which provides housing for the hammer, bolt or breechblock, and firing mechanism, and which is usually threaded at its forward portion to receive the barrel.

Fugitive from justice. Any person who has fled from any state to avoid prosecution for a crime or to avoid giving testimony in any criminal proceeding.

Indictment. Includes an indictment or information in any Court under which a crime punishable by imprisonment for a term exceeding one (1) year may be prosecuted.

Pawnbroker. Any person whose business or occupation includes the taking or receiving, by way of pledge or pawn, or any concealable firearm as security for the payment or repayment of money.

Person. Any individual, corporation, company, association, firm, partnership, society, or joint stock company.

II. *Sale or transfer of concealable firearms.* No sale, transfer or delivery of a concealable firearm shall be made within the City of Louisville to any of the following:

(a) A person under twenty-one (21) years of age;

(b) A person under indictment for, or who has been convicted in any Court of a felony;

(c) A person who has been convicted of a misdemeanor involving the handling, carrying, furnishing or misuse of a firearm within five (5) years;

(d) A person who is a fugitive from justice;

(e) A person who has been adjudicated as a mental defective or incompetent, or any person who is a known drug addict;

(f) A person who is not a resident of the Commonwealth of Kentucky;

(g) A person who has been convicted of public drunkenness three (3) or more times within the year last past before the proposed sale, transfer or delivery;

(h) A person who has a conviction record of three or more misdemeanors involving the employment of physical violence against another person within three (3) years last past before the proposed sale, transfer or delivery.

IV. *Licensing of dealer.* Any person who engages in the business of a dealer as defined in this Ordinance in the City of Louisville shall secure a license from the City to conduct such business and shall pay an annual license fee of Twenty-five dollars ($25.00). No person shall be so licensed unless he is the holder of a current Federal license issued by the Internal Revenue Service under the provisions of Title 18, U.S.C., Chapter 44. Any such license issued to a dealer hereunder shall authorize him to do business only at the premises stated on such license and any change of address or location of a dealer's business shall be reported to the office of the Chief of Police and to the office of the Commissioners of the Sinking Fund within twenty-four (24) hours of such change.

IX. *Collectors license.* Any person qualifying as a collector as defined in this Ordinance may make application to the Louisville Division of Police for issuance of a "Collectors License" and shall pay for said license the sum of Ten dollars ($10.00); said license shall be renewable annually for an additional fee of Five dollars ($5.00) for each subsequent renewal thereof; said license shall permit the licensee to buy firearms qualifying as curios and relics under the provisions of this Ordinance from any person and to buy from, sell to, trade with or otherwise dispose of or acquire such items from others similarly licensed who are residents of the City of Louisville or the Commonwealth of Kentucky and shall further authorize said licensee to transport any such firearms into or through the City of Louisville for display at a gun show or similar gathering or function.

XIII. *Exclusions.* 1. Despite any language to the contrary contained herein, it shall be lawful for the following persons to acquire, transfer, or purchase concealable firearms from a dealer or pawnbroker without the necessity of the affidavit and waiting period required by this Ordinance:

(a) Any governmental agency which is authorized to own or acquire firearms;

(b) Licensed dealers, manufacturers, wholesalers in all transactions between similiarly licensed persons, in their usual course of business;

(c) Licensed pawnbrokers accepting a firearm as security or pledge for loan, unless or until the pawnbroker makes a sale or transfer or the firearm pledged to a person other than the owner, at which time the affidavit required by this Ordinance and the waiting period shall be complied with, and the report of such sale or transfer shall be made as provided herein.

2. Despite any language to the contrary contained herein, it shall be lawful for the following persons to transport, possess and lawfully use concealable firearms for lawful purposes:

(a) Non residents of Louisville who are regularly enrolled members of any state or federal organization, service or agency whose members are legally authorized to purchase, or receive and transport concealable firearms;

(b) Non residents of Louisville regularly enrolled as members of clubs organized for firearms collecting or organized target shooting while such members are going to or from collectors gun shows, competitions and other organized convocations of such clubs;

(c) Non residents while lawfully engaged in hunting, fishing, or camping or going to or returning from hunting, fishing or camping;

(d) Non residents engaged in the business of manufacturing, repairing or dealing in firearms, or the agent or representative of 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.

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.

Baton Rouge

5. *Orders mayor-president authorized to issue.* After the proclamation of any civil emergency, the mayor-president, or in the event of his absence or inability to act, the president pro tempore of the parish council,

may also in the interest of the 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 ammunition of any character whatsoever.

(h) Order the closing of any or all establishments or portions thereof, the chief activity of which is the sale, distribution, dispensing or giving away of firearms or ammunition.

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 instrumentality 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.

Deridder

7-68. *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 (17) of any firearm or other instrumentality customarily used as a dangerous weapon, to any person under the age of twenty-one (21). Lack of the knowledge of the minor's age shall not be a defense.

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 *Permit required to purchase.* (a) Any person purchasing or acquiring ownership of any firearm shall immediately thereafter, within a period of 48 hours, excluding legal holidays, make application for a permit as herein after provided.

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.

Lafayette City

B. *No person shall sell, at wholesale or retail,* pistols or pistol cartridges, blank pistols or blank pistol cartridges, or any rifles, except rifles of .22 and .25 calibers or any cartridges, except rifle cartridges of .22 and .25 calibers, without first obtaining the license required by the State of Louisiana in Title 47, Section 382 and Section 383, and without first obtaining the license imposed by this Ordinance authorizing the sale of pistols, or pistol cartridges, blank pistols or blank pistol cartridges, rifles or rifle cartridges.

Lafayette Parish

B. *No person shall sell, at wholesale or retail,* pistols or pistol cartridges, blank pistols or blank pistol cartridges, or any rifles, except rifles of .22 and .25 calibers or any rifle cartridges, except rifle cartridges of .22 and .25 calibers, without first obtaining the license required in this Section or in Section 32 of this Ordinance, or without first obtaining the license which may be imposed by any municipal or parochial authority for the sale of pistols or pistol cartridges, blank pistols or blank pistol cartridges, rifles or rifle cartridges.

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.

Welsh

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 instrumentality 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.

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 until the expiration of 5 years from the date of his discharge or release from prison or termination of probation. Such a person convicted of any offense, except misdemeanors, the maximum punishment for which is a fine of $100 or less, or imprisonment for 90 days or less, during the 5-year period, shall be forever barred from having in his actual or constructive possession any of the weapons described herein. Anyone violating any of the provisions of this chapter shall be guilty of a felony, and upon conviction thereof, shall be punished by 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 in-

toxicating 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.

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.

113.7 *No person, firm, or corporation shall sell,* rent, or exchange any hand gun to said applicant during the said period of investigation or thereafter if notified during said period by the Lewiston Police Department that the applicant has been convicted of, or is under indictment or complaint 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. Said notification shall be delivered to the person, firm, or corporation proposing to sell, rent, or exchange said hand gun by an officer of the Lewiston Police Department, obtaining at the time of delivery a receipt or acknowledgement of said notification and the time and date received, whenever possible.

Portland

318.1 *No person, firm, or corporation* in the City of Portland shall sell, give, or deliver to any person any hand gun as hereinafter defined, except in accordance with the provisions of the following sections.

318.2 *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.

318.3 *Such person, firm, or corporation* shall require the person seeking to purchase or obtain such hand gun to sign a certificate * * *.

318.4 *Such person, firm, or corporation* shall deliver such certificate to the Chief of Police of the City of Portland, or his duly authorized representative, at Police Headquarters, and said Chief of Police or his duly authorized representative shall have 72 hours after receipt of said certificate to make an examination of the records contained in the Police Department of the City of Portland and in State Police Headquarters at Augusta, Maine 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.

318.5 *Any person, firm, or corporation selling,* giving, or delivering a hand gun to any person before the expiration of said 72 hours or when notified within said period by the Chief of Police, or his 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; is a user of or addicted to marijuana or any other depressant, stimulant, or narcotic drug; 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.

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 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.

Westbrook

24–14. *Defined.* A handgun 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.

24–15. *Disposition regulated.* No person in the city shall sell, give or deliver to any person any handgun as hereinbefore defined, except in accordance with the provisions of the following sections.

24–16. *Purchaser, etc., to sign certificate; contents; penalty.* (a) A person selling, giving or delivering a handgun to any person shall require such person to sign a certificate * * *.

24–17. *Police chief to run investigation on purchasers.* One disposing of a handgun shall deliver the certificate required by the preceding section to the chief of police at police headquarters, and the chief shall have seven (7) days after receipt of such certificate to make an examination of the records contained in the police department and in the state police headquarters, in Augusta, Maine, or other departments, 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 findings to the person 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 sub-

sequently 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.* 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; povided, toy pistol caps as legalized under Maryland State Law shall not be construed to be prohibited under this Section.

MASSACHUSETTS

State Law

MASS. GEN. LAWS ANN. CHAPTER 140

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 is less than sixteen inches or eighteen inches in the case of a shotgun, and the term "length of barrel" shall mean that portion of a firearm, rifle, shotgun, or machine gun through which a shot or bullet is driven, guided or stabilized, and shall include the chamber. 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 fiream 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 institu-

tional 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.

MASS. GEN. LAWS ANN. CHAPTER 148

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 fire or explosion, whether or not contrived to ignite or 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.

The court may, if the firearm or other article was lost by or stolen from the person lawfully in possession of it, order its return to such person, and where it has been the finding of the court that a person has been guilty of unlawful possession of a firearm, but makes the further finding that such possession was in ignorance of the law, the court may order the return of said firearm to its owner upon his compliance with those regulations relative to the establishment of lawful possession.

Whoever, within this commonwealth, produces for sale, delivers or causes to be delivered, orders for delivery, sells or offers for sale, or fails to keep records regarding, any rifle or shotgun without complying with the requirement of a serial number, as provided in section one hundred and twenty-nine C of chapter one hundred and forty, shall for the first offense be punished by confinement in a jail or house of correction for not more than two and one-half years, or by a fine of not more than five hundred dollars.

Whoever fails to keep records or report serial numbers, if required to do so by section one hundred and twenty-nine C of chapter one hundred and forty, shall be punished by imprisonment in a jail or house of correction for not more than two and one half years or by a fine or not more than five hundred dollars.

Whoever owns, possesses, or transfers possession of a firearm, rifle, shotgun or ammunition therefor without complying with the requirements relating to the firearm identification card provided for in section one hundred and twenty-nine C of chapter one hundred and forty shall be punished by imprisonment in a jail or house of correction for not more than one year or by a fine of not more than five hundred dollars.

A second violation of this paragraph shall be punished by imprisonment in a jail or house of correction for not more than two years or by a fine of not more than one thousand dollars or both.

Whoever knowingly fails to deliver or surrender a revoked or suspended license to carry firearms issued under the provisions of sections one hundred and thirty-one or one hundred and thirty-one F of chapter one hundred and forty, or firearm identification card, or receipt for the fee for such card, or a firearm, rifle or shotgun, as provided in section one hundred and twenty-nine D of chapter one hundred and forty, unless an appeal is pending, shall be punished by imprisonment in a jail or house of correction for not more than two and one-half years or by a fine of not more than one thousand dollars.

Whoever, not being a law enforcement officer, and notwithstanding any license obtained by him under the provisions of chapter one hundred and forty, carries on his person a firearm as hereinafter defined, loaded or unloaded, in any building or on the grounds of any college or university without the written authorization of the board or officer in charge of said college or university shall be punished by a fine of not more than one thousand dollars or by imprisonment for not more than one year or both. For the purpose of this paragraph "firearm" shall mean any pistol, revolver, rifle or smoothbore arm from which a shot, bullet or pellet can be discharged by whatever means.

For the purpose of this section "sawed-off shotgun" means a shotgun having one or more barrels less than eighteen 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 inches.

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 and firearms.* 223. (1) Any person who sells a pistol without complying with section 2 of Act No. 372 of the Public Laws of 1927, as amended, being section 28.422 of the Compiled Laws of 1948, shall be guilty of a misdemeanor.

(2) Any person who sells a firearm more than 30 inches in length to a person under 18 years of age 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 stupefying 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 continguous 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.

Allen 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.

Belding

12.11 *Dangerous weapons.* No person shall possess any machine gun, sawed-off shotgun, or any instrument or weapon of the kind commonly known as blackjack, slingshot, sand club, sandbag, switch-blade 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.

Bloomfield Hills

7.01. It stall 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.

Ecorse

3–4.2 *Unregistered firearms—sale or purchase of firearms.* Any person who shall own or possess any pistol, weapon or device without the same being registered as required by Section 9 of Act 272 of the Public Acts of the State of Michigan for the year 1927, as amended; and also any person who shall purchase or sell a pistol, weapon or device without license as required by Act 272 of the Public Acts of the State of Michigan for 1927, as amended, shall be guilty of a misdemeanor and shall be punished as provided in Article I, Chapter I of this Code.

Escanaba

(D) *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, switch-blade 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.

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 18 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 18 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.

Grosse Pointe Farms

24. *Firearms, sale to minors.* It shall be unlawful for any person under eighteen (18) years of age to purchase any firearm. It shall be unlawful for any person under the age of eighteen (18) years to transport a firearm on any public street or in any public place unless such person be accompanied by a parent or guardian and such transportation be to or from a duly constituted target range, or location for hunting if such person has in his possession a valid Hunting License issued by State authority.

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 appliance for causing the firing of any firearm to ance 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.

Royal Oak

(c) *It shall be unlawful* for any person, firm or corporation to sell, offer for sale, give away or distribute any firearm, slingshot, airgun, or other light weapon to any minor in the City of Royal Oak, who is under the age of sixteen years.

Saginaw

807. *Failure to complete and return license to purchase pistol.* 807.1 It shall be unlawful for the purchaser or any pistol to be or remain in possession thereof if the completed license to purchase the same shall not have been returned to the licensing authority within ten (10) days of the purchase of the pistol, as required by law.

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 $300 or both 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).*

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.

*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.

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 slingshot, 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

27–13. *Furnishing to minors.* No person, within the limits of the village, shall: * * * (b) Furnish a minor under eighteen years of age with a firearm, airgun, ammunition or explosive without the written consent of his parent, guardian, the police department or magistrate of this village.

27–14. *Silencers.* No person, within the limits of the village, shall sell or have in his possession any device designed to silence or muffle the discharge of a firearm.

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 Conserva-

tion 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.

Fairmont

6.20. *Dangerous weapons and articles.* 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; * * *

Farmington

6–1–15. *Dangerous weapons:* It shall be unlawful for any person to do any of the following: * * * (G) Sell or have in his possession any device designed to silence or muffle the discharge of a firearm; * * *

Granite Falls

6.06. *Weapons, sale to minors.* No person shall sell, give, loan, or in any wise furnish any firearm or ammunition to any minor under the age of eighteen years without the written consent of his parents or guardian, or of a police officer or magistrate of this city.

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.

Mankato

9.30. *Dangerous weapons and articles.* 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 parents or guardian or of the Police Department.

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.

Mendota Heights

5. *Possession of Weapons by Minors.* No minor under the age of eighteen years shall, within the corporate limits of the Village of Mendota Heights, 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, bow and arrow, springgun, or the like; nor shall any such minor, within the corporate limits of the Village, fire or discharge any such fire-arm, sling, slingshot, bow and arrow, spring-gun or the like, whether accompanied by his parent or guardian, or otherwise.

Section 6. Sale to minors. No person, firm, or corporation shall, within the corporate limits of the Village of Mendota Heights, 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 eighteen years, without the written consent of the parent or guardian of the said minor. Said permission shall be preserved by the person furnishing such arms or ammuntion, 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 this State.

Section 9. Definitions.

B. Specific terms. The following terms shall have the following meanings:

(1) *Firearm.* Shall mean any weapon from which is propelled any missile, projectile, bullet, or other 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.

(2) *Handgun.* Shall mean any firearm having a barrel of less than twelve inches in length and capable of being concealed on the person.

(3) *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.

(4) *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, and sand-club, chain club, or metal knuckles.

(5) *Ammunition.* Shall mean any projectile, bullet, or other mass prepared for insertion in and propulsion from any firearm.

(6) *Secured container.* Shall mean a locked case legibly marked "firearm" having no mechanical features designed for immediate weapons removal or use and containing no other non-related 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.

12. *Sale, gift, or delivery of firearms.* A. No person shall purchase, receive or accept a handgun within the Village of Mendota Heights without first having obtained a written permit from the Chief of Police authorizing him to purchase, receive or accept such handgun.

The Chief of Police shall, upon application, issue a written permit to purchase or receive a handgun within the Village of Mendota Heights 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 good cause to fear an injury to his person or property, or that such handgun is to be used for a lawful purpose. Such permit shall be valid for a period of five days from its date.

D. 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 Paragraph (B) hereinabove. The person making such sale, loan, gift, or delivery shall, within five days thereafter, mail or deliver said permit to the Chief of Police.

E. 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.

F. Nothing contained in this section shall apply to sales at wholesale to dealers.

13. *License required to sell firearms.* No person shall engage in the business of selling or dealing in firearms or ammunition in the Village of Mendota Heights without first obtaining a license to do so from the Village Council.

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

5-1-32: *Firearms; 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 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.

5-1-71: *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 (18) years without the written consent of his parents or guardian, or of a police officer or magistrate of the City.

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.

2. *License required.* It is unlawful for any manufacturer or dealer to sell at wholesale or retail, to lease or to pledge or accept as security for a loan, any firearm without first having procured a license.

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

160.090. *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 time by all law enforcement officers or the Judges of any court of record in the State.

161.010. *Registration required.* No person shall purchase, sell, trade, own or have in his possession any revolver or hand gun without registering the same with the Chief of Police.

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 mearings.

(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. Paul Park

d. *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 or air gun of any kind and use for hunting, target practice or any other purpose.

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, sanuclub 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 2[illegible]

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

407.500. *Missouri residents may purchase rifles and shotguns in contiguous states, when* Residents of the state of Missouri may purchase rifles and shotguns in a state contiguous to the state of Missouri, provided that such residents conform to the applicable provisions of the Federal Gun Control Act of 1968,[1] 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 Missouri and in the contiguous state in which the purchase is made.

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.

5. No permit shall be required for an antique firearm or replica thereof. The term "antique firearm" means any firearm not designed or redesigned for using rim fire or conventional center fire ignition with fixed ammunition and manufactured in or before 1898 (including any matchlock, flintlock, percussion cap, or similar 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.

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

16-60. 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.

Flat River

79. *Sale to minors.* Any person within the corporate limits of 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 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.

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

3. *Explosives, firearms and weapons.* 3.1 No person shall, in this City, * * * having upon or about his person any kind of firearms, * * * directly or indirectly sell, deliver, loan or barter to any minor any such weapon, without the consent of the parent or guardian of such minor; * * *.

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.

26.188. *Explosive or flammable devices.* It shall be unlawful for any person to make, use, or possess on his person, or under his control, any explosive device, including a molotov cocktail, containing flammable, combustible or explosive material or substance which can be used as a fire bomb either by igniting the fuse or breaking the device; provided however, any person who can show that he is 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.

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.

Marceline

9. *No person* * * * having upon or about his person, any kind of firearms * * * directly or indirectly loan or barter to any minor any such weapon without the consent of the parent or guardian of such minor.

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, slingshot 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.

Richmond

10. *If any person* * * * having upon or about his person, any kind of fire-arm, * * * shall directly or indirectly 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 dollars nor more than one 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.

Shrewsbury

5. *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 of which fulminate is a component part.

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.

777.070. *Carrying weapons by felons prohibited.*—No person convicted of a felony within the next five (5) years immediately preceding under any State or Federal law shall own, possess or carry on or about his person in the City of St. Louis any firearm, pistol, revolver, shotgun or rifle.

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.

50. *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. *Minors not to be furnished with firearms and weapons.* It shall be unlawful for any person to sell, loan or furnish to any minor any gun, fowling piece, or other firearm, or any pocket knife having a blade more than three inches in length; provided, it shall be lawful to sell, loan or furnish shotguns, rifles, and .22-caliber pistols, of a type commonly used for hunting, to persons eighteen 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

7.22.100. *Furnishing minor with ammunition.* It is unlawful for any person to sell, offer to sell or to give or lend any minor under the age of eighteen years any ammunition for any firearms.

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 no 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 municipality 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.

Belleville

1. *The manufacture, storage or display for sale* at retail or wholesale, or the sale at retail or wholesale of fireworks and cartridges, is hereby prohibited within the limits of the Town of Belleville, in the County of Essex.

3. *The storage or display for the sale* at retail or wholesale, or the sale at retail or wholesale of cartridges whether loaded or blank, is prohibited within the limits of the Town of Belleville, in the County of Essex.

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 pur-

chasing 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.

Lincoln Park

1. *The storage and sale of fire works, gun powder and ammunition* in the Borough of Lincoln Park shall be subject to the following rules and regulations:

A permit for the storage and sale of fire works, gun powder and ammunition must be obtained from the Clerk of the Borough. All such permits shall expire on the first day of January after the issuance thereof. All permits issued as aforesaid shall be exposed in a conspicuous place in the place of business of the applicant.

No blank cartridge pistol or blank cartridge shall be sold or kept in stock; no pistol or fire arm of any description shall be sold to anyone under the age of fifteen years.

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 secondhand 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

B. 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, switchbladed 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.

Las Cruces

G. *Sales to minors:* It shall be unlawful to give, sell, trade, barter or exchange for anything of value any deadly weapon, air rifle, air gun or B-B gun or ammunition for any firearm to any person under the age of 18 years provided that this section shall not be construed to prevent any parent or legal guardian from purchasing firearms or ammunition for his child or ward.

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*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.

Lovington

7-1-14. *Deadly weapons.* (g) *Sales to minors.* It is unlawful to give, sell, trade, barter or exchange for anything of value any deadly weapon, air rifle, air gun or B-B gun, or ammunition for any firearm to any person under the age of eighteen years provided that this section shall not be construed to prevent any parent or legal guardian from purchasing firearms or ammunition for his child or ward.

Raton

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.

Santa Fe

15-31. *Weapons—Furnishing firearms, etc., to persons under sixteen.* It shall be unlawful 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, spring-gun 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 speci-

fied 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.

265.40. * * * It shall be lawful for a person or persons residing in this state to purchase or otherwise obtain a rifle and/or shotgun in a contiguous state, and to receive or transport such rifle and/or shotgun into this state; provided, however, such person is otherwise eligible to possess a rifle and/or shotgun under the laws of this state.

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.

Application 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, sell, 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.

Utica

16–4. *Fireworks, firearms, pyrotechnics.* (a) *Definitions.* (2) "Small arms ammunition" whenever used in this section, shall be held to mean any shotgun, rifle, pistol, or revolver cartridges.

(b) *Sale, manufacture, delivery, use.* No person shall manufacture, cause to be manufactured, store, handle, transport, sell, keep for sale, offer, give, dispose of, or discharge any firearms except as provided in the Penal Code, nor any pyrotechnics or small arms ammunition within 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, development, 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.

14–415.1. *Possession of firearms, etc., by felon prohibited.* (a) It shall be unlawful

for any person who has been convicted in any court in this State, in any other state of the United States or in any federal court of the United States of a crime, punishable by imprisonment for a term exceeding two years, to purchase, own, possess or have in his custody, care or control, any hand gun or pistol. Every person violating the provisions of this section shall be guilty of a felony and shall be imprisoned for not more than 10 years in the State prison or shall be fined an amount not exceeding five thousand dollars ($5,000).

(b) In all cases where the person is charged under the provisions of this section, the record or records of prior convictions of any offense whether in courts in this State, or in courts of any other state or in any court of the United States shall be admissible in evidence, but only for the purpose of proving that said person has been convicted of a previous offense the punishment for which may be more than two years. The term 'conviction' is defined as a final judgment in any case of any offense having a maximum permissible penalty of more than two years without regard to the plea entered or to the sentence imposed. A judgment of a conviction or a plea of guilty to such an offense certified to a superior court of this State from the custodian of records of any state or federal court under the same name as that by which the defendant is charged shall be prima facie evidence that the identity of such person is the same as the defendant so charged and shall be prima facie evidence of the facts so certified.

(c) The indictment charging the defendant under the terms of this section shall be separate from any indictment charging him with other offenses related to or giving rise to a charge under this section. An indictment which charges the person with violation of this section must set forth the date that the prior offense was committed, the type offense and the penalty therefor, and the date that the defendant was convicted or plead guilty to such offense, the identity of the court in which the conviction or plea of guilty took place and the verdict and judgment rendered therein."

Section 2. Any person whose citizenship is restored under the provisions of Chapter 13 of the General Statutes, any comparable State or federal statute, shall thereafter be exempted from the provisions of this act.

G.A.N.C. 1971 Session, Ratified Bill, Ch. 929, H.B. 1484

An Act To Protect Persons on the Property of Any Public or Private Educational Institution From Persons Carrying Firearms or Other Weapons.

The General Assembly of North Carolina do enact: Section 1. It shall be unlawful for any person to possess, or carry, whether openly or concealed, any gun, rifle, pistol, dynamite cartridge, bomb, grenade, mine, powerful explosive as defined in G.S. 14–284.1, bowie knife, dirk, dagger, slungshot, leaded cane, switch-blade knife, blackjack, metallic knuckles or any other weapon of like kind, not used solely for instructional or school sanctioned ceremonial purposes, in any public or private school building or bus, on any public or private school campus, grounds, recreational area, athletic field, or other property owned, used or operated by any board of education, school, college, or university board of trustees or directors for the administration of any public or private educational institution. For the purpose of this Section a self-opening or switch-blade knife is defined as a knife containing a blade or blades which open automatically by the release of a spring or a similar contrivance, and the above phrase "weapon of like kind" includes razors and razor blades (except solely for personal shaving) and any sharp pointed or edged instrument except unaltered nail files and clips and tools used solely for preparation of food, instruction and maintenance. 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 national 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, any pupils who are members of the Reserve Officer Training Corps and who are required to carry arms or weapons in the discharge of their official class duties.

Section 2. Any person violating the provisions of this Act shall be guilty of a misdemeanor and upon conviction shall be punished in the discretion of the Court by fine or imprisonment or by both such fine and imprisonment, not to exceed five hundred dollars ($500.00) fine or six months imprisonment.

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.

(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 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.

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.

Southern Pines

9–8. *Same—Permitting possession or use by child.* Any person, being the parent or guardian of, or standing in loco parentis to, any child under the age of twelve (12) 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 is loaded or unloaded, or any other person who shall knowingly furnish such child any such firearm, shall be guilty of a misdemeanor.

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 o. materials needed to manufacture Molotov Cocktails or other firebombs, other than on his or their premises.

Wilson

20-49. *Same—Parental responsibility.* Any person being the parent or guardian of or standing in loco parentis to any child under the age of sixteen (16) years who shall knowingly permit such child to have the possession or custody of, or use in any manner whatever any air rifle, air gun or pistol or who shall knowingly furnish such child with any such gun shall be deemed guilty of a misdemeanor.

20-65. *Prohibited activities.* 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: * * *

(b) 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; * * *.

Zebulon

1—*State of emergency curfew authorized:* Prohibit or regulate the possession of one's own permits of explosives, firearms, ammunition, or dangerous weapon of any kind, and prohibit the purchase, sale, transfer or other disposition thereof; * * *.

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 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 contiguous 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

6–0401. *Firearms not to be furnished to minors.* It shall be unlawful for any person, firm or corporation to sell or rent firearms to minors within the limits of the city of 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 21 years.

Valley City

8–9. *Pistol defined.* The term "pistol" means any firearm having a barrel less than twelve inches long.

8–11. *License—Required; term.* No retail dealer shall sell or otherwise transfer or expose for sale or transfer, or have in his possession with intent to sell or transfer, any pistol without first obtaining a license as provided in this article. All licenses granted under the provisions of this article shall expire at the expiration of one year from the date of issue.

8–12. *Same—Qualifications.* No person may obtain a retail dealer's pistol license within the city without first being licensed by the federal government to sell pistols and exhibiting such federal license to the city auditor, and unless the applicant is a resident of the city.

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 semi-automatically 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.

2923.56. *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 weapon 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 Govern-

ment 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.

Amberley Village

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.

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 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.

(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

591.07(d) *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.

Beachwood

550.01. *Definitions.* (a) "Chief of Police" means the Chief of Police of the City of Beachwood, or his duly authorized agent.

(b) "Encased" means enclosed in a case, container, or receptacle, designed and constructed specifically for the purpose of enclosing a firearm, but shall not include a holster for a pistol or revolver.

(c) "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.

(d) "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.

(e) "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 Beachwood, whether as the principal business of such person, firm, or corporation, or in addition thereto.

(f) "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.

(g) "Resident" means any person who has a place of residence within the limits of the City of Beachwood, Ohio.

(h) "Non Resident" means any person who does not have a place of residence within the limits of the City of Beachwood, Ohio.

(i) "Minor" means any person under the age of twenty-one (21) years.

550.03. *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 or stimulants as defined by Title 21 of the United States Code, Section 321(v), known as the Drug Abuse Control Amendments of 1965 effective February 1, 1966.

(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.

550.05. *Identification card required.* (a) No person shall purchase, own, possess, receive, have on or about his person, or use any handgun unless such person has a handgun owner's identification card issued to him and in effect pursuant to this Section, or unless such person has been issued a Dealer's License pursuant to Section 550.07 of the Codified Ordinances, or unless such person is exempt from the requirements of an identification card pursuant to Section 550.06 of the Codified Ordinances.

(d) A handgun owner's identification card shall not be issued to any person who is:

(1) A person prohibited by Section 550.03 of the Codified Ordinances from purchasing, owning, possessing, receiving, having on or about his person, or using any firearm or ammunition.

(2) A minor.

(3) A person convicted of an illegal use or possession of narcotics.

(4) A person with more than one (1) conviction of being drunk or disorderly within three (3) years prior to his application for such identification card.

(5) Any person with more than one (1) 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 ten (10) years prior to his application for such identification card.

(h) A non-resident of the City who owns, manages, or operates a business within the City, or whose terms of employment require him to own, possess, or have on or about his person a handgun during his employment with the City, or any non-resident of the City passing through Beachwood who complies with the pre-requisites of this ordinance, may make application for and obtain a handgun owner's identification card, pursuant to the provisions of this Section.

(4) Non-residents of the City of Beachwood who are residents of the State of Ohio, provided that such persons are not prohibited by the provisions of Sections 550.03 and 550.05 of the Codified Ordinances of the City of Beachwood, 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 non-residents shall at all times be unloaded and encased, except while on a suitable firing range, 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 non-resident 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 (30) days only from the date thereof.

(5) Non-residents of the City of Beachwood, Ohio, moving to this City for the purpose of establishing residence herein, during a period not exceeding thirty (30) 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.

550.07. *Dealer's license.* (a) Every firearms dealer in the City of Beachwood 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.

(b) Upon application and payment of the fee prescribed in Section 550.08 of the Codified Ordinances, the Chief of Police shall issue a license to engage in business as a firearms dealer. The Chief of Police shall not issue a license to any applicant whose prior 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. The Gun Control Appeals Board may authorize the issuance of such a permit within a lesser period of time if an appeal is taken to it under the provisions of Section 550.02 of the Codified Ordinances. No person, firm, or corporation shall be issued a firearms dealer's license who does not meet the qualifications required to secure 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.

Belpre

131.06. *Sale of firearms to minors.* (A) 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 therefore, or being the owner or having charge or control thereof, knowingly permit it to be used by a minor under such age.

(C) This section is not applicable to a minor under the age of 17 years who is hunting in accordance with sec. 1533.13 of the Revised Code.

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. * * *.

Brunswick

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.

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

7. *Emergency orders.* The city manager, or the mayor if he has assumed command as provided in Section 6 above, or the vice-mayor if he has assumed command in the absence of the mayor, may, as he deems advisable in the interest of the public peace, health, safety or welfare and in regard to the specific area or areas of the city imperiled by the public danger or emergency or the city as a whole, as he deems advisable, make and enforce orders to do any or all of the following: * * *.

(f) Order the closing of gasoline stations and other establishments engaged in the retail sale, distribution or dispensing or giving away of liquid flammable or combustible products.

(g) Prohibit or restrict the sale, distribution, dispensing or giving away of any firearms or ammunition of any character whatsoever.

(h) Order the closing of any and all establishments or portions thereof engaged in the sale, distribution, dispensing or giving away of firearms and/or ammunition.

(i) Prohibit or restrict the carrying or possession on the public streets or public sidewalks or in any public park or square or any other public place a weapon or any object intended to be used as a weapon including but not limited to firearms, bows and arrows, air rifles, sling shots, knives, razors, broken bottles, fire bombs, missile of any kind, clubs, blackjacks, billies, chains or similar items.

708–1. *Aliens.* No alien shall own or have in his possession or under his control a dangerous weapon.

708–3. *Minors.* No person shall sell, barter, lend or give to a minor under the age of sixteen (16) years, an air-gun, musket, rifle, shotgun, revolver, pistol or ammunition therefor, bowie knife, dirk or any other dangerous weapon, and no minor under the age of sixteen (16) years shall buy, barter, hire, borrow, receive or possess an air-gun, musket, rifle, shotgun, revolver, pistol or ammunition therefor, bowie knife, dirk, or any other dangerous weapon.

708–7. *Obliterating identification 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 dangerous weapon.

No person shall 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.

708–9. *Dealers in weapons; license fees.* Every retail dealer in firearms, ammunition for firearms, or dangerous weapons, shall pay a license fee of two hundred thirty-four dollars and fifty cents ($234.50) per annum, and such license may be granted by the city manager upon written application of any such dealer. Where a dealer deals only in shotguns and rifles of regulation size manufactured for hunting and sporting purposes only, and the ammuntion therefor, the annual license fee shall be the sum of twelve dollars and fifty cents ($12.50). The application shall set forth the place of business of the applicant, the nature of the business, the names of all the partners, if a partnership, and the names of all officers, if a corporation. The city manager may authorize the city treasurer to issue a license to the applicant, if he is satisfied that the applicant is of good repute in the conduct of such business, and that the conduct of such business will not be detrimental to the public safety and welfare. * * *.

708–11. *Restriction on pawnbrokers.* If a dealer licensed under the provisions of Section 708–9 carries on the business of pawnbroker or second-hand dealer, he shall not sell any firearms or dangerous weapons except shotguns and rifles of regulation size manufactured for hunting and sporting purposes only.

708–13. *Form of application to purchase dangerous weapon.* The city manager shall prescribe a form of application covering the purchase of dangerous weapons. Such form shall provide for the recording of the following facts: * * *.

708–15. *Restriction on sale of weapons.*

No dealer shall 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 708–13. No dealer shall 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 application shall be executed in triplicate. The dealer shall mail the original of each application to the city manager at the close of each business day. One copy shall be delivered to the purchaser and one preserved in the files of the dealer. The dealer's copies of used application blanks, and all unused application blanks, shall be kept by the dealer so as to be open for inspection by city police officers at all times.

The provisions of this section and of Section 708–13 shall not apply to sales at wholesale nor to sales of firearms which have a barrel over twelve (12) inches in length.

708.17. *Sale of pistol ammunition.* No dealer shall sell pistol ammunition to any purchaser with whom he is not personally acquainted, unless such purchaser is identified by a person with whom he is personally acquainted.

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 tc 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

925.01. *Definitions.* (a) *"Chief of Police"* means the Chief of Police of the City of Cleveland Heights or his duly authorized agents.

(b) *"Encased"* means enclosed in a case, container or receptacle, designed and constructed specifically for the purpose of enclosing a firearm, but shall not include a holster for a pistol or revolver.

(c) *"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.

(d) *"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.

(e) *"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 whether as the principal business of such person, firm or corporation, or in addition thereto.

(f) *"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.

(g) *"Resident"* means any person who has a factual place of residence within the limits of the City of Cleveland Heights, Ohio.

(h) *"Nonresident"* means any person who does not have a factual place of residence within the limits of the City of Cleveland Heights, Ohio. (i) *"Minor"* means any person under the age of twenty-one (21) years.

925.03. *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 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 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.

925.05. *Identification card required.* (a) 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 requirements of an identification card pursuant to section 925.06 of the Codified Ordinances of the City of Cleveland Heights, Ohio.

(d) A handgun owner's identification card shall not be issued to any person who is: (1) A person prohibited by section 925.03 of the Codified Ordinances of the City of Cleveland Heights, Ohio, from purchasing, owning, possessing, receiving, having on or about his person, or using any firearm or ammunition;

(2) A minor;

(3) A person convicted of an illegal use or possession of narcotics;

(4) A person with more than one (1) conviction of being drunk or disorderly within one (1) year prior to his application for such identification card.

(5) Any person with more than one (1) 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 (1) year prior to his application for such identification card.

(h) A nonresident of the City who owns, manages or operates a business within the City, or whose terms of employment require him to own, possess or have on or about his person a handgun during his employment within the City, or any nonresident of the City passing through Cleveland Heights who complies with the prerequisites of this ordinance, may make application for and obtain a handgun owner's identification card pursuant to the provisions of this section.

(4) Nonresidents of the City of Cleveland Heights who are residents of the State of Ohio; provided that such persons are not prohibited by the provisions of sections 925.03 or 925.05 of the Codified Ordinances of the City of Cleveland Heights, 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 (30) days only from the date thereof.

(5) Nonresidents of the City of Cleveland Heights, Ohio, moving to this City for the purpose of establishing residence herein, during a period not exceeding thirty (30) 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.

925.07. *Further prohibitions—sales—purchases—transfers.* (a) No person shall, in the City of Cleveland Heights, 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 925.05 of the Codified Ordinances of the City of Cleveland Heights, Ohio, or unless the transferor exhibits evidence that he is exempt from the requirement of an identification card pursuant to section 925.06 of the Codified Ordinances of the City of Cleveland Heights, 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 925.05, or unless the transferee exhibits evidence that he is exempt from the requirement of an identification card pursuant to section 925.06 of the Codified Ordinances of the City of Cleveland Heights.

(c) Any person in the City of Cleveland Heights, who shall sell, transfer, give away, or otherwise dispose of a handgun to any other person, shall, within five (5) days following said sale, transfer, gift, or other disposition, report same to the Chief of Police of the City of Cleveland Heights, together with the manufacturer's name of said handgun, the caliber and serial number of said of said handgun, and if no serial number is contained thereon, an adequate description of the weapon.

925.08. *Dealers license.* (a) Every firearms dealer in the City of Cleveland 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.

(b) Upon application and payment of the fee prescribed in section 925.09 of the Codified Ordinances of the City of Cleveland Heights, Ohio, the Chief of Police shall issue a license to engage in business as a firearms dealer. The Chief of Police shall not issue a license to any applicant whose prior 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. The Gun Control Appeals Board may authorize the issuance of such a permit within a lesser period of time if an appeal is taken to it under the provisions of section 925.02 of the Codified Ordinances of the City of Cleveland Heights. No person, firm or corporation shall be issued a firearms dealer's license who does not meet the qualifications required to secure 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.

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

545.11. *Definitions.* (a) "Firearms" 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.

(b) "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.

(c) "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 East Cleveland, whether as the principal business of such person, firm or corporation, or in addition thereto.

(d) "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.

(e) "Resident" means any person who has a factual place of residence with the limits of the City of East Cleveland, Ohio.

(f) "Nonresident" means any person who does not have a factual place of residence within the limits of the City of East Cleveland, Ohio.

(g) "Minor" means any person under the age of twenty-one (21) years.

545.12. *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 firearms 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.

545.14. *Identification card required—registration of handguns required.* (a) 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 requirements of an identification card pursuant to Section 545.15 of the Codified Ordinances of the City of East Cleveland, Ohio.

(f) A handgun owner's identification card shall not be issued to any person who is:

(1) A person prohibited by Section 545.12 of the Codified Ordinances of the City of East Cleveland, Ohio, from purchasing, owning, possessing, receiving, having on or about his person, or using any firearm or ammunition;

(2) A minor;

(3) A person convicted of an illegal use or possession of narcotics;

(4) A person with more than one (1) conviction of being drunk or disorderly with one (1) year prior to his application for such identification card;

(5) Any person with more than one (1) 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 (1) year prior to his application for such identification card.

(k) A nonresident of the City who owns, manages or operates a business within the City, or whose terms of employment require him to own, possess or have on or about his person a handgun during his employment within the City, or any nonresident of the City passing through East Cleveland who complies with the prerequisites of this ordinance may make application for and obtain a handgun owner's identification card pursuant to the provisions of this section.

(4) Nonresidents of the City of East Cleveland who are residents of the State of Ohio; provided that such persons are not prohibited by the provisions of Sections 545.12 or 545.14 of the Codified Ordinances of the City of East Cleveland, 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 non-resident 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 sub-section shall be valid for thirty (30) days only from the date thereof.

(5) Nonresidents of the City of East Cleveland, Ohio moving to this City for the purpose of establishing residence herein, during a period not exceeding thirty (30) 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.

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

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.

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.

532.02. *Application for license.* Any person, firm or corporation desiring a license authorizing the sale of any of the deadly weapons mentioned in the preceding section shall make application in writing to the Chief of Police * * *.

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 there-

for, 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. * * *.

532.08. *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 a felony; (b) All persons having been convicted of a misdemeanor involving moral turpitude or convicted of assault and battery; (c) All minors; * * *.

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.

Green Springs

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.

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, Village of

781.01. *License to dispose of concealable weapons.* No person shall engage in the business of selling 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 permit, shall sell or give away any such weapon except in strict accordance with all Municipal, State and Federal laws pertaining to firearms.

781.04. *Prohibition of sale.* If the Chief of Police or officer designated by him shall find during the forty-eight-hour period commencing with receipt by the Police Department of the report of sale that the purchaser or donee has violated any ordinance or State or Federal law pertaining to the use, possession or sale of firearms or concealable weapons, the sale or gift of such weapon to such person shall be prohibited and the Chief of Police or officer designated by him shall give written notice of such prohibition to the licensee and to the purchaser or donee of such weapon.

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

545.10. *License to sell 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 license to do so as provided in Section 545.11 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.

545.14. *Application for permit to buy 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.

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. Such application shall also contain a recommendation that the permit shall issue from two persons, who shall be known to the Chief of Police as persons of good reputation and residents of the City for at least one year, or who shall appear to be taxayers residing within the City.

545.15 *Issuance of permit.* It shall be the duty of the Chief of Police to refuse such permit to all persons having been convicted of any crime, all vagabonds and 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 con-

victed 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.

Lorian

545.10. *Sale and possession of firearms and explosives.* (a) *Definitions.* As used in this section:

(1) "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; or the frame or receiver of any such weapon; or any firearm muffler or firearm silencer.

(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) *Sale of firearms.* No person shall sell, barter, furnish or give to a minor under the age of seventeen years of age 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 subsection 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.

(c) *Possession restricted.* (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, of unsound mind, 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 provision of this subparagraph 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.

(4) No person shall sell, lease, lend or otherwise transfer a pistol to any person under seventeen years of age, except as provided in subparagraph (3) hereof.

(d) *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.

(e) *Sales, transfers and displays regulated.* (1) No manufacturer or dealer, except a manufacturer or dealer having a license issued by the Sheffield Lake Division of Police, shall sell any firearm at wholesale or retail.

(2) 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, of unsound mind, a drug addict, an habitual drunkard or a member of a subversive organization.

(3) When delivered, all pistols must be securely wrapped and must be unloaded.

(f) *False information prohibited.* (1) No person in applying for a license as a manufacturer or dealer shall give false information or offer false evidence of his identity.

(2) No person shall give false information concerning the matters referred to in subsections (c) (1) and (c) (2) or concerning his age or his name and address or offer false evidence of his identity when purchasing a pistol.

Lyndhurst

529.03 *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.

Mansfield

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.

82.10. *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.

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.

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

587.02. *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 Section 587.01, other weapons, ammunition, explosives or fireworks without first securing a license to do so from the Chief of Police, as hereinafter 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 City who has not secured a permit from the Chief of Police to purchase such weapon, in the manner hereinafter provided.

587.06. *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.

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

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 wtih Ohio R.C. 1533.13 or to persons exempted under Ohio R.C. 2903.07.

Parma

783.01. *Sales license and purchase permit 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 a license, shall sell or give away any weapon to any person within this City who has not secured a permit from the Safety Director to purchase such weapon in the manner hereinafter provided.

783.06. *Purchase permit;* * * *. 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 Safety Director a permit to do so. * * *.

783.07. *Sale of ammunition to minors prohibited.* It shall be unlawful for any person to sell, give, barter or otherwise dispose of any ammunition for use in any air gun, musket, rifle, shotgun, revolver, pistol or other firearm to a minor under the age of seventeen years.

783.09. *Permits restricted.* It shall be the duty of the Safety Director to refuse such permit to: (a) All persons having been convicted of any crime; (b) All vagabonds; (c) All minors.

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

709.04. *Definitions.* (a) *"Chief of Police"* means the Chief of Police of the City of Shaker Heights or his duly authorized agents.

(b) *"Encased"* means enclosed in a case, container or receptacle, designed and constructed specifically for the purpose of enclosing a firearm, but shall not include a holster for a pistol or revolver.

(c) *"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.

(d) *"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.

(e) *"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 Shaker Heights whether as the principal business of such person, firm or corporation, or in addition thereto.

(f) *"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.

(g) *"Resident"* means any person who has a factual place of residence within the limits of the City of Shaker Heights, Ohio.

(h) "Nonresident" means any person who does not have a factual place of residence within the limits of the City of Shaker Heights, Ohio.

(i) "Minor" means any person under the age of twenty-one (21) years.

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.

709.09. *Identification card required.* (a) 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 has been issued a permit to carry a firearm pursuant to Section 709.18 of the Codified Ordinances, or unless such person has been issued a Dealer's License pursuant to Section 709.11 of the Codified Ordinances, or unless such person is exempt from the requirements of an identification card pursuant to Section 709.10 of the Codified Ordinances.

(d) A handgun owner's identification card shall not be issued to any person who is:

(1) A person prohibited by Section 709.07 of the Codified Ordinances from purchasing, owning, possessing, receiving, having on or about his person, or using any firearm or ammunition;

(2) A minor;

(3) A person convicted of an illegal use of possession of narcotics;

(4) A person with more than one (1) conviction of being drunk or disorderly within one (1) year prior to his application for such identification card;

(5) Any person with more than one (1) 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 two (2) years prior to his application for such identification card.

(h) A nonresident of the City who owns, manages or operates a business within the City, or whose terms of employment require him to own, possess or have on or about his person a handgun during his employment within the City, or any nonresident of the City passing through Shaker Heights who complies with the prerequisites of this ordinance, may make application for and obtain a handgun owner's identification card pursuant to the provisions of this section.

(4) Nonresidents of the City of Shaker Heights; provided that such persons are not prohibited by the provisions of Sections 709.07 or 709.09 of the Codified Ordinances from possessing or using handguns, 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. 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.

(5) New residents of the City of Shaker Heights, Ohio, moving to this City for the purpose of establishing residence herein, during a period not exceeding thirty (30) days from the date of their entry into this City for such purpose; provided that such person 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.

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.

(b) Upon application and payment of the fee prescribed in Section 709.12 of the Codified Ordinances, the Chief of Police shall issue a license to engage in business as a firearms dealer. The Chief of Police shall not issue a license to any applicant whose prior 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. The Gun Control Appeals Board may authorize the issuance of such a permit within a lesser period of time if an appeal is taken to it under the provisions of Section 709.06 of the Codified Ordinances. No person, firm or corporation shall be issued a firearms dealer's license who does not meet the qualifications

required to secure 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.

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.

Sidney

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 * * *.

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.

Tiffin

134.3. *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.

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

593.01. *Definitions.* (a) "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.

(b) "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.

(c) "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 University Heights, whether as the principal business of such person, firm or corporation, or in addition thereto.

(d) "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.

(e) "Resident" means any person who has a factual place of residence within the limits of the City of University Heights.

(f) "Nonresident" means any person who does not have a factual place of residence within the limits of the City of University Heights, Ohio.

(g) "Minor" means any person under the age of twenty-one (21) years.

593.02. *Prohibitions.* (a) No person shall purchase, own, possess, receive, have on or about his person, or use any firearm or am-

munition, 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.

593.04. *Identification card required.* (a) 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 requirements of an identification card pursuant to Section 593.05 of the Codified Ordinances of the City of University Heights, Ohio.

(d) A handgun owner's identification card shall not be issued to any person who is:

(1) A person prohibited by Section 593.02 of the Codified Ordinances of the City of University Heights, Ohio, from purchasing, owning, possessing, receiving, having on or about his person, or using any firearm or ammunition;

(2) A minor;

(3) A person convicted of an illegal use or possession or narcotics;

(4) A person with more than one (1) conviction of being drunk and disorderly within one (1) year prior to his application for such identification card.

(5) Any person with more than one (1) 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 (1) year prior to his application for such identification card.

(l) A non-resident of the City who owns, manages or operates a business within the City, or whose terms of employment require him to own, possess or have on or about his person a handgun during his employment within the City or any non-resident of the City passing through University Heights who complies with the prerequisites of this ordinance may make application for and obtain a handgun owner's identification card pursuant to the provisions of this section.

(4) Non-residents of the City of University Heights who are residents of the State of Ohio; provided that such persons are not prohibited by the provisions of Section 593.02 or 593.04 of the Codified Ordinances of the City of University Heights, 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 non-residents 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 non-resident 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 (30) days only from the date thereof.

(5) Non-residents of the City of University Heights, Ohio, moving to this City for the purpose of establishing residence herein, during a period not exceeding thirty (30) 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.

593.06. *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 593.04 of the Codified Ordinances of the City of University Heights, Ohio, or unless the transferor exhibits evidence that he is exempt from the requirement of an identification card pursuant to Section 593.05 of the Codified Ordinances of the City of University Heights, 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 593.04, or unless the transferee exhibits evidence that he is exempt from the requirement of an identification card pursuant to Section 593.05 of the Codified Ordinances of the City of University Heights, Ohio.

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.

Wadsworth

529.02. *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.

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.

West Carrollton

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.

West Milton

131.06. *Sale of firearms to minors.* (A) No person shall sell, barter, furnish, or give to a minor under the age of seventeen, 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.

(B) This section is not applicable to a minor under the age of seventeen years who is hunting in accordance with Sec. 1533.13 of the Revised Code. (RC Sec. 2903.06) Penalty, see Sec. 130.99.

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

597.01. *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 * * *.

597.05. *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. * * *.

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.

Worthington

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 receiving instruction in marksmanship or the use of firearms on a suitable range from his parent or a competent adult instructor representing a State approved organization.

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

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. * * *.

FIREARMS ACT OF 1971, CHAPTER 159, H.B. No. 1248, APPROVED MAY 24, 1971. BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

1. *Oklahoma Firearms Act of 1971.* This act may be known and cited as the "Oklahoma Firearms Act of 1971."

2. *Legislative findings.* The Legislature finds as a matter of public policy and fact that it is necessary for promotion of the safe and lawful use of firearms to curb and prevent crime wherein weapons are used by enacting legislation having the purpose of control of use of firearms, and of prevention of their use, without unnecessarily denying their lawful use in defense of life, home and property, and their use by the United States or state military organizations and as otherwise provided by law, including their use and transportation for lawful purposes.

3. *"Pistols" defined.* "Pistols" as used herein shall mean any firearm capable of discharging a projectile composed of any material which may reasonably be expected to be able to cause lethal injury, with a barrel or barrels less than sixteen (16) inches in length, and using either gunpowder, gas or any means of rocket propulsion, but not to include flare guns, underwater fishing guns or blank pistols.

4. *"Rifles" defined.* "Rifles" as used herein shall mean any firearm capable of discharging a projectile composed of any material which may reasonably be expected to be able to cause lethal injury, with a barrel or barrels more than sixteen (16) inches in length, and using either gunpowder, gas or any means of rocket propulsion, but not to include archery equipment, flare guns or underwater fishing guns. In addition, any rifle capable of firing "shot" but primarily designed to fire single projectiles will be regarded as a "rifle."

5. *"Shotguns" defined.* "Shotguns" as used herein shall mean any firearm capable of discharging a series of projectiles of any material which may reasonably be expected to be able to cause lethal injury, with a barrel or barrels more than eighteen (18) inches in length, and using either gunpowder, gas or any means of rocket propulsion, but not to include any weapon so designed with a barrel less than eighteen (18) inches in length. In addition, any "shotgun" capable of firing single projectiles but primarily designed to fire multiple projectiles such as "shot" will be regarded as a "shotgun."

12. *Selling or transferring of firearms to convicted felons, disturbed persons or persons under influence of alcohol or drugs—Displaying notice.* It shall be unlawful for any person within this state to knowingly sell, trade, give, transmit or otherwise cause the transfer of rifles, shotguns or pistols to any convicted felon, nor shall it be lawful for any person within this state to knowingly sell, trade, give, transmit or otherwise cause the transfer of any shotgun, rifle or pistol to any individual who is under the influence of alcohol or drugs or is mentally or emotionally unbalanced or disturbed. All persons who engage in selling, trading or otherwise transferring firearms will display this section prominently in full view at or near the point of normal firearms sale, trade or transfer.

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. * * *.

551.B. *Furnishing certain weapons to minors unlawful.* It shall be unlawful for any person within the City of Ada, Oklahoma, to sell or give to any minor any of the arms or weapons designated in the preceding section.

Healdton

2. *It shall be unlawful for any person* to sell to a minor any pistol, revolver, bowie knife, dirk, dagger, sling shot, sword, sword cane, spear, metal knuckles, or any other kind of knife or instrument manufactured or sold for the purpose of defense or offense, within the corporate limits of the City of Healdton.

Hominy

14c. *Weapons, selling or giving them to minors.* The act of selling or giving to any minor any pistol, revolver, device, bowie knife, dirk, dagger, billy club, metal knucks or any other dangerous weapon is a public offense.

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 pur-

poses, 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

21–53. *Receipt of pistol; permit required.* No person shall purchase, receive, or accept in any maner any pistol without first having obtained a written permit from the Chief of Police authorizing the person to receive or accept the pistol.

21–54. *Transfer of pistol to person without permit.* (a) Transfer without permit. No person shall transfer a pistol to any person who is not a holder of a written permit from the Chief of Police authorizing the person to purchase, receive or accept the pistol.

(b) Delivery of pistol only after Police approval. No person shall deliver a pistol to the person to whom it is to be transferred until approved by the Chief of Police in the manner provided in this Division.

21–55. *Application for permit to receive pistol.* (a) Contents of application. Applications for permits to purchase, receive or accept any pistol shall be made to the Chief of Police upon blanks to be provided. The application shall give the name of the applicant, his age, occupation, place of residence, height, weight, race, and nationality and other information and evidence of identification and good moral character as the Chief of Police may require.

(b) False information in pistol application. No person applying for a permit shall give false information or offer false evidence of his identity.

21–56. *Persons ineligible for pistol permit; investigation.* The Chief of Police shall refuse to issue the permits described in Sections 21–53 and 21–55 to all persons having been convicted of a felony under the laws of the State, 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 an investigation that the applicant is a suitable person of sound mind and discretion and of good moral character, and that the pistol is to be used for lawful purposes, he shall issue the applicant a written permit authorizing him to purchase, receive or accept the pistol.

21–58. *Transfer of pistols to be reported; separate offense for each day of failure to report.* Every person who transfers to any person, except to regular dealers in these articles, any pistol shall, within twenty-four (24) hours after making the transfer, make and file with the Chief of Police a legible report, written in the English language, stating the date of the transfer, the correct name, age, residence, height, weight, color of hair, eyes, race and nationality of the transferee. This written report shall also contain the make, kind, description, caliber, model, manufacturer's number, or other marks of identification of the pistol transferred. Each day of failure to make this report shall be a separate offense.

21–59. *Transfers of pistols.* No person shall purchase, receive or accept in any manner, or transfer any pistol between 5:00 P.M. and 8:00 A.M.

21–62. *Antique pistols excepted.* Nothing contained in this Division shall be deemed to apply to antique pistols which are incapable of being used as pistols.

21–165. *Sale or gift of explosives to minors.* No person shall sell, give, or deliver to any minor any of the following explosives: Gunpowder, blasting powder, giant powder, gun cotton, nitroglycerin, dynamite, dynamite caps, or other explosives of a similar character.

21–166. *Sale to or possession of weapons by minors.* (a) No person under the age of twenty-one (21) years shall carry, discharge, use or be in possession of any firearm, weapon, air gun, gas-operated gun, or any bow or sling type instrument made for the purpose of throwing or projecting missiles of any kind and capable of inflicting injury. (b) No person shall sell to a minor any of the firearms or weapons named in Subsection (a).

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

443. *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.

*COMPILERS NOTE: Oregon State Law Chapter 464, House Bill No. 1725 increases the waiting period for delivery of firearms from 24 hours to 120 hours effective January 1, 1972.

Corvallis

41. 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 per-

sonally 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. (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

7.168.010. *Fees.* (a) Dealers in weapons. Dealers in deadly weapons or firearms shall pay an annual license fee of fifty dollars.

7.168.020. *Deadly weapon or firearm dealer defined.* Any person engaging in the business of selling or offering for sale at retail or wholesale any pistol, revolver, derringer, bowie knife or other weapon of like character that can be concealed upon the person, is considered a dealer in deadly weapons or firearms.

7.168.040. *Conditions of license.* Every license issued under the provisions of this chapter is issued upon the following terms and conditions:

(1) The licensee shall observe all the provisions of the ordinances of the city, of the laws of the state 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;

(4) No pistol or revolver shall be delivered on the day of the application for the purchase, and when delivered, shall be unloaded and securely wrapped; or unless the purchaser either is personally known to the seller or shall present clear evidence of his identity; * * *

14.04.020. *Dangerous or deadly weapon.* As used in this code, "dangerous or deadly weapon" includes any revolver, pistol or other firearm, metal knuckles, a straight razor, any instrument or weapon of the kind commonly known as a blackjack or sap, or any type of knife other than an ordinary pocket knife with a blade not longer than three and one-half inches. When carried with intent to use the same unlawfully against another, "dangerous or deadly weapon" also includes any instrument or device capable of inflicting injury to the person or property of another.

14.32.060. *Sale or distribution of miniature firearms and ammunition.* It is unlawful for any person to give, furnish, loan, sell, offer for sale, or distribute any miniature pistol, firearm, or instrument capable of receiving or discharging any cartridge, charge of powder, or other explosive or any ammunition therefor, within the city.

14.32.080. *Sale or distribution of dangerous or deadly weapons or ammunition to minors—Possession by minors.* It is unlawful for any person to give, furnish, loan or sell to any minor under eighteen years of age any dangerous or deadly weapon as defined in Section 14.04.020; and it is 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 Section 14.04.-020; and it is 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.

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.

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. * * *.

Lancaster

747.03. *Sale of deadly weapons.* The provisions of this article shall not apply to air guns or pistols, gas-powered guns or pistols having rifled barrels and being commonly used for target practice and the shooting of small game. For the purposes of this article, such articles shall be deemed to be deadly weapons and may be sold by dealers licensed to sell firearms after proper application has been made by the purchaser thereof on forms prepared by the Commissioner of Police and supplied by him to the dealer. The dealer shall have the prospective purchaser or such weapon fill out the application and shall immediately thereafter file a copy of said application with the Commissioner of Police. If the Commissioner of Police does not notify the dealer that he has any objection to the sale within a period of forty-eight (48) hours thereafter, then the dealer may complete the sale and file a record of such completion with the Commissioner of Police on forms to be supplied by said Commissioner.

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.

McKeesport

1. *Be it ordained and enacted by the City of McKeesport* in Council assembled, and it is hereby ordained and enacted by the authority of the same, That from and after the passage of this ordinance, it shall be unlawful for any person or persons, firm or corporation to engage in the sale, barter or trade of revolvers or pistols without first obtaining a license from the Mayor of the City of McKeesport to so engage in this business, * * *.

2. *It shall be unlawful for any person or persons,* firm or corporation to sell to any individual any revolver or pistol without prospective purchaser first having secured a permit from Police Department showing the name of the prospective purchaser, together with said prospective purchaser's address and occupation.

Mt. Lebanon Township

3. *No person, firm or corporation shall* sell or offer for sale any rifle, shot-gun, revolver, pistol, flobert rifle, or air gun, unless they, or it, shall have first received a written license so to do, signed by the Township Manager of said Township, or his authorized agent, * * *.

Mt. Oliver Borough

5: No person other than duly authorized personnel of the Borough, City, County, State or Federal law enforcement agencies, shall carry, sell, or display, barter, loan, give away, transfer, transport, discharge, or use any weapon, ammunition or explosive device of any kind or nature whatsoever including firearms, air rifles, bows and arrows, swords, knives, razors, bayonets, axes, hatchets, bombs, missiles or any other weapon or device designed or intended to inflict bodily harm or injury to property at any place within the Borough.

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.

9–606. *Ammunition.* (2) *Definitions.* In this Section the following definitions apply: (a) *Ammunition.* Any material used in discharging any type of firearm or any projectile discharged by said firearm. (b) *Minor.* Any person under the age of 18 years.

(3) *Prohibitions.* (a) Any person engaged in the business of selling ammunition shall be required to comply with the following: * * *

(b) No person shall sell, give or delivery any ammunition to minors; provided, that this Section shall not apply to ammunition supplied by a parent or guardian to his child or children, for lawful purposes.

(c) No person shall sell any ammunition which can be used in pistols, revolvers or other hand guns unless the purchaser produces satisfactory written identification and registers his name and address.

(4) *Licenses.* (a) No person shall sell any ammunition unless he first receives a license from the Department.

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 non-transferable 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 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, selis, 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

20-14. 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.

THE GENERAL ASSEMBLY OF THE STATE OF SOUTH CAROLINA, EFFECTIVE JUNE 17, 1971, ENACTED THE FOLLOWING PROVISIONS:

Section 1 of Public Act 444: Any resident of this State, 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 in this State; provided, that 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.

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 to 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.

Newberry

10-74. *Same—Sale of pistols, rifles, etc.* It shall be unlawful for any person, or any agent of any person in the city, to sell to any person any pistol, rifle or other species or kinds of firearms, except shotguns, unless the person purchasing the same, if a citizen of the city, has a permit in writing from the chief of police to purchase the same, or if not a citizen of the city, has a permit in writing from the sheriff of the county to purchase the same, such permit to specify the kind and amount of firearms allowed to be purchased thereunder and to be filed with the person from whom the same is purchased, who shall within ten days after any sale file the permit with the officer issuing the same.

10-75. *Same—Purchasing or receiving pistol, rifle, etc., without permit.* It shall be unlawful for any person to purchase or receive in the city any firearm enumerated in the preceding section, without first having obtained the permit as provided in the preceding section.

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.

Spartanburg

24-72. *Same—Firearms—Pistols under twenty inches long or three pounds in weight.* It shall be unlawful for any person to carry about his person in the city, whether concealed or not, any pistol less than twenty inches long and three pounds in weight. It shall be unlawful for any person to manufacture, sell or offer for sale, lease, rent, barter, exchange or transport for sale into the city, any pistol of less length and weight. * * *.

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 pre-*

sumed. 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 * * *.

Pierre

G. *Sales to Minors.* It shall be unlawful to give, sell, trade, barter or exchange for anything of value any deadly weapon, air rifle, air gun or B-B gun, or ammunition for any firearm to any person under the age of 18 years * * *.

Sioux Falls

8.1802. *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.

Watertown

12.0801. *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 and shall give a description by lot and block of the premises on which said business is to be carried on. Said statement and application shall be accompanied by a fee of five dollars; two dollars of said fee is to be remitted by the City to the State Treasurer when the license is granted, and the three dollars to cover the expense of the City in making an investigation and having license issued, such license to be for the period of one year or fraction thereof and shall expire on the 31st day of December in the year issued.

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.

The fifteen (15) day waiting period shall not apply to transactions between licensed importers, licensed manufacturers, licensed dealers, or licensed collectors who meet the requirements of the first paragraph above and certify prior to the transaction the legal and licensed status of both parties. The burden shall fall upon the transferor to determine the legality of the transaction in progress. The fifteen (15) day waiting period shall not apply to transactions or transfers between a licensed importer, licensed manufacturer, or licensed dealer and a bona fide law enforcement agency or said agency's personnel as defined under § 39–4902. However, all other provisions and requirements of the preceding paragraph above must be observed. The burden of proof of the legality of such transactions or transfers shall rest upon the transferor.

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

10–212.1. *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.

McMinnville

12–54. *Selling, giving weapons to minor.* 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.

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 manufac-

turer'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.

9A. *Sale to exempt persons; identification; records.* (a) Any person selling any explosive, inflammable or combustible substance which is classified as a bomb in Section 1 of this Act to a person claiming to be exempt under the provisions of Section 9 of this Act shall require the purchaser to identify himself by presenting a driver's license or some similar form of identification. The seller shall keep a record of all sales, including the name and address of the purchaser, for a period of two (2) years.

(b) Any person who violates the requirements of Subsection (a) of this section is guilty of a misdemeanor and upon conviction is punishable by a fine of not less than Ten Dollars ($10) nor more than One Thousand Dollars ($1,000), or by confinement in the county jail for not less than thirty (30) days nor more than one year, or by both fine and imprisonment.

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 rrom 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.

Fort Worth

15–423. *Small arms ammunition.* A. *"Small arms ammunition" defined.* Small arms ammunition, whenever used in this article, shall mean any shotgun, rifle, pistol or revolver cartridge.

B. *Manufacture.* No person shall manufacture any small arms ammunition within the city. This provision shall not be construed as prohibiting the hand-loading of small arms ammunition for private use and not for resale.

C. *Sale, etc.* No person shall store for sale, sell or present for sale any small arms ammunition without a permit.

22–1. *Definitions. Secondhand dealer.* The term "secondhand dealer" is used in its ordinary and usual trade acceptance meaning, and shall also mean and include any person engaged in any of the following:

Collecting, handling, buying, trading, selling or engaging in the sale or traffic of any of the following:

Used or secondhand wearing apparel consisting of hats, shoes, overcoats, raincoats and any and all kinds of clothing; used or secondhand watches, jewelry, diamonds, luggage, musical instruments, shotguns, rifles, revolvers and all other kinds of firearms; and any and all kinds of used goods, wares and merchandise which are handled by pawnbrokers and secondhand dealers in the usual course of trade.

Junk dealers, junk dealer and dealers in junk. The term "junk dealers", "junk dealer", "dealers in junk" and "secondhand dealers", are hereby used synonymously, and unless otherwise expressly stated, shall include both class "A", secondhand dealers and class "B" junk dealers, as the same are classified in Section 22–8.

22–3. *License, requirements generally.* No junk dealer or secondhand dealer shall transact or engage in business within the city unless and until he shall have obtained an annual license therefor, which license may be procured by complying with the following provisions:

(g) *Requirements as to bond in case of class "A" dealers.* If the application for a license shall be for junk dealer of class "A" or a secondhand dealer, such license shall not issue unless and until the applicant shall execute a bond in accordance with the terms of section 22–4.

Harlingen

III. *It shall hereafter be unlawful for any adult person* to deliver to or place in the hands of, any minor under the age of seventeen (17) years any fire-arm, air-rifle, sling-shot, or other device for the propelling of destructive missiles, or to place any such fire-arm, air-rifle, sling-shot, or other device for the propelling of destructive missiles in a place readily accessible to any minor under the age of seventeen (17) years.

IV. *Fire-arms as used herein shall be defined* to include any pistol, rifle, shot-gun, designed to propel any bullet, pellet, slug or metal object or other solid substance by means of force of an explosion of gun powder, explosive liquid of any kind, or explosive gas of any kind.

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.

15–135. *Manufacture prohibited.* (a) No person shall manufacture, within the limits of the city, small arms ammunition. This shall not be construed as prohibiting, the hand loading of small arms ammunition for private use and not for resale. For this purpose not more than 15 pounds of smokeless powder and 1,000 small arms primers packed in approved I.C.C. containers shall be permitted to be kept on hand, without a permit.

15–136. *Permit required.* No person shall store, sell or offer for sale any small arms ammunition without permit.

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.

76–23–10. *Lawful for resident to purchase firearms in contiguous states.*—It shall be lawful for any resident of this state, pursuant to and in compliance with the applicable provisions of the Gun Control Act of 1968, 18 U.S.C. section 921 et seq., to purchase firearms in states contiguous to this state.*

*COMPILERS NOTE: Because of the restrictions in the Federal Gun Control Act of 1968 (Public Law 90–618) Utah residents are authorized to purchase only rifles and shotguns in contiguous states and not other types of firearms.

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, * * *

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 surround-

ing 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 applica-

tion 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.

11–47. *Pistol dealers.* Every person selling pistols in the county shall pay for the privilege an annual license tax of twenty-five dollars, which tax shall not be prorated. Before issuing any license under the provisions of this section the Commissioner of the Revenue shall obtain from the applicant evidence that he has obtained a permit from the Chief of Police in accordance with Acts of Assembly 1944, Chapter 297.

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 shal' give his approval to the issuance of the permit.

17–60. 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

14–75. *Same—Pistol permit required prior to purchase.* It shall be unlawful for any person to purchase a pistol of any calibre or description within the city unless such person shall have obtained a written permit from the chief of police of the city authorizing such purchase.

14–76. *Same—Exhibiting pistol permit to seller.* It shall be unlawful for any person to sell a pistol of any calibre or description within the city to any person unless such purchaser shall first exhibit to the person selling the pistol, a written permit, executed by the chief of police of the city, authorizing the sale and purchase of a pistol within the city.

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. In general. 28–1. *Definitions.* For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Gun. The term "gun" shall include 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 or compressed air.

Missile. The term "missile" shall mean any projectile propelled by a self contained propellant. * * *.

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.

28–8. *Same—Application; forms; rules and regulations; fee.* Any dealer other than a dealer licensed to sell firearms desiring a license to sell, lend, rent or otherwise transfer guns or projectiles therefor, shall make appli-

cation to the supervisor of assessments of the county who shall provide the necessary forms and shall prescribe by reasonable rules and regulations the information to be contained in such application. The applicant for such dealer's license shall pay a fee of five dollars per annum.

28–11. *Dealers not to sell, etc., to minors.* It shall be unlawful for any licensed dealer to sell, lend, rent or otherwise transfer guns or projectiles therefore to a minor.

28–12. *Giving, lending, etc., to minors.* It shall be unlawful for any person to give, sell, rent, lend or otherwise transfer any gun or projectiles therefor to a minor, except where the relationship of parent and child, guardian and ward or adult instructor and pupil exists between person and the minor.

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; application; granting or denial; appeal from denial.* 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. The application form shall contain the following information: * * *

28–18. *Same—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 as hereinbefore provided.

The registration statement shall be displayed on the premises where the pistols are sold or rented.

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 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.

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. *Same—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 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 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 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 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.* 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. * * *.

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 construed 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. * * *.

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.

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 busi-

ness 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 eligibility, 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, as now or hereafter amended, unless the context indicates otherwise:

(1) "Disposes of" means to give, give away, loan, offer, offer for sale, sell, or transfer.

(2) "Incendiary device" means any material, substance, device, or combination thereof which is capable of supplying the initial ignition and/or fuel for a fire and is designed to be used as an instrument of wilful destruction. However, no device commercially manufactured primarily for the purpose of illumination shall be deemed to be an incendiary device for purposes of this section.

9.40.120. *Penalty.* Every person who possesses, manufactures, or disposes of an incendiary device knowing it to be such is guilty of a felony, and upon conviction, shall be punished by imprisonment in a state prison for a term of not more than twenty-five years.

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, riot, mayhem, first degree assault, second 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.

9.41.240. *Use of firearms by minor.* 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 or other adult approved for the purpose of this section by the parent or guardian, or while under the supervision of a certified safety instructor at an established gun range or firearm training class, any firearm of any kind for hunting or target practice or for other purposes. Evey 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.

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 pro-*

vided 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

4. 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. * * *

8. 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 within the City of Aberdeen any shotgun, rifle or other firearms without first having obtained a license from the Director of Licenses as provided by Section 9.41.160 RCW.

Auburn

7.04.360. *Short firearm and crime of violence defined.* "Short firearm" as used in Sections 7.04.370 through 7.04.530 means any firearm with a barrel less than twelve inches in length. "Crime of violence" as used in Sections 7.04.370 through 7.04.530 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.

7.04.371. *Definitions.* The following words and phrases shall have the following meanings:

(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 so 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) "Fugutive 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.

7.04.372. *Pistol sale—Record sent to police chief.* It is unlawful for any merchant, business, or secondhand dealer, or any clerk, agent, representative or employee of any such merchant, business 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, or without completing a true record, in triplicate, of every pistol sold or disposed of. The written record 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, date and place of birth of the purchaser, and a statement signed by the purchaser that he is not a fugitive from justice and that he 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. One copy of the record shall within six hours after the signing be sent by registered mail to the chief of police, or in the alternative, may be personally delivered to the office of the chief of police within such period of time, and the chief of police, shall, within seventy-two hours, exclusive of Sundays and legal holidays, investigate the information contained in the record, and shall notify the merchant within such time period if the prospective purchaser is a person prohibited to purchase a pistol by the terms of this chapter.

7.04.373. *Pistol sale—Waiting period required.* It is unlawful for any merchant, business, or secondhand dealer, or any clerk agent, representative or employee of any merchant, business or secondhand dealer, to deliver any pistol to any purchaser unless the merchant, business or secondhand dealer has mailed or personally delivered a copy of the record to the chief of police as required by Section 7.04.372 and the seventy-two hour waiting period after delivery of the notice as provided in Section 7.04.372 has expired without the receipt of a notice from the chief of police that the prospective purchaser is a person prohibited to purchase a pistol by the terms of this chapter, 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.

7.04.374. *Pistol purchase forbidden to convicted 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 the city, and it is further unlawful for any such person to fail to disclose such information when applying for the purchase of a pistol.

7.04.380. *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.

Bellevue

7.28.010. *Definitions.* "Short firearm" or "pistol" as used in this chapter means any firearm with a barrel less than 12 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, riot, mayhem, first-degree assault, second-degree assault, robbery, burglary, and kidnaping.

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 or of drug addiction or of habitual drunkenness or who has been confined in a mental institution 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 21 or to one whom he has reasonable cause to believe has been convicted of a crime of violence or of drug addiction or of habitual drunkenness or has been confined to a mental institution.

7.28.090. (2) 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 as provided herein, 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 guar-

dian 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

10.40.010. *Definitions.* 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. "Short firearm," as used in this chapter, means any firearm with a barrel less than twelve inches in length.

10.40.040. *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.

10.40.080. *Delivery restricted.* 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.

10.40.090. *Selling.* In addition to the other requirements of RCW Sections 9.40.010 through 9.41.150, no seller shall deliver a pistol to the purchaser thereof until seventy-two hours 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 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 had 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 town marshal 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 town marshal 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 town marshal or the county sheriff shall maintain a file containg the original of the application to purchase a pistol.

10.40.100. *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 and 18 U.S.C. Sec. 923.

10.40.110. *Dealer loans—Transfer of pistols.* 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.

10.40.120. *Altering pistol identification.* 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 has been changed, altered, removed, or obliterated, shall be prima facie evidence that the possessor has changed, altered, removed or obliterated the same.

10.40.130. *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.

10.40.140. *Antique pistols excepted.* This chapter shall not apply to antique pistols unsuitable for use as firearms and possessed as curiosities or ornaments.

10.40.150. *Machine guns prohibited.* It is 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.

10.40.160. *Machine gun defined.* For the purpose of this chapter "machine gun" means 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.

10.40.170. *Machine guns or parts contraband.* All machine guns, or parts thereof, illegally held or possessed are 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.

Centralia

5.96.010. *License to sell required.* Any person engaging in the business of selling or offering to sell any pistol, revolver, derringer, bowie knife, or other weapon of like character that can be concealed on the person, shall first obtain a license as a dealer in deadly weapons or firearms, and it shall be unlawful for any person licensed, to sell or give away any such weapon without reporting the sale or gift in the manner provided in Section 5.96.040, and to 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 as herein provided.

5.96.020. *Permit required for purchase.* It shall be unlawful for any person to purchase any pistol, revolver, derringer, bowie knife, dirk or weapon of like character, which can be concealed on the person, 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 the person desiring the permit. The chief of police may, at his discretion, require a recommendation that the permit shall be issued, from two persons who shall be known to the chief of police as persons of good reputation and residents of the city for at least one year.

5.96.030. *Persons prohibited from purchase.* It shall be the duty of the chief of police to refuse such permit to:

(1) All persons having been convicted of any felony;

(2) All vagabonds;

(3) All minors; otherwise it shall be the duty of the chief of police to grant such permit.

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, and 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

11.28.030. *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.

11.28.120. *Pistol—delivery to purchaser.* In addition to the other requirements of Sections 11.28.110 through 11.28.180, no seller shall deliver a pistol to the purchaser thereof until seventy-two hours have elapsed from the time of the application for the purchase thereof as provided herein, and when delivered, the pistol shall be securely wrapped and shall be unloaded.

11.28.130. *Pistol—purchasing—information required—procedure.* 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 has never been 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 city. 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 city of denial. 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 for the city shall maintain a file containing the original of the application to purchase a pistol.

11.28.150. *Pistol—dealer—license required.* 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 a dealer pursuant to RCW Chapter 9.41.

11.28.170. *Possession of firearms by prohibited persons unlawful.* It is unlawful for any person prohibited from possessing a firearm (as therein defined) under Title VII of the "Omnibus Crime Control and Safe Streets Act of 1968" as amended by Title III of the "Gun Control Act of 1968" (Sections 1201 through 1203 inclusive) to possess such a firearm within the corporate limits of the city.

11.28.180. *Noncitizens—license required.* It is unlawful for any person subject to the licensing requirements of RCW 9.41.170 relating to noncitizens of the United States to carry or possess any shotgun, rifle or other firearm without first obtaining such license.

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

6.64.010. *Definitions. Short firearm, pistol.* The term "short firearm" or "pistol" as used in this chapter means any firearm with a barrel less than twelve 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 kidnaping.

6.64.040. *Convicted persons.* 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.

6.64.080. *Prohibited pistol delivery.* 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.

6.64.090. *Commercial sales of pistols—records.* The chief of police 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 city • • •.

6.64.100. *Pistol dealers—license required.* 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.

6.64.110. *Prohibited transfer of pistols.* No person other than a duly licensed dealer shall make any loan secured by a mortgage, deposit or pledge of a pistol. Any licensed dealer receiving a pistol as a deposit or pledge for a loan shall keep such records and make such reports as are provided by law for pawn-brokers 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.

6.64.120. *Pistol identifying mark alteration.* 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.

6.64.140. *Unusable pistols.* This chapter shall not apply to antique pistols unsuitable for use as firearms and possessed as curiosities or ornaments.

6.64.150. *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.

6.64.160. *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 separate 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.

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.

Ocean Shores

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 forty-eight hours shall have elapsed from the time of the application for the purchase thereof, * * *.

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.

7.28.110. *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 or 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.

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.

7.28.140. *Exceptions for unusable pistols.* This chapter shall not apply to antique pistols unsuitable for use as firearms and possessed as curiosities or ornaments.

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.

Olympia

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. * * *.

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 * * *.

9.41.093. *Exemptions.* The following shall be exempt from the provisions of RCW 9.41.090 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.

9.41.100. *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 hereinafter provided.

9.41.120. *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. Any licensed dealer receiving a pistol as a 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. A duly licensed dealer may mortgage any pistol or stock of pistols but shall not deposit or pledge the same with any other person.

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—exception.* 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. * * *.

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.

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 free-

holders 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-machine 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.

61-7-14. *Purchase of firearms in contiguous state.* Any resident of this State, 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, shotgun or any other legal firearm, or any part thereof, in this State, may purchase the same in a state contiguous to this State and transport or receive the same into this State provided the sale meets the lawful requirements of any federal statute, and is made by a licensed importer, licensed manufacturer, licensed dealer or private collector.

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.

Benwood

210.02. *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.

210.07. *Purchase without permit.* No person shall purchase, receive or accept any pistol, revolver or other firearm of the kind described in Section 210.05 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.

210.13. *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.

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.

Clarksburg

14-60. *Sale of weapons.* On every license 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, the annual license fee shall be one hundred dollars.

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.

Weirton

553.08 *Sale of arms to unnaturalized person or minor.* No person shall sell, rent, give or lend any of the arms mentioned in this article to any unnaturalized person and no person shall 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.

175.30. *Purchase of firearms in contiguous states permitted.* It is lawful for a resident of this state or 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 if the transfer complies with federal law and the laws of both states.

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

8.01. (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

(3) 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.

Cudahy

(2) *Sale and use of dangerous weapons and guns.* (b) It shall be unlawful for any person to purchase any blackjack, billy, bludgeon, metal knuckles, revolver or pistol upon which any loaded or blank cartridges are used. Every person who deals in dangerous weapons or guns shall make out and deliver to the Chief of Police of the City of Cudahy at the end of each month on forms provided by the Police Department, a legible and correct report of every sale or gift, which report shall contain the date of such sale or gift, the name of the purchaser or donor, his address, age, number and make of such weapon or gun. However, it shall not be necessary for any person engaged in the buying and selling of such weapons or guns in wholesale lots to make such report. No sale shall be made to persons having been convicted of a felony or to minors, unless written permission shall be presented at the time of sale by the parent or guardian, giving consent to such purchase.

15.07. *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 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.

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

18–24. *Furnishing firearms to minors prohibited.* 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.

Wisconsin Dells

11. *No person shall sell* any firearm, blackjack, billy, bludgeon, crossknuckles, knuckles of any metal, bowie knife, dirk knife, dirk, dagger, switch blade knife or any other knife having a blade three inches or longer to any minor in the City of Wisconsin Dells * * *.

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

8.24. *Disposing of 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, bowie knife, slingshot, knucks, or any other deadly weapon of any other 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.

8.25. *Police excepted.* The provisions of this Article shall not apply to any duly appointed law enforcement officer in the lawful discharge of his duties as such officer.

Sheridan

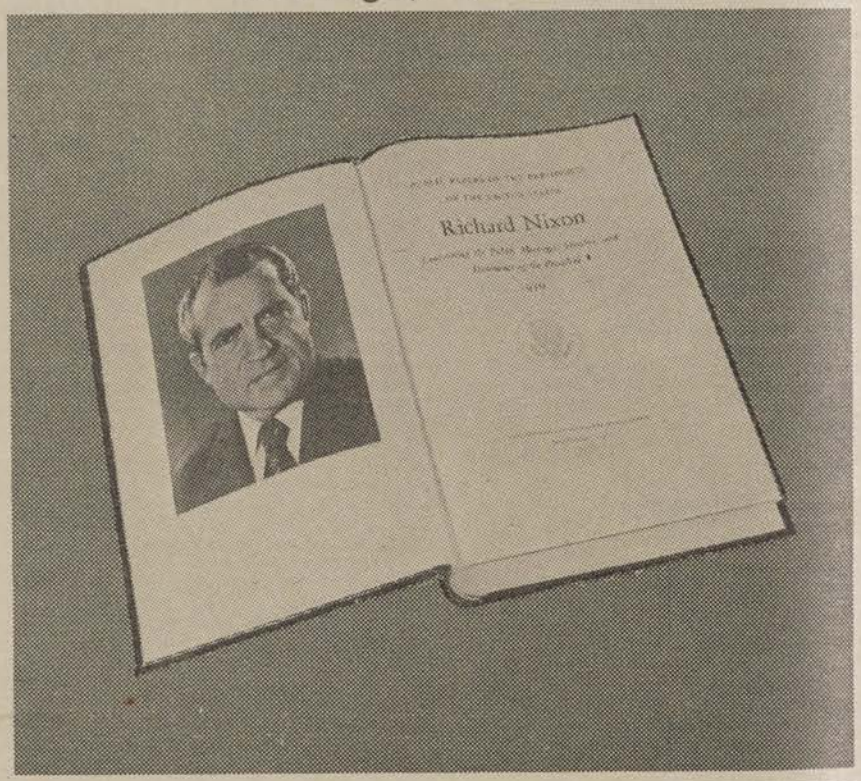
19-44. *Weapons—Sale, etc., to minors.* It shall be unlawful for any person to sell, barter or give to any other person under the age of twenty-one years any pistol, dirk or Bowie knife, slingshot, knucks or other deadly weapon that can be worn, carried or concealed upon or about the person, or to sell, 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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