

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

§ 10601. Firearm Owner's Identification Card requirement exceptions.

(a) No person may acquire or possess any firearm within the Commonwealth without having in his or her possession a current Firearm Owner's Identification Card previously issued in his or her name by the Department of Public Safety under the provisions of this Division.

(b) No person may acquire or possess firearm ammunition within the Commonwealth without having in his or her possession a current Firearm Owner's Identification Card previously issued in his or her name by the Department of Public Safety under the provisions of this Division.

(c) The provisions of this Division regarding the possession of firearms and firearm ammunition shall not apply to:

(1) Any duly sworn law enforcement officer of the United States, 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) A common carrier, warehouseman, or other person engaged in the business of transporting or storing goods, to the extent that the possession or receipt of any firearm is in the ordinary course of business and not for the personal use of any such person;

(4) A person being loaned a firearm solely for the purpose of shooting at targets, if the loan occurs on the premises of a properly licensed target facility, and the firearm is at all times kept within the premises of the target range;

(5) A person who has acquired a firearm by operation of law upon the death of the former owner of the firearm within the preceding 60 days;

(6) A person lawfully transporting a firearm through the Commonwealth in accordance with 18 U.S.C. § 926A;

(7) Federal officials required to carry firearms, while engaged in the operation of their official duties;

(8) Members of bona fide veterans' organizations which receive firearms directly from the Armed Forces of the United States, while using the firearms for ceremonial purposes with blank ammunition;

(9) Color guards of bona fide veterans' organizations or members of bona fide American Legion bands while using firearms for ceremonial purposes with blank ammunition; or

(10) Any person who temporarily possesses a firearm while participating in a firearms training and safety class conducted by a firearms instructor.

(d) Each applicant for a Firearm Owner's Identification Card must:

(1) Make application on blank forms prepared and furnished by the Department of Public Safety, or by electronic means, if and when made available by the Department of Public Safety;

(2) Be accompanied by a nonrefundable fee to be established by the Department of Public Safety; provided, that such fee shall, in the judgment of

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the Department of Public Safety, reimburse the Department for the cost of services provided under this Division;

(3) Submit evidence to the Department of Public Safety that:

(i) The applicant is 21 years of age or over, unless

(A) The applicant is serving in the Armed Forces of the United States or was honorably discharged therefrom; or

(B) The applicant is defined as law enforcement under Chapter 1 of this Division;

(ii) The applicant has not been convicted of, and is not charged with, a crime punishable by imprisonment for more than one year under the laws of this or any other jurisdiction;

(iii) The applicant is not addicted to a controlled substance;

(iv) The applicant has not been a patient in a mental health facility within the past five years or, if the applicant has been a patient in a mental health facility more than five years ago, submit the certification required under [6 CMC § 10610\(b\)](#).

(v) The applicant is not intellectually disabled as defined in [6 CMC § 10101\(w\)](#).

(vi) The applicant is not an alien who is unlawfully present in the United States under the laws of the United States;

(vii) The applicant is not an alien who has been admitted to the United States under a non-immigrant visa (as that term is defined in Section 1101(a)(26) of the Immigration and Nationality Act (8 U.S.C. § 1101(a)(26));

(viii) The applicant is not subject to an existing order of protection in this or any other jurisdiction;

(ix) He or she has not been convicted of violating an order of protection or a substantially similar offense in this or another jurisdiction;

(x) The applicant has not been convicted of, and is not currently facing charges for, for an act of violence or an act involving a firearm under the laws of this or any other jurisdiction;

(xi) The applicant has not been convicted within 10 years prior to the application of any:

(A) Violation in any jurisdiction of any law restricting the use, possession, or sale of any controlled substance, or dangerous drug; or

(B) Two or more violations of [9 CMC § 7105](#), or, in this or any other jurisdiction, any law restricting the operation of a motor vehicle or vessel under the influence of alcohol or drugs;

(xii) The applicant has not been convicted of battery, assault, or a substantially similar offense in this or another jurisdiction, in which a firearm was used or possessed;

(xiii) The applicant is not currently charged with and has not been convicted of an act involving domestic violence as defined by Commonwealth law, or a substantially similar offense in another

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jurisdiction, or an offense involving domestic violence in another jurisdiction;

(xiv) The applicant is not currently charged with and has not been convicted of stalking as defined by Commonwealth law, or a substantially similar offense in another jurisdiction, or an offense involving domestic violence in another jurisdiction;

(xv) The applicant is not prohibited from acquiring or possessing firearms or firearm ammunition by federal law, including the prohibitions against persons convicted of crimes of domestic violence under 18 U.S.C. § 922;

(xvi) The applicant is not prohibited from acquiring or possessing firearms or firearm ammunition by court order;

(xvii) The applicant is not an adult who had been adjudicated in accordance with the Juvenile Justice Act for the commission of an offense that if committed by an adult would be a felony;

(xviii) The applicant is a resident of the Commonwealth;

(xix) The applicant has not been adjudicated as a mentally disabled person;

(xx) The applicant has not been involuntarily admitted into a mental health facility within the past five years; and

(xxi) The applicant is not developmentally disabled as defined by [6 CMC § 10101\(p\)](#);

(xxii) The applicant has not been discharged from the Armed Forces under dishonorable conditions; and

(xxiii) The applicant is a citizen of the United States, a United States National, or a lawful permanent resident of the United States.

(4) Upon request by the Department of Public Safety, sign a release on a form prescribed by the Department of Public Safety waiving any right to confidentiality and requesting the disclosure to the Department of Public Safety of limited mental health institution admission information from another state, the District of Columbia, any other territory of the United States, or a foreign nation concerning the applicant for the sole purpose of determining whether the applicant is or was a patient in a mental health institution and disqualified because of that status from receiving a Firearm Owner's Identification Card. No mental health care or treatment records may be requested. The information received shall be destroyed within one year of receipt.

(5) Each applicant for a Firearm Owner's Identification Card shall furnish to the Department of Public Safety either a Commonwealth driver's license number or Commonwealth Identification Card number, except as provided in subsection (d)(6) of this section.

(6) Each applicant for a Firearm Owner's Identification Card, who is employed as a law enforcement officer or by the United States military permanently assigned in the Commonwealth and who is not a Commonwealth

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resident, shall furnish to the Department of Public Safety a driver's license number or state identification card number from the applicant's state of residence.

(e) If an applicant for a Firearm Owner's Identification Card moves from the residence address named in the application, the applicant shall immediately notify in a form and manner prescribed by the Department of Public Safety of that change of address.

(f) Each applicant shall be fingerprinted in order to conduct an efficient and adequate investigation into the application and to effectuate the purposes of this Division. The Department of Public Safety shall maintain a record of the fingerprints of sufficient quality to enable periodic investigation to ensure compliance with this Division.

(g) The Department of Public Safety shall take a digitalized, full-face photograph of each applicant, other than an organization, to be included as part of a person's application. The photo shall be taken simultaneously with the filing of the application.

(h) Each application form shall include the following statement printed in bold type: "Warning: Entering false information on an application for a Firearm Owner's Identification Card is punishable as a felony in accordance with [6 CMC § 10607](#) of SAFE II."

(i) Each applicant (the president or chief executive in the case of an organization) shall sign an oath or affirmation attesting to the truth of all the information required by this Chapter. Any declaration, certificate, verification, or statement made for purposes of this Chapter shall be made under penalty of perjury.

Source: [PL 19-73](#) § 4 (Dec. 1, 2016), modified.

Commission Comment: The Commission renumbered this section and its subsections pursuant to [1 CMC § 3806](#)(a). The Commission changed the reference "(d)(3)(Y)" to "(d)(6)" in (d)(5) to agree with the renumbered subsection pursuant to [1 CMC § 3806](#)(c). The Commission substituted "[6 CMC § 10610](#)(b)" for "§ 610(b) of this Division" in (d)(3)(iv), "[6 CMC § 10101](#)(w)" for "§ 101(u) of [Public Law 19-42](#)" in (d)(3)(v), "[6 CMC § 10101](#)(p)" for "§ 101(o) of [Public Law 19-42](#)" in (d)(3)(xxi), and "[6 CMC § 10607](#)" for "§607" in (h) 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 "or" at the end of (c)(6), inserted "or" at the end of (c)(9), struck "and" at the end of (d)(1), changed "5" to "five" in (d)(3)(iv), changed "Section 101(a)(26)" to "Section 1101(a)(26)" in (d)(3)(vii), inserted "or" at the end of (d)(3)(xi)(A), and inserted "and" at the end of (d)(3)(xxii) pursuant to [1 CMC § 3806](#)(g).