

# **TITLE 68**

## **REGULATED DEVICES**



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### CHAPTER 1 WEAPONS CONTROL 2 FIREWORKS

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### CHAPTER 1 WEAPONS CONTROL

#### Section

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**§1-101. Short title.** — This chapter is known and may be cited as the “Pohnpei State Weapons Control Act of 1982.”

Source: S.L. No. 2L-136-82 §1, 10/7/82

**§1-102. Firearms and dangerous devices prohibited.** — No person shall manufacture, purchase, sell, possess or carry any firearm, dangerous device or ammunition other than as hereinafter provided.

Source: S.L. No. 2L-136-82 §2, 10/7/82

**§1-103. Chapter not applicable.** — This chapter shall not apply to:

- (1) Law enforcement officers while engaged in official duty except to the extent that particular provisions of this chapter are expressly made applicable to them;
- (2) Firearms that are in unserviceable condition and that are incapable of being fired or discharged and that are kept as curios, ornaments or for their historical significance or value;

(3) Weapons or other dangerous devices which are not firearms and that are kept as ornaments, curios or objects of historical or archeological interest; PROVIDED that the article or articles referred to herein are kept or displayed only in private homes, museums or in connection with public exhibitions;

(4) Persons in the armed forces of the United States of America, whenever such persons are engaged in official duty except to the extent that particular provisions of this chapter are expressly made applicable to them; or

(5) Persons designated by the Attorney General as livestock slaughterers; PROVIDED, HOWEVER, that not more than one person shall be so designated at any one time; PROVIDED FURTHER that the Attorney General shall by regulation limit the size and type of weapons that may be used by such person.

Source: S.L. No. 2L-136-82 §3, 10/7/82

#### **§1-104. Definitions. —**

(1) “Automatic weapon” means 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 receptacle, by one continued movement of the trigger or firing mechanism.

(2) “Carry” means having on one’s person or in a motor vehicle or other conveyance.

(3) “Chief of Police” means the Chief of the Division of Police and Security of the Pohnpei Department of Public Safety.

(4) “Dangerous device” means any explosive, incendiary or poison gas bomb, grenade, mine or similar device, switch or gravity blade knife, blackjack, sandbag, metal, wooden or shark’s tooth knuckles, dagger, any instrument designed or redesigned for use as a weapon, or any other instrument which can be used for the purpose of inflicting bodily harm and that under the circumstances of its possession serves no lawful purpose.

(5) “Firearms” means any device, by whatever name known, that is designed or may be converted to expel or hurl a projectile or projectiles by the action of an explosion, a release or an expansion of gas, including but not limited to guns, except a device designed or redesigned for use solely as a signaling, line throwing, spearfishing, or industrial device, or a device which hurls a projectile by means of the release or expansion of carbon dioxide or air.

(6) “Gun” means a handgun or long gun.

(7) “Handgun” means a pistol or revolver with an overall length of less than twenty-six inches.

(8) “Long gun” means a rifle with one or more barrels more than eighteen inches in length.

(9) “Person” means any natural person, corporation, partnership or other business entity.

(10) “Semi-automatic weapon” means 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 receptacle by a like number of movements of the trigger or firing mechanism without recocking or resetting the trigger or firing mechanism.

(11) “State Attorney” means the Attorney General for Pohnpei.

(12) “Court” means the trial court of the Pohnpei Supreme Court.

(13) “Transfer” means sale, gift, purchase or any other means by which ownership or temporary rights of use and control are conveyed or shifted from one person to another.

Source: S.L. No. 2L-136-82 §4, 10/7/82; S.L. No. 5L-14-00 §3-27, 10/1/00

#### **§1-105. Identification cards. —**

(1) No person shall acquire or possess any firearm, dangerous device or ammunition unless he holds an identification card issued pursuant to this chapter. The identification card is evidence of the holder’s eligibility to possess and use or carry firearms, dangerous devices or ammunition.

(2) Identification cards shall be issued only by the Office of the Attorney General pursuant to regulations made by the Attorney General in the manner that is or may be provided by law. The identification card shall have on its face all of the following:

- (a) The name and address of the holder;
- (b) The sex, height, and weight of the holder;
- (c) The birth date of the holder;
- (d) The date of expiration for the card which shall be two years from the date of issue;
- (e) A recent photograph of the holder;
- (f) An endorsement setting forth the extent of the holder's eligibility to possess, use, and carry firearms, dangerous devices or ammunition; and
- (g) The number of the identification card.

(3) An applicant for an identification card shall make the application therefor on a form approved by the Office of the Attorney General and shall supply such information as may be necessary to afford the issuing agency reasonable opportunity to ascertain the facts required to appear on the face of the identification card, and to determine whether the applicant complies with all requirements of this chapter to possess and use or carry firearms, dangerous devices or ammunition, as the case may be.

(4) Each application shall bear the endorsement of the chief executive of the local jurisdiction of actual residence of the applicant, attesting to the moral character of the applicant; PROVIDED that no fee may be levied for such endorsement nor may the endorsement be unreasonably denied. Persons having actually resided in a local jurisdiction for less than three years may request the Attorney General for waiver of the requirement for endorsement.

(5) No identification card shall issue until 15 days after application therefor, and unless the issuing agency is satisfied that the applicant may lawfully possess and use or carry firearms, dangerous devices or ammunition of the type or types enumerated on the identification card. Unless the application for use and possession is denied, the identification card shall issue within 60 days from the date of application.

(6) No person shall be issued an identification card if he has been:

- (a) Acquitted of any criminal charge by reason of insanity;
- (b) Adjudicated mentally incompetent;
- (c) Treated in a hospital for mental illness, drug addiction or alcoholism;
- (d) Convicted of a crime of which actual or attempted personal injury or death is an element;
- (e) Convicted of a crime in connection with which firearms or dangerous devices were used or found in his possession; or
- (f) Convicted of a crime of which the use, possession or sale of narcotics or dangerous drugs is an element.

(7) No person shall be issued an identification card if he has a physical condition or impairment that makes him unable to use a firearm or dangerous device with proper control.

(8) Any person suffering from a physical or mental defect, condition, illness or impairment that would make him ineligible for an identification card pursuant to this section may submit the certificate of a physician licensed to practice in Pohnpei to the issuing agency or officer. If the certificate states that it is the subscribing physician's best opinion that the defect, condition, illness or impairment does not make the applicant incapable of possessing and using a firearm or dangerous device without danger to the public safety, the identification card may be issued. But no such card shall be valid for a period longer than six months.

(9) Any person who is ineligible for an identification card by reason of conviction of a crime may be issued such a card if his most recent discharge from probation or parole or the termination of his most recent sentence, whichever is later, is more than ten years prior to the time of application for the identification card and if the issuing agency finds that his record, taken as a whole, does not indicate that his possessing and using or carrying a firearm or dangerous device, as the case may be, are not likely to constitute a special danger to the public safety.

(10) The holder of an identification card shall have it on or about his person at all times when he is carrying or using a firearm or dangerous device and shall display the card upon the request of any law enforcement official.

(11) A duplicate identification card may be issued to the holder of a lost, destroyed or defaced identification card upon proof of such loss, destruction or defacement as the Attorney General may require, upon payment of the fee required by §1-129(5) and upon surrender of any remaining portion of the original card. Notice shall be given to the Office of the Attorney General by the holder within 48 hours of his discovery of such loss, defacement or destruction. The holder shall notify the Office of the Attorney General of any change of name or address from those appearing upon the identification card within five days of such change.

(12) A person who is neither a citizen nor resident of Pohnpei shall not be eligible for an identification card, except upon receiving special permission from the Attorney General.

Source: S.L. No. 2L-136-82 §5, 10/7/82

**§1-106. Purchase, possession, and use of firearms, dangerous devices, and ammunition. —**

(1) No person shall purchase, possess or use a firearm, dangerous device or ammunition unless he is the holder of an identification card issued pursuant to this chapter evidencing the eligibility of such person to purchase, possess, and use a firearm, dangerous device or ammunition. Such person shall be at least 18 years of age.

(2) Where a firearm, dangerous device or ammunition is found in a vehicle or vessel, it shall be prima facie evidence that such firearm, dangerous device or ammunition is in the possession of the occupant if there is but one. If there is more than one occupant, it shall be prima facie evidence that it is the possession of all, except under the following circumstances:

(a) Where it is found upon the person of one of the occupants;

(b) Where the vehicle or vessel is not a stolen one and the firearm, dangerous device or ammunition is out of view in a glove compartment, automobile trunk or other enclosed customary depository, in which case it is prima facie evidence that such firearm, dangerous device or ammunition is in the possession of the occupant or occupants who own or have authority to operate the vehicle or vessel; or

(c) Where, in the case of a taxicab or other public transport vehicle, the firearm, dangerous device or ammunition is found in the passengers' portion of the vehicle, it shall be prima facie evidence that it is in the possession of all the passengers, if there are any, and, if not, that it is in the possession of the driver.

Source: S.L. No. 2L-136-82 §6, 10/7/82

**§1-107. Carrying firearms. —** No person shall carry a firearm unless he has in his immediate possession a valid identification card and is carrying the firearm unloaded in a closed case or other securely wrapped or closed package or container, or locked in the trunk of his vehicle while enroute to or from a target range or area where he hunts or takes part in other sports involving firearms, or carries the firearms in plain sight on his person while actively engaged in hunting or sports involving the use of firearms.

Source: S.L. No. 2L-136-82 §7, 10/7/82

**§1-108. New and temporary residents; visitors. —** Visitors, new residents, and temporary residents in the state shall not import, transport, purchase, use or possess any firearm, dangerous device or ammunition in the state without an identification card issued pursuant to this chapter. Any person who possesses any firearms, dangerous devices or ammunition shall, before or immediately upon his entrance into the state, turn it in to the Attorney General or the Chief of the Division of Police and Security of the Department of Public Safety. Such firearm, dangerous device or

ammunition shall be returned to such person upon his being issued an identification card pursuant to this chapter or upon his departure from the state.

Source: S.L. No. 2L-136-82 §8, 10/7/82

**§1-109. Law enforcement officers. —**

(1) Possession, use, and carriage of firearms, ammunition, and dangerous devices by law enforcement officers derives from the laws governing the powers, functions, and organization of the police and other organized forces of peace officers. Eligibility of law enforcement officers to possess, use, and carry firearms, ammunition or dangerous devices while on duty is not subject to the holding of identification cards or any other qualifications prescribed in this chapter or in regulations pursuant thereto.

(2) Transfer of any firearm from or to a law enforcement officer or agency shall, except as provided in Subsection (1) of this section, be subject to this chapter and regulations made pursuant thereto.

(3) The head of the law enforcement agency of the nation or the state of Pohnpei or any subdivisions thereof shall furnish to the Attorney General the names, addresses, ranks, and badge numbers or similar identification of each person on his force who is authorized to possess, use, and carry firearms in the course of his official duty in this state. Upon the occurrence of any changes in personnel to whom this subsection applies, the head of the law enforcement agency shall inform the Office of the Attorney General promptly of the change.

(4) Whenever a law enforcement officer is not engaged in official duties, this chapter shall be applicable to him in the same manner and to the same extent as to any other person.

Source: S.L. No. 2L-136-82 §9, 10/7/82

**§1-110. Transfer of firearms and dangerous weapons. —**

(1) No dealer, manufacturer or wholesaler shall transfer firearms, dangerous devices or ammunition except pursuant to a license therefor as provided in this section.

(2) Any person, firm, corporation, association or other entity proposing to engage in the business of selling firearms, ammunition, and dangerous devices at retail shall apply for a dealer's license. The application shall be on a form approved by the Office of the Attorney General and shall contain the following information:

(a) The name and address of the applicant, including the address of each separate location within the state at which the applicant proposes to do business pursuant to the license;

(b) If the applicant is a partnership or association, the names and addresses of the partners or associates;

(c) If the applicant is a corporation, the names and addresses of the officers and directors; and

(d) Such other information bearing on the applicant's ability to operate the business in a manner consonant with the public safety as the Attorney General may require.

Source: S.L. No. 2L-136-82 §10, 10/7/82

**§1-111. Issuance and renewal of dealer's license. —**

(1) Upon receipt of a proper application and payment of the prescribed fee, the Office of the Attorney General shall, within 60 days, issue a dealer's license to an applicant, if he is found to be eligible therefor pursuant to this chapter and any applicable regulations of the Attorney General. Such regulations shall place a reasonable limit on the number of dealers. The license shall list the types of firearms, ammunition, and dangerous devices which the dealer has been authorized to offer for sale.

(2) A license issued pursuant to this section shall be valid for one year from the date of its issuance, unless sooner cancelled, suspended or revoked. A license shall bear the expiration date thereof on its face.

(3) A license issued pursuant to this section may be renewed annually upon application by the holder made on a form approved by the Office of the Attorney General. Eligibility for renewal shall be on the same terms and conditions as for an original license, except that renewal also may be denied on account of violation of this chapter or regulations of the Office of the Attorney General made pursuant thereto or for any conduct in the operation of the applicant's business that gives the Office of the Attorney General grounds to believe that the applicant will no longer operate in a manner consonant with the public safety.

Source: S.L. No. 2L-136-82 §11, 10/7/82

**§1-112. Conduct of dealer's business.** — The holder of a dealer's license shall:

(1) Display his license in a conspicuous place at all times at the establishment described in the license. If a dealer has more than one place of business at which he sells firearms, dangerous devices, and ammunition or any of them, he shall display in the same manner a certified copy of his license at each such additional place of business;

(2) Keep the records and file the reports required by this chapter and regulations made pursuant thereto;

(3) Display no firearms, dangerous devices or ammunition in any place where they can be seen from outside the premises;

(4) Keep all firearms, dangerous devices, and ammunition in a securely locked place at all times except when they are actually being shown to a customer or prospective customer or when actually being repaired or otherwise worked on; and

(5) Permit only employees who are holders of identification cards, making them eligible to purchase, possess, and use firearms, ammunition or dangerous devices, to have access to firearms, dangerous devices or ammunition.

Source: S.L. No. 2L-136-82 §12, 10/7/82

**§1-113. Records.** —

(1) Every licensed dealer shall maintain records containing an inventory of firearms, dangerous devices, and ammunition or any of them received together with the name and address of the person from whom received, and the manufacturer, type, and serial number of each firearm and dangerous device, the name and address of the person to whom transferred, the identification card number of such person, the manufacturer, type, and serial number of the gun or dangerous device transferred and the date of transfer. Such records shall be available for inspection at all reasonable times by the Office of the Attorney General and his duly designated representatives. Such records shall be retained at least five years.

(2) Every dealer, at the time of any transfer of any firearm or dangerous device to any person other than a licensed dealer shall, within 24 hours of the transfer, supply the following information to the Office of the Attorney General on a form approved by the Office of the Attorney General:

(a) The name, address, and license number of the dealer;

(b) The manufacturer, type, and serial number of firearm or dangerous device transferred. No firearm shall be transferred that does not have a serial number or from which the serial number has been removed, defaced or altered; and

(c) The name, address, and identification card number of the transferee.

Source: S.L. No. 2L-136-82 §13, 10/7/82

**§1-114. Repair.** —

(1) No person, other than a dealer or manufacturer licensed pursuant to this chapter, shall repair firearms or accept the same for repair.

(2) No person shall accept any firearms for repair unless he is shown an identification card evidencing eligibility of the holder to possess and use a firearm of the type offered for repair. Prior to



returning any such firearm, the manufacturer or dealer shall make and keep a record identical with that required for the purchase of a firearm pursuant to §1-113 and shall maintain such record for at least one year.

(3) Nothing in this section shall be construed to prohibit the repair or maintenance of a firearm by the owner thereof.

Source: S.L. No. 2L-136-82 §14, 10/7/82

**§1-115. Ammunition. —**

(1) No person may transfer ammunition unless he is a manufacturer, wholesaler or dealer licensed pursuant to this chapter. If the transfer is other than to another manufacturer, wholesaler or dealer, the transfer shall not be made until the transferor has ascertained that the transferee is the holder of an identification card evidencing eligibility to possess and use a firearm of the type for which the ammunition is suited. Upon transfer the transferor shall record the quantity, type, and caliber or gauge transferred, the name and address of the transferee, and the number of the transferee's identification card.

(2) No transferee of ammunition shall transfer it to any person other than a dealer licensed pursuant to this chapter. Upon receipt of ammunition, the dealer shall make and keep all records with respect to the ammunition in the manner required by this section for ammunition sold by him.

Source: S.L. No. 2L-136-82 §15, 10/7/82

**§1-116. Private sale or transfer. —** No person other than a manufacturer, wholesaler or dealer licensed pursuant to this chapter shall transfer a firearm or dangerous device to any person other than a manufacturer, wholesaler or dealer without first ascertaining that the transferee is the holder of an identification card issued pursuant to this chapter. Prior to any such transfer, the transferor shall furnish to the Office of the Attorney General in person or by registered or certified mail, return receipt requested, a properly completed form approved by the Office of the Attorney General providing information equivalent to that required to be furnished by a dealer upon the transfer by him of a firearm or dangerous device.

Source: S.L. No. 2L-136-82 §16, 10/7/82

**§1-117. Security transactions. —**

(1) No person, other than a licensed dealer, shall receive a firearm as a pledge or pawn, or in any other manner as security.

(2) A dealer receiving a firearm as a pledge, pawn or otherwise, as security, shall record promptly the date of receipt; the full description of the item or items received, including the manufacturer, type, and serial number or numbers, if any; the name and address of the person making the pledge, pawn or other deposit as security; and the number of said person's identification card. No dealer shall accept the pledge, pawn or other deposit as security unless the person making the same exhibits an identification card evidencing his entitlement to possess and use a gun of the type involved.

(3) Upon the return or other disposition of the firearm in his possession pursuant to this section, the dealer shall make a record of the return or other disposition, including the date thereof and the name and address of the person to whom the firearm was returned or disposed. No firearm shall be returned or disposed of to any person who, at the time of such return or disposition, does not exhibit a valid identification card issued in his own name and entitling him to possess and use the firearm involved.

Source: S.L. No. 2L-136-82 §17, 10/7/82

**§1-118. Manufacturers and wholesalers. —**

(1) No person shall manufacture or deal in firearms, dangerous devices or ammunition at wholesale unless:

- (a) He is the holder of a dealer's license issued pursuant to §1-111; or
- (b) He is the holder of a license issued pursuant to this section.

(2) Any person proposing to manufacture or deal at wholesale in firearms, dangerous devices or ammunition, and not the holder of a dealer's license, shall make application for a manufacturer's or wholesaler's license. Such application shall contain the same information required for a dealer's license, and any additional information required by the Attorney General as may be appropriate to administer this chapter. No manufacturer's license or wholesaler's license shall authorize transfer or delivery within the state except to a licensed dealer, manufacturer or wholesaler.

(3) The Office of the Attorney General shall issue, renew, cancel, deny, suspend or revoke manufacturers' and wholesalers' licenses on the same terms and subject to the same conditions as provided for dealers' licenses.

(4) Every manufacturer shall assign a unique serial number to each firearm manufactured by him and shall inscribe such number in or on the firearm in such manner as will resist removal, alteration, defacement or obliteration. The Attorney General may make regulations for the style of such serial numbers and for the manner of their inscription.

Source: S.L. No. 2L-136-82 §18, 10/7/82

#### **§1-119. Registry of firearms and ammunition. —**

(1) The Attorney General shall maintain a registry of firearms. The records in the registry shall be kept permanently unless there is a record of the destruction of the gun.

(2) Records kept in the registry shall include all records required to be filed with the Office of the Attorney General pursuant to this chapter, copies of all records filed with an agency or officer of a local government pursuant to this chapter, and any records deposited with the Office of the Attorney General pursuant to Subsection (3) of this section.

(3) Any dealer, manufacturer or wholesaler licensed pursuant to this chapter, upon his discontinuance of the licensed business or activity, shall transmit all records kept by him pursuant to this chapter to the Office of the Attorney General.

(4) Records relating to the repair of firearms shall be kept by the Office of the Attorney General for a period of at least five years after transmittal.

(5) Records in the registry shall not be public records. They shall be made available only to law enforcement officers of the state, or at the discretion of the Office of the Attorney General, to other law enforcement officers and agencies.

Source: S.L. No. 2L-136-82 §19, 10/7/82

#### **§1-120. Cancellation, denial, suspension, and revocation of licenses. —**

(1) Any license issued pursuant to this chapter shall be surrendered for cancellation immediately on the discontinuance or termination of business or upon the holder's discontinuing the manufacturing, selling, acquisition for sale or repair of firearms, and the sale of ammunition.

(2) The issuing officer or agency may deny, suspend or revoke an identification card or a license issued pursuant to this chapter for failure of the applicant or holder to meet or continue to meet any of the requirements for eligibility therefor, or for any violation of this chapter or regulations in force pursuant thereto.

(3) The Office of the Attorney General, by regulation, shall make classifications of offenses and other violations of this chapter or regulations in force thereunder. Regulations made pursuant to this subsection shall set forth those offenses and violations for which identification cards and licenses may be suspended or revoked, and those for which the penalty must be revocation. Such regulations shall be of general application.

(4) Any person who, by reason of the suspension or revocation of his identification card is no longer eligible to continue possession of a firearm, dangerous device or ammunition shall surrender any and all firearms, dangerous devices, and ammunition to the Chief of the Division of Police and

Security of the Department of Public Safety, or shall dispose of the firearms, dangerous devices, and ammunition forthwith under the direction and supervision of the Chief of the Division of Police and Security. In the case of suspension of an identification card, the owner of the firearm, dangerous device or ammunition may request that the constabulary keep the same during the period of suspension and, except as herein provided, the firearm, dangerous device or ammunition shall be restored to the owner when he again becomes eligible to possess the same and request return. Any firearm, dangerous device or ammunition in the possession of the Chief of the Division of Police and Security pursuant to this subsection may be disposed of, without compensation to the owner, upon revocation of the suspended identification card or at the end of 60 days after receipt or the date of termination of the suspension, whichever is later. However, if proceedings in connection with the suspension or revocation are not yet finally determined, disposal shall not be until such final determination has been made.

(5) Any denial, suspension or revocation of an identification card or a license shall be subject to review by the Governor upon request by an aggrieved person, and thereafter by the Pohnpei Supreme Court.

Source: S.L. No. 2L-136-82 §20, 10/7/82

**§1-121. Shipment and delivery of firearms, dangerous devices, and ammunition. —**

(1) No person shall ship, transport or deliver any firearms, dangerous devices or ammunition to anyone other than a licensed manufacturer, wholesaler, dealer or person who possesses a valid identification card.

(2) Any person who ships, transports or delivers firearms or dangerous devices to a manufacturer, wholesaler, dealer or person possessing an identification card in the state shall, before delivery, furnish to the Office of the Attorney General an invoice listing his name and address, the name and address of the manufacturer, wholesaler, dealer or person possessing the identification card to whom such firearms or dangerous devices are to be delivered, the place of origin of the shipment, the number of firearms and dangerous devices of each type, and the manufacturer and serial number of each firearm and dangerous device in the shipment.

(3) Any person who ships, transports or delivers ammunition to a manufacturer, wholesaler, dealer or person possessing an identification card in the state shall, before delivery, furnish to the Office of the Attorney General an invoice listing his name and address, the name and address of the manufacturer, wholesaler, dealer or person possessing an identification card to whom the ammunition is to be delivered, the place of origin of the shipment, and the quantity of ammunition of each type in the shipment.

(4) If shipment is by common carrier, a copy of the invoice required by Subsections (2) and (3) of this section shall also be delivered to the common carrier. The common carrier shall deliver the invoice and any said shipment to the Chief of the Division of Police and Security of the Department of Public Safety who will verify the accuracy of the shipment and compliance with this chapter before delivery to the manufacturer, wholesaler, dealer or person possessing an identification card. A copy of the invoice shall be left with the manufacturer, wholesaler, dealer or person possessing an identification card at the time of delivery.

(5) If shipment is by other than common carrier, a copy of the invoice shall be furnished to the manufacturer, wholesaler, dealer or person possessing an identification card at the time of delivery.

(6) No person shall ship, transport or deliver firearms, dangerous devices or ammunition via air without first complying with international regulations pertaining to air shipment of firearms, dangerous devices or ammunition.

Source: S.L. No. 2L-136-82 §21, 10/7/82

**§1-122. Loss, destruction or theft of firearms or dangerous devices. —** Whoever owns or possesses a firearm or dangerous device shall within 24 hours of discovery, notify the Office of the

Attorney General of the loss, theft or destruction of any such firearm or dangerous device and, after such notice, of recovery thereof.

Source: S.L. No. 2L-136-82 §22, 10/7/82

**§1-123. Prohibitions.** — No person shall:

(1) Knowingly remove, obliterate or alter the importer's or manufacturer's serial number of any firearm;

(2) Knowingly deface, alter or destroy an identification card;

(3) Acquire, possess or use any firearm silencer or muffler;

(4) Carry any gun or dangerous device while under the influence of alcohol or narcotic or other disabling drug;

(5) Import, sell, transfer, give away, purchase, possess or use any handgun, automatic weapon, rifle larger than .22 caliber, shotgun larger than .410 gauge or any other firearm;

(6) Board or attempt to board any commercial aircraft while carrying any firearm, dangerous device or ammunition, either on his person or in his luggage. Such firearm, dangerous device or ammunition shall be turned in prior to departure to an appropriate official or to the pilot of the airline or aircraft concerned, who shall keep a record of the name of the person turning in such firearm, dangerous device or ammunition, and the type and quantity turned in. Upon completion of such person's travel within the state, the official of the airline or pilot of the aircraft shall personally deliver the article or articles turned in to the chief police officer of the local jurisdiction in which such completion took place, or to his delegate. Such person may reobtain the article or articles turned in upon either:

(a) Presentation of a valid identification card or license for such article or articles to the police officer having custody thereof; or

(b) Departure from the state; or

(7) Use or attempt to use any firearm, dangerous device or ammunition in connection with or in aid of the commission of any crime against the laws applicable within the state, except those set forth under other provisions of this chapter.

Source: S.L. No. 2L-136-82 §23, 10/7/82

**§1-124. Forfeiture.** — All firearms, dangerous devices or ammunition unlawfully possessed, carried or used or shipped, transported or delivered into the state are declared to be inimical to the public safety and are forfeited to the state. When such forfeited articles are taken from any person, they shall be surrendered to the Office of the Attorney General.

Source: S.L. No. 2L-136-82 §24, 10/7/82

**§1-125. Emergencies.** — In case of emergency concerning the public safety declared by the Governor of Pohnpei or the President of the Federated States of Micronesia, all establishments dealing in guns, dangerous devices or ammunition may be ordered closed by such official and required to remain closed during the continuance of the emergency. During any such closure, any and all guns, dangerous devices, and ammunition belonging to or in the keeping of a closed establishment may be impounded.

Source: S.L. No. 2L-136-82 §25, 10/7/82

**§1-126. Cards and licenses remain valid.** — All valid identification cards and licenses issued under 63 TTC (1980) remain valid as the same under this chapter until they expire of their own terms, or are suspended or revoked under this chapter.

Source: S.L. No. 2L-136-82 §26, 10/7/82

**§1-127. Other laws.** — Nothing in this chapter shall be deemed to prevent any local jurisdiction from further restricting, by local ordinance, the transfer, possession, use or carriage of firearms, ammunition or dangerous devices. This chapter shall supersede Title 63 of the Trust Territory Code and all State laws and municipal ordinances in conflict with this chapter.

Source: S.L. No. 2L-136-82 §27, 10/7/82

**§1-128. Regulations and permits.** — The Office of the Attorney General shall have power to issue, amend, and repeal regulations implementing this chapter in the manner that is or may be provided by law as may be required by the public interest, safety, and welfare.

Source: S.L. No. 2L-136-82 §28, 10/7/82

**§1-129. Fees.** — The fees for issuance and renewal of licenses and identification cards as required by this chapter shall be as follows:

- (1) For an identification card – \$10 for the first issuance of a card and \$5 for each renewal thereof;
- (2) For a dealer’s license – \$150;
- (3) For a manufacturer’s license – \$500;
- (4) For a wholesaler’s license – \$500; and
- (5) For replacement of lost, destroyed or defaced identification card – \$2.

Fees collected pursuant to this chapter shall be paid to the Chief of the Division of Finance and Property Accountability of the Department of Treasury and Administration for deposit in the general fund of Pohnpei.

Source: S.L. No. 2L-136-82 §29, 10/7/82

**§1-130. Penalties.** — Any person who, being a holder of a valid identification card fails to comply with §1-107 shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not more than \$100 or imprisoned not more than three months, or both such fine and imprisonment. Any person who violates any other provision of this chapter or any regulation issued pursuant thereto shall be guilty of violating the Weapons Control Act, Title 68 Chapter 1, and upon conviction thereof may be fined not more than \$2,999 or imprisoned for a period of less than three years, or both such fine and imprisonment, and may be subject to confiscation of any firearm, dangerous device or ammunition without compensation, involved in a violation of this chapter. The holder of any dealer’s license or the manager or supervisor of employees of any establishment so licensed, or both, shall be liable for any violation of this chapter by his employee or agent committed in the course of the dealer’s business, to the same extent as such employee or agent.

Source: S.L. No. 2L-136-82 §30, 10/7/82

**§1-131. Authorization for appropriation; administration.** — There is hereby authorized for appropriation from the general fund of Pohnpei such sum or sums as may be determined annually in the Comprehensive Budget Act for the implementation of this chapter. The sum herein authorized for appropriation shall be administered and expended by the Governor solely for the purpose stated herein. The Governor shall report to the Legislature on or before October 15 each year on all matters concerning the expenditure of the sums authorized for appropriation by this chapter. Any balance of the sums appropriated under the authorization of this chapter for a fiscal year not expended or obligated for expenditure on September 30 each year shall revert to the general fund of Pohnpei.

Source: S.L. No. 2L-136-82 §31, 10/7/82

Note: S.L. No. 2L-136-82 §27, 10/7/82 superseded 63 TTC (1980) and all state laws and municipal ordinances in conflict with said law.

REGULATED DEVICES

## CHAPTER 2 FIREWORKS

### Section

2-101 Fireworks regulations authorized

2-102 Sale of fireworks permitted

2-103 Penalties

**§2-101. Fireworks regulations authorized.** — The Office of Attorney General shall, within 20 days after the effective date of this chapter, adopt and publish regulations governing the sale of fireworks in Pohnpei. Such regulations shall:

(1) Be consistent with all national and state laws concerning weapons and other dangerous devices;

(2) Ensure that fireworks are not sold to minors, which for purposes of this section shall mean any person under the age of 18;

(3) Restrict the types of fireworks that may be sold to those that do not pose an undue danger of injury to persons and property.

Source: S.L. No. 6L-110-07 §2, 12/6/07

**§2-102. Sale of fireworks permitted.** — Following the promulgation of the regulations authorized by 68 PC 2-101, the sale of fireworks shall be permitted; PROVIDED that no fireworks may be sold in the State of Pohnpei in the absence of such regulations, and PROVIDED FURTHER that the sale of fireworks in the State of Pohnpei shall be limited to those types of fireworks that are permitted by the regulations.

Source: S.L. No. 6L-110-07 §3, 12/6/07

**§2-103. Penalties.** —

(1) Any person in violation of any provision of 68 PC 2-102 or the regulations promulgated pursuant to 68 PC 2-101 shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than \$500, or imprisoned not more than six months, or both such fine and imprisonment.

(2) If an injury has been sustained as a result of the use of fireworks sold in violation of 68 PC 2-102 or the regulations promulgated pursuant to 68 PC 2-101, upon conviction thereof, the violator shall be fined not more than \$1,000, or imprisoned not more than one year, or both such fine and imprisonment.

Source: S.L. No. 6L-110-07 §4, 12/6/07

Note: S.L. No. 6L-110-07 §1, 12/6/07 repealed 68 PC 2-101 - 2-106 in their entirety.

## TITLE 69 [RESERVED]

REGULATED DEVICES

(Next page is Title 70 divider)