

TITLE 6: CRIMES AND CRIMINAL PROCEDURE
DIVISION 10: SPECIAL ACT FOR FIREARMS ENFORCEMENT (SAFE)

§ 10101. Definitions.

For purposes of this division:

(a) “.50 BMG rifle” means:

(1) A rifle capable of firing a centerfire cartridge in .50 BMG caliber, including a 12.7mm equivalent of .50 BMG and any other metric equivalent; or

(2) Any rifle, regardless of caliber, if such rifle is capable of firing a projectile that attains a muzzle energy of 12,000 foot-pounds or greater in any combination of bullet, propellant, case, or primer.

(b) “Addicted to a controlled substance” means a person who uses a controlled substance and has lost the power of self-control with reference to the use of controlled substance; and any person who is a current user of a controlled substance in a manner other than as prescribed by a licensed physician. Such use is not limited to the use of drugs on a particular day, or within a matter of days or weeks before, but rather that the unlawful use has occurred recently enough to indicate that the individual is actively engaged in such conduct. A person may be an unlawful current user of a controlled substance even though the substance is not being used at the precise time the person seeks to acquire a firearm or receives or possesses a firearm. An inference of current use may be drawn from evidence of a recent use or possession of a controlled substance or a pattern of use or possession that reasonably covers the present time, e.g., a conviction for use or possession of a controlled substance within the past year; multiple arrests for such offenses within the past five years if the most recent arrest occurred within the past year; or persons found through a drug test to use a controlled substance unlawfully, provided that the test was administered within the past year. For a current or former member of the Armed Forces, an inference of current use may be drawn from recent disciplinary or other administrative action based on confirmed drug use, e.g., court-martial conviction, nonjudicial punishment, or an administrative discharge based on drug use or drug rehabilitation failure.

(c) “Adjudicated as a mentally disabled person” means the person has been the subject of a determination by a court, board, commission or other lawful authority that the person, as a result of marked subnormal intelligence, or mental illness, mental impairment, incompetency, condition, or disease:

(1) presents a clear and present danger to himself, herself, or to others;

(2) lacks the mental capacity to manage his or her own affairs;

(3) is not guilty in a criminal case by reason of insanity, mental disease or defect;

(4) is incompetent to stand trial in a criminal case;

(5) is not guilty by reason of lack of mental responsibility under any article of the Uniform Code of Military Justice;

(6) is subject to involuntary commitment under the Involuntary Commitment Act.

TITLE 6: CRIMES AND CRIMINAL PROCEDURE
DIVISION 10: SPECIAL ACT FOR FIREARMS ENFORCEMENT (SAFE)

(d) "Ammunition" means cartridge cases, shells, projectiles (including shot), primers, bullets (including restricted pistol bullets), propellant powder, or other devices or materials designed, redesigned, or intended for use in a firearm or destructive device.

(e) "Antique firearm" means:

(1) any firearm (including any firearm with a matchlock, flintlock, percussion cap, or similar type of ignition system) manufactured in or before 1898;

(2) any replica of any firearm described in subsection (e)(1), if such replica:

(i) is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition; or

(ii) uses rimfire or conventional ammunition which is no longer manufactured in the United States and which is not readily available in the ordinary channels of commercial trade; or

(3) any muzzle loading rifle, muzzle loading shotgun, or muzzle loading pistol, which is designed to use black powder, or a black powder substitute, and which cannot use rimfire or conventional centerfire fixed ammunition, other than ammunition defined in subsection (e)(2)(ii). For purposes of this subparagraph, the term "antique firearm" shall not include any weapon which incorporates a firearm frame or receiver defined as a firearm under Commonwealth or federal law, any firearm which is converted into a muzzle loading weapon, or any muzzle loading weapon which can be readily converted to fire rimfire or conventional centerfire fixed ammunition, other than ammunition defined in subsection (e)(2)(ii), by replacing the barrel, bolt, breechblock, or any combination thereof.

(f) "Assault weapon" means:

(1) The following semiautomatic firearms:

(i) a semiautomatic rifle in a caliber greater than .223 that has the capacity to accept a detachable magazine and any one of the following:

(A) a pistol grip that protrudes conspicuously beneath the action of the weapon;

(B) a thumbhole stock;

(C) a folding or telescoping stock;

(D) a grenade launcher or flare launcher;

(E) a flash suppressor; or

(F) a forward pistol grip;

(ii) a semiautomatic pistol that has the capacity to accept a detachable magazine and any one of the following:

(A) a threaded barrel, capable of accepting a flash suppressor, forward handgrip, or silencer, sound suppressor or sound moderator;

(B) a second handgrip;

(C) a shroud that is attached to, or partially or completely encircles, the barrel that allows the bearer to fire the weapon without burning his or her hand, except a slide that encloses the barrel; or

TITLE 6: CRIMES AND CRIMINAL PROCEDURE
DIVISION 10: SPECIAL ACT FOR FIREARMS ENFORCEMENT (SAFE)

(D) the capacity to accept a detachable magazine at some location outside of the pistol grip;

(iii) a semiautomatic shotgun that has one or more of the following:

(A) a folding or telescoping stock;

(B) a pistol grip that protrudes conspicuously beneath the action of the weapon;

(C) a thumbhole stock; or

(D) a vertical handgrip; and

(iv) a semiautomatic shotgun that has the ability to accept a detachable magazine; and

(2) any shotgun with a revolving cylinder; provided, that this subsection shall not apply to a weapon with an attached tubular device designed to accept, and capable of operating only with, .22 caliber rimfire ammunition; and

(3) any firearm in a caliber greater than .223 that the Department of Public Safety may designate as an assault weapon by regulation based on a determination that the firearm would reasonably pose the same or similar danger to the health, safety, and security of the residents of the Commonwealth as those weapons enumerated in subsection (f).

(4) The term “assault weapon” shall not include:

(i) any antique firearm; or

(ii) any weapon exempted by the Department of Public Safety, by regulation, that would otherwise fall within the definition of “assault weapon” pursuant to this section from being classified as an assault weapon.

(g) “Clear and present danger” means a person who:

(1) communicates a serious threat of physical violence against a reasonably identifiable victim or poses a clear and imminent risk of serious physical injury to himself, herself, or another person as determined by a physician, clinical psychologist, or qualified examiner; or

(2) demonstrates threatening physical or verbal behavior, such as violent, suicidal, or assaultive threats, actions, or other behavior, as determined by a physician, clinical psychologist, qualified examiner, school administrator, or law enforcement official.

(h) “Concealed firearm” means a loaded or unloaded pistol carried on or about a person completely or mostly concealed from view of the public on or about a person or within a vehicle.

(i) “Controlled substance” means a controlled substance or controlled substance analog as defined by [6 CMC § 2102\(c\)](#).

(j) “Container” means a secure container that is fully enclosed and locked by a padlock, key lock, combination lock, or similar locking device. The term “locked container” does not include the utility compartment, glove compartment, or any other compartment accessible from within the passenger compartment of a motor vehicle.

TITLE 6: CRIMES AND CRIMINAL PROCEDURE
DIVISION 10: SPECIAL ACT FOR FIREARMS ENFORCEMENT (SAFE)

(k) "Counterfeit" means to copy or imitate, without legal authority, with intent to deceive.

(l) "Courthouse" means a building occupied by judicial courts and containing rooms in which judicial proceedings are held.

(m) "Dangerous device" means any 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 which under the circumstances of its possession serves no lawful purpose.

(n) "Department" means the Department of Public Safety.

(o) "Destructive device" means:

(1) an explosive, incendiary, or poison gas bomb, grenade, rocket, missile, mine, or similar device;

(2) any device by whatever name known which will, or is designed or redesigned, or may be readily converted or restored to expel a projectile by the action of an explosive or other propellant through a smooth bore barrel, except a shotgun and antique weapons;

(3) any device containing tear gas or a chemically similar lacrimator or sternutator by whatever name known;

(4) any combination of parts designed or intended for use in converting any device into any destructive device; or from which a destructive device may be readily assembled; provided, that the term shall not include:

(i) any pneumatic, spring, or B-B gun which expels a single projectile not exceeding 8 mm in diameter;

(ii) any device which is neither designed nor redesigned for use as a weapon;

(iii) any device originally a weapon which has been redesigned for use as a signaling, line throwing, or safety device; or

(iv) any device which the Department of Public Safety finds is not likely to be used as a weapon.

(p) "Developmentally disabled" means a disability which is attributable to any other condition which results in impairment similar to that caused by an intellectual disability and which requires services similar to those required by intellectually disabled persons. The disability must originate before the age of 18 years, be expected to continue indefinitely, and constitute a substantial handicap. This disability results in the professional opinion of a physician, clinical psychologist, or qualified examiner, in significant functional limitations in three or more of the following areas of major life activity:

(1) self-care;

(2) receptive and expressive language;

(3) learning;

(4) mobility; or

(5) self-direction.

TITLE 6: CRIMES AND CRIMINAL PROCEDURE
DIVISION 10: SPECIAL ACT FOR FIREARMS ENFORCEMENT (SAFE)

(q) “Dwelling” means any building or portion thereof which contains living facilities, including provisions for sleeping, eating, cooking, and sanitation.

(r) “Federally licensed firearm dealer” means a person who is licensed as a federal firearms dealer under Section 923 of the Federal Gun Control Act of 1968 (18 U.S.C. § 923).

(s) “Firearm” means any weapon, regardless of operability, which will, or is designed or redesigned, made or remade, readily converted, restored, or repaired, or is intended to, expel a projectile or projectiles by the action of an explosive; the frame or receiver of any such device; or any firearm muffler or silencer; provided, that such term shall not include:

(1) destructive devices;

(2) any device used exclusively for firing explosive rivets, stud cartridges, or similar industrial ammunition and incapable for use as a weapon;

(3) any pneumatic gun, spring gun, paint ball gun, or B-B gun which expels a single projectile not exceeding 8mm in diameter;

(4) any pneumatic gun, spring gun, paint ball gun, or B-B gun which expels breakable paint balls containing washable marking colors;

(5) any device used exclusively for signaling or safety and required or recommended by the United States Coast Guard or the Interstate Commerce Commission;

(6) an antique firearm (other than a machine-gun) which, although designed as a weapon, the Department of Public Safety 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.

(t) “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 signaling or safety and required or recommended by the United States Coast Guard or the Interstate Commerce Commission; and

(2) any ammunition designed exclusively for use with a stud or rivet driver or other similar industrial ammunition.

(u) “Government building” means:

(1) the building in which a government entity is housed;

(2) the building where a government entity meets in its official capacity; provided, however, that if such building is not a publicly owned building, such building shall be considered a government building for the purposes of this code section only during the time such government entity is meeting at such building; or

(3) the portion of any building that is not a publicly owned building that is occupied by a government entity.

(v) “Government entity” means an office, agency, authority, department, commission, board, body, division, instrumentality, or institution of the state or

TITLE 6: CRIMES AND CRIMINAL PROCEDURE
DIVISION 10: SPECIAL ACT FOR FIREARMS ENFORCEMENT (SAFE)

any county, municipal corporation, consolidated government, or local board of education within this state.

(w) “Intellectually disabled” means significantly subaverage general intellectual functioning which exists concurrently with impairment in adaptive behavior and which originates before the age of 18 years.

(x) “Involuntarily admitted” has the meaning as prescribed in the Involuntary Commitment Act, [6 CMC §§ 6601–6612](#).

(y) “Law Enforcement” means:

- (1) any police officer employed by the Department of Public Safety;
- (2) any judge, justice, judge pro tem, justice pro tem, administrative hearing officer, or administrative law judge;
- (3) any correctional officer employed by the Department of Corrections;
- (4) any parole officer employed by the Board of Parole;
- (5) any investigator employed by the Homeland Security and Emergency Management Office;
- (6) any probation officer employed by the Office of Adult Probation;
- (7) any customs officer employed by the Department of Finance;
- (8) any marshal employed by the Commonwealth Judiciary;
- (9) any conservation officer employed by the Department of Fish and Wildlife;
- (10) any enforcement officer employed by the Commonwealth Ports Authority;
- (11) the Sergeant of Arms of the House of Representatives;
- (12) the Sergeant of Arms of the Senate;
- (13) the Public Auditor;
- (14) any attorney employed by the Office of the Public Auditor and designated as law enforcement by the Public Auditor;
- (15) any investigator or attorney employed by the Office of the Public Auditor;
- (16) the Attorney General;
- (17) any Assistant Attorney General designated as law enforcement by the Attorney General;
- (18) any investigator employed by the Office of the Attorney General Investigation Division;
- (19) any person deputized by the Commissioner of the Department of Public Safety; and
- (20) the following duly sworn officers of the United States government who are authorized to carry firearms while performing their duties:
 - (i) Federal Bureau of Investigation special agents;
 - (ii) Bureau of Alcohol, Tobacco and Firearms special agents;
 - (iii) Drug Enforcement Administration special agents;
 - (iv) United States Secret Service special agents;
 - (v) United States Department of Homeland Security special agents;
 - (vi) United States Postal Service inspectors;

TITLE 6: CRIMES AND CRIMINAL PROCEDURE
DIVISION 10: SPECIAL ACT FOR FIREARMS ENFORCEMENT (SAFE)

- (vii) Internal Revenue Service special agents;
- (viii) United States Marshal's Service marshals and deputy marshals;
- (ix) United States Department of Agriculture Forest Service law enforcement officers and special agents;
- (x) United States Department of Interior Fish and Wildlife special agents;
- (xi) United States National Marine Fisheries special agents; and
- (xii) National Park Service Rangers.

(z) "Machine gun" means any firearm which shoots, is designed to shoot, or can be readily restored to shoot, automatically more than one shot or bullet, without manual reloading, by a single function of the trigger. The term "machine gun" shall also include the frame or receiver of any such firearm, any part designed and intended solely and exclusively, or combination of parts designed and intended, for use in converting a firearm into a machine gun, and any combination of parts from which a machine gun can be assembled if such parts are in the possession or under the control of a person.

(aa) "Mental health facility" means any licensed private hospital or hospital affiliate, institution, or facility, or part thereof, and any facility, or part thereof, operated by the Commonwealth or a political subdivision thereof which provide treatment of persons with mental illness and includes all hospitals, institutions, clinics, evaluation facilities, mental health centers, colleges, universities, long-term care facilities, and nursing homes, or parts thereof, which provide treatment of persons with mental illness whether or not the primary purpose is to provide treatment of persons with mental illness.

(bb) "Organization" means a sole proprietorship, partnership, joint venture, corporation, or other business entity, either for-profit or not-for-profit.

(cc) "Patient" means:

(1) a person who voluntarily receives mental health treatment as an in-patient or resident of any public or private mental health facility, unless the treatment was solely for an alcohol abuse disorder and no other secondary substance abuse disorder or mental illness; or

(2) a person who voluntarily receives mental health treatment as an out-patient or is provided services by a public or private mental health facility, and who poses a clear and present danger to himself, herself, or to others.

(dd) "Pistol" means any firearm originally designed to be fired by use of a single hand or with a barrel less than 12 inches in length.

(ee) "Place of business" means a business that is located in an immovable structure at a fixed location and that is operated and owned entirely, or in substantial part, by the firearm registrant.

(ff) "Place of worship" means a building, structure, or place used primarily for religious worship, including, but not limited to, churches, synagogues, mosques, temples, shrines, monasteries, and convents, and includes the grounds of a place of worship.

(gg) "Registration certificate" means a certificate validly issued pursuant to this Commonwealth law evincing the registration of a firearm.

TITLE 6: CRIMES AND CRIMINAL PROCEDURE
DIVISION 10: SPECIAL ACT FOR FIREARMS ENFORCEMENT (SAFE)

(hh) “Resident” means any person that has physically resided in the Commonwealth lawfully for a minimum of thirty days and that intends to reside in the Commonwealth for an unlimited or indefinite period.

(ii) “Restricted pistol bullet” or “Restricted bullet” means:

(1) a projectile or projectile core which may be used in a pistol and which is constructed entirely (excluding the presence of traces of other substances) from one or a combination of tungsten alloys, steel, iron, brass, bronze, beryllium copper, or depleted uranium;

(2) a full jacketed projectile larger than .22 caliber designed and intended for use in a pistol and whose jacket has a weight of more than 25% of the total weight of the projectile; or

(3) ammunition for a .50 BMG rifle.

(jj) “Restricted pistol bullet” does not include:

(1) shotgun shot required by federal or state environmental or game regulations for hunting purposes;

(2) a frangible projectile designed for target shooting;

(3) a projectile which the Attorney General of the United States or the Department of Public Safety finds is primarily intended to be used for sporting purposes; or

(4) any other projectile or projectile core which the Attorney General of the United States or the Department of Public Safety finds is intended to be used for industrial purposes, including a charge used in an oil and gas well perforating device.

(kk) “Rifle” means a grooved bore firearm using a fixed metallic cartridge with a single projectile and designed or redesigned, made or remade, and intended to be fired from the shoulder.

(ll) “Sawed-off shotgun” means a shotgun having a barrel of less than 18 inches in length; or a firearm made from a shotgun if such firearm as modified has an overall length of less than 26 inches or any barrel of less than 18 inches in length.

(mm) “Semiautomatic 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.

(nn) “Shotgun” means a smooth bore firearm using a fixed shotgun shell with either a number of ball shot or a single projectile, and designed or redesigned, made or remade, and intended to be fired from the shoulder.

(oo) “Short barreled rifle” means a rifle having any barrel less than 16 inches in length, or a firearm made from a rifle if such firearm as modified has an overall length of less than 26 inches or any barrel of less than 16 inches.

TITLE 6: CRIMES AND CRIMINAL PROCEDURE
DIVISION 10: SPECIAL ACT FOR FIREARMS ENFORCEMENT (SAFE)

(pp) “Vendor’s license” means a license to buy or sell, repair, trade, or otherwise deal in firearms, destructive devices, or ammunition as provided for by Commonwealth law.

Source: [PL 19-42](#) § 5 (Apr. 11, 2016), modified; amended by [PL 19-73](#) § 10 (Dec. 1, 2016), modified.

Commission Comment: In addition to savings and severability clauses, [PL 19-42](#) included the following Short Title and Findings and Purpose sections:

Section 1. Short Title. This Act may be cited to as the SAFE Act (Special Act for Firearms Enforcement).

Section 2. Findings and Purpose. The Legislature finds that human life is the most precious thing in the entire world. The Legislature finds that providing safety and the protection of human life to be the highest duty of government. The Legislature finds that the current firearms laws, which ban handguns, rifles in calibers larger than .223, and shotguns with a bore diameter of .410, protect human life and ensure public safety by outlawing firearms whose primary purpose is offense against human beings. The Legislature finds that the culture of the Commonwealth of the Northern Mariana Islands is peaceful. The Legislature further finds that the history of the Commonwealth demonstrates that offensive firearms have never been needed by the community, and the use of offensive firearms during World War II only brought suffering on an almost unimaginable scale to the people of the Northern Mariana Islands. Finally, the Legislature finds that the vast majority of the inhabitants of the Commonwealth strongly oppose the legalization of handguns because they rightly fear that the largescale introduction of handguns will undermine our peaceful communities.

Unfortunately, the current firearms laws of the Commonwealth, and the People’s desire to prevent the introduction of handguns into our communities, are at odds with the Second Amendment to the United States Constitution. The Legislature recognizes its solemn duty to uphold and protect the United States and Commonwealth Constitutions. Therefore, the Legislature reluctantly accepts that it must legalize the ownership and possession of firearms to the extent required by the Second Amendment. The Legislature is therefore passing the Special Act for Firearms Enforcement (SAFE) to create a framework for firearms ownership, possession, and use that complies with the Second Amendment while affording the greatest possible degree of protection to the people of the Commonwealth and its guests.

On June 26, 2008, the Supreme Court of the United States held in *District of Columbia v. Heller*, that the Second Amendment protects the individual right to possess a firearm within the home.

On June 28, 2010, the Supreme Court of the United States held in *McDonald v. Chicago* that the Second Amendment was incorporated under the Fourteenth Amendment, and therefore, the Second Amendment applies to all state and local governments.

TITLE 6: CRIMES AND CRIMINAL PROCEDURE
DIVISION 10: SPECIAL ACT FOR FIREARMS ENFORCEMENT (SAFE)

Article 5, Section 501 of the Covenant makes the Second Amendment applicable to the Commonwealth as if the Commonwealth were one of the several States. It is true that the Sixth Amendment right to trial by jury has been applied to the Commonwealth differently than it has been applied to the states, but the Covenant specifically provides that the Sixth Amendment right to trial by jury is not applicable in the Commonwealth. There is no such exception in the Covenant for the application of the Second Amendment.

Unfortunately, the Commonwealth Weapons Control Act was challenged in the United States District Court for the Northern Marianas Islands. The Commonwealth was engaged in two difficult lawsuits, which were admirably and tirelessly fought by the Office of the Attorney General. Unfortunately, on March 28, 2016, the United States District Court for the District of the Northern Mariana Islands held that the Second Amendment applies to the Commonwealth. The Legislature therefore finds that it is in the best interest of the Commonwealth to update the Commonwealth's gun control laws to meet this new reality.

The Legislature finds that ensuring public safety and preserving human life are important and compelling government interests of the highest order. The introduction of handguns threatens this public safety, especially since the Department of Public Safety does not have adequate body armor for all its officers, and does not have the funds to procure sufficient body armor to protect its officers. The Legislature agrees with the findings of the city council District of Columbia and the city council of the City of Highland Park, Illinois that assault weapons are disproportionately used in the commission of crimes such as the mass shootings at schools, shopping malls, clinics, and places of worship, that have plagued our nation, and should not be allowed in the Commonwealth. The Legislature agrees with the legislative histories of the statutes involved in *Friedman v. City of Highland Park, Illinois*, 784 F.3d 406, 408 (7th Cir.), *cert. denied sub nom. Friedman v. City of Highland Park, Ill.*, 136 S. Ct. 447 (2015), *Heller v. District of Columbia*, 801 F.3d 264, 268 (D.C. Cir. 2015), and *Heller v. District of Columbia*, 670 F.3d 1244, 1248 (D.C. Cir. 2011), and adopts those opinions and the legislative histories of those acts.

The Legislature further finds that the unregulated keeping of firearms in the home endangers the lives and safety of minor children. The Legislature agrees with the City of San Francisco and the United States Court of Appeals for the Ninth Circuit in *Jackson v. City & Cty. of San Francisco*, 746 F.3d 953, 958 (9th Cir. 2014) *cert. denied*, 135 S. Ct. 2799, 192 L. Ed. 2d 865 (2015), that requiring firearms to be either kept on the person of an individual over 18 or secured with a trigger lock in a gun safe furthers the important interest in public safety and satisfies intermediate scrutiny. The Legislature adopts the City of San Francisco's legislative history and the Court's opinion in the Jackson case.

The Legislature further finds that crimes must be created to address the expected increase in firearm violence if the Second Amendment applies to the Commonwealth.

TITLE 6: CRIMES AND CRIMINAL PROCEDURE
DIVISION 10: SPECIAL ACT FOR FIREARMS ENFORCEMENT (SAFE)

The Legislature further finds that ensuring public safety for residents and tourists, is an important and compelling government interest. The Legislature finds that comprehensive regulation of firearms substantially advances that compelling and important governmental interest, and that the means employed in this legislation are narrowly tailored and the least restrictive means of achieving that public interest. Therefore, the Legislature finds that it is in the best interests of the Commonwealth to enact comprehensive legislation for the regulation and control of firearms and ammunition in the Commonwealth.

Finally, the Legislature finds that the *Section-By-Section Analysis of the "Special Act for Firearm Enforcement (SAFE)"* represents and explains the Legislature's intent regarding SAFE. The Legislature therefore incorporates the *Section-By-Section Analysis of the "Special Act for Firearm Enforcement (SAFE)"* into these Findings by reference. The Legislature intends for the *Section-By-Section Analysis of the "Special Act for Firearm Enforcement (SAFE)"* to have the same degree of persuasive authority as the *Analysis of the Constitution of the Northern Mariana Islands* and the *Section-By-Section Analysis of the Covenant to Establish a Commonwealth of the Northern Mariana Islands* have on the interpretation of the Constitution and Covenant.

The Findings and Purpose section of [PL 19-42](#) references the Section-by-Section Analysis of SAFE, but no document with that title was transmitted to the Commission with [PL 19-42](#). The Commission later received a document entitled "Section-by-Section Analysis of Proposed 'Special Act for Firearm Enforcement (SAFE)'" along with the original proposed bill from the Office of the Attorney General. These documents were consulted by the Commission when codifying this Division.

The Commission numbered this section and renumbered subsections pursuant to [1 CMC § 3806\(a\)](#). The Commission rearranged (e)(1)(E)(xv) as (e)(1)(iv), reflecting § 7-2501.01(3A)(VII) of the Code of the District of Columbia as referenced by the Section-by-Section Analysis of Proposed "Special Act for Firearm Enforcement (SAFE)." The Commission substituted "subsection" for "subparagraph" in subsection (d)(2); substituted "subsection" for "sub-subparagraph" in subsection (e)(1)(v); and substituted "subsection (e)" for "this paragraph" in subsection (e)(1)(vi) pursuant to [1 CMC § 3806\(d\)](#). The Commission struck the figure "(30)" in subsection (ff) as a mere repetition of written words pursuant to [1 CMC § 3806\(e\)](#). The Commission changed capitalization throughout the section for the purpose of conformity pursuant to [1 CMC § 3806\(f\)](#). The Commission changed the final semicolon in subsection (w)(19) to a period pursuant to [1 CMC § 3806\(g\)](#).

In addition to savings and severability clauses, [PL 19-73](#) included the following Short Title and Findings and Purpose sections:

Section 1. Short Title. This Act may be cited as the "Second Special Act for Firearms Enforcement ("SAFE II")."

TITLE 6: CRIMES AND CRIMINAL PROCEDURE
DIVISION 10: SPECIAL ACT FOR FIREARMS ENFORCEMENT (SAFE)

Section 2. Findings and Purpose. On March 28 , 2015, the United States District Court for the District of the Northern Mariana Islands held that the Second Amendment applies to the Commonwealth. The Legislature strongly disagrees with the current interpretation of the Second Amendment, and strongly believes that handguns are neither necessary nor desirable in our peaceful community. However, the members of the Legislature took a solemn oath to uphold the Constitution and Laws of the Commonwealth, the Covenant, and the applicable provisions of the Laws and Constitution of the United States, and will adhere to that oath. On April 6, 2016, Senate Bill 19-94, SDI HD10, the Special Act for Firearms Enforcement ("SAFE I") was passed by the Legislature. It was transmitted and signed into law by the Governor on April 11, 2016. SAFE I enacted special provisions to regulate the use of firearms within the bounds of the Second Amendment, carefully borrowing legislation that has survived Second Amendment scrutiny from other jurisdictions. SAFE also created Gun Free Zones and codified new crimes relating to firearms.

While the current registration provisions of the Weapons Control Act remain in effect, the Legislature finds there is a pressing need to enact new provisions for the registration of firearm owners and individual firearms in order to keep firearms out of the hands of individuals such as felons, drug addicts, sexual predators, and perpetrators of domestic violence. The Legislature further finds that the introduction of handguns to the Commonwealth creates a pressing need to join the National Instant Criminal Background Check System (NICBCS) and to coordinate with other U.S. jurisdictions in order to provide effective background checks on individuals wishing to be permitted to own firearms. The safety and welfare of the people of the Commonwealth is paramount, and must be protected.

In drafting this legislation, the Legislature relied on statutory schemes from Illinois and Washington, D.C., specifically the Illinois Firearm Owners Identification Card Act, 430 Ill. Comp. Stat. Ann. 65/0.01 to 65/16-3, and the Washington, D.C. Firearms Registration Amendment Act of 2008, D.C. Code Ann. §§ 7-2502.01 to 7-2502.14, Firearm Vendor Licensing Act, D.C. Code Ann. §§ 7-2504.01 to 7-2504.10, Sale and Transfer of Firearms, Destructive Devices, and Ammunition Act, D.C. Code Ann. §§ 7-2505.01 to 7-2505.04. The Legislature also relied on the interpretation of the Washington, D.C. legislation in *Heller v. District of Columbia* (Heller II), 670 F.3d 1244 (D.C. Cir. 2011) and *Heller v. District of Columbia* (Heller III), 801 F.3d 264, 269 (D.C. Cir. 2015). In particular, the Legislature finds that it is necessary for individuals who wish to purchase a firearm to take a course on firearm safety and the Commonwealth's laws relating to purchasing, selling, storing, transporting, and legally discharging firearms. This test will advance the Commonwealth's compelling interest in public safety by ensuring that individuals have learned firearm safety and how they can conform their conduct to the laws of the Commonwealth. The Legislature's express goal is to protect the lives, safety, and welfare of the People of the

TITLE 6: CRIMES AND CRIMINAL PROCEDURE
DIVISION 10: SPECIAL ACT FOR FIREARMS ENFORCEMENT (SAFE)

Commonwealth by creating a strict registration schemes, which comply with the Second Amendment, for the licensing of firearm owners, licensing and regulation of firearm vendors, and the registration of individual firearms in the Commonwealth.

The Commission renumbered subsections pursuant to [1 CMC § 3806\(a\)](#). The Commission substituted “subsection (e)(1)” for “subparagraph (1)” in (e)(2), “subsection (e)(2)(ii)” for “§101 (d)(2)(B)” in (e)(3), “subsection” for “subparagraph” in (f)(1)(v), and “subsection (f)” for “this paragraph” in (f)(1)(vi) pursuant to [1 CMC § 3806\(c\)–\(d\)](#), (g). The Commission changed capitalization for the purpose of conformity pursuant to [1 CMC § 3806\(f\)](#). The Commission struck a colon after the defined terms in (b), (q), and (bb), changed “5” to “five” in (b), and inserted “and” at the end of (y)(19) and (y)(20)(xi) pursuant to [1 CMC § 3806\(g\)](#).