

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

§ 10308. Use of weapons in furtherance of a crime of violence; penalty.

(a) No person shall within the Commonwealth possess a firearm, imitation firearm, dangerous device or imitation dangerous device, destructive device or imitation destructive device, while committing a crime of violence.

(b) For purposes of this section the term “crime of violence” means an offense that

(1) has as an element the use, attempted use, or threatened use of physical force against the person or property of another, or

(2) by its nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense.

(3) The following crimes, however styled in the Commonwealth Code, shall be considered “crimes of violence”:

- (i) aggravated assault;
- (ii) act of terrorism;
- (iii) arson;
- (iv) assault on a law enforcement officer;
- (v) assault with a dangerous weapon;
- (vi) assault with intent to kill, commit first degree sexual abuse, commit second degree sexual abuse, first or second degree sexual assault or commit child sexual abuse and any acts of domestic and family violence;
- (vii) assault with significant bodily injury;
- (viii) assault with intent to commit any other offense;
- (ix) burglary;
- (x) carjacking;
- (xi) armed carjacking;
- (xii) child sexual abuse;
- (xiii) cruelty to children in the first degree;
- (xiv) extortion or blackmail accompanied by threats of violence;
- (xv) gang recruitment, participation, or retention by the use or threatened use of force, coercion, or intimidation;
- (xvi) kidnapping;
- (xvii) malicious disfigurement;
- (xviii) manslaughter;
- (xix) manufacture or possession of a weapon of mass destruction;
- (xx) mayhem;
- (xxi) murder;
- (xxii) robbery;
- (xxiii) sexual abuse in the first, second, or third degrees and sexual assault in the first, second or third degree;
- (xxiv) use, dissemination, or detonation of a weapon of mass destruction; or

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(xxv) an attempt, solicitation, or conspiracy to commit any of the foregoing offenses.

(4) The list of offenses in subsection (3) is not exclusive.

(c) If the crime of violence in subsection (b) was a felony under Commonwealth law at the time of commission, then upon conviction of a violation of this section, the person shall be fined \$10,000 and shall be sentenced to imprisonment for a term not to exceed 15 years and shall be sentenced to imprisonment for a mandatory-minimum term of not less than 5 years and shall not be released on parole, or granted probation or suspension of sentence, prior to serving the mandatory-minimum sentence.

(d) If the crime of violence in subsection (b) of this section was a misdemeanor under Commonwealth law at the time of commission, then upon conviction of a violation of this section the person shall be fined \$1,000 and shall be sentenced to imprisonment for a term not to exceed one year and shall be sentenced to imprisonment for a mandatory-minimum term of not less than 9 months and shall not be released on parole, or granted probation or suspension of sentence, prior to serving the mandatory-minimum sentence.

Source: [PL 19-42](#) § 7 (Apr. 11, 2016), modified.

Commission Comment: The Commission numbered this section and renumbered subsections pursuant to [1 CMC § 3806](#)(a). The Commission substituted “section” in subsections (c) and (d) for “subsection” pursuant to [1 CMC § 3806](#)(d). The Commission struck the figure “that” in subsection (b)(2) as a mere repetition of written words pursuant to [1 CMC § 3806](#)(e). The Commission treated the special typeface “;” in subsection (b)(3)(vi) as a drafting mark pursuant to [1 CMC § 3806](#)(g).