

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

§ 10610. Grounds for denial and revocation.

(a) The Department of Public Safety has authority to deny an application for or to revoke and seize a Firearm Owner's Identification Card previously issued under this Division 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:

- (1) A person under 21 years of age, unless
 - (i) The applicant is serving in the Armed Forces of the United States or was honorably discharged therefrom; or
 - (ii) The applicant is defined as law enforcement under Chapter 1 of this Division;
- (2) Has been convicted of, or is charged with, a crime punishable by imprisonment for more than one year under the laws of this or any other jurisdiction;
- (3) A person addicted to a controlled substance;
- (4) A person who has been a patient of a mental health facility within the past five years or a person who has been a patient in a mental health facility more than five years ago who has not received the certification required under subsection (b) of this section;
- (5) A person whose mental condition is of such a nature that it poses a clear and present danger to the applicant, any other person or persons or the community;
- (6) A person who is intellectually disabled;
- (7) A person who intentionally makes a false statement in the Firearm Owner's Identification Card application;
- (8) An alien who is unlawfully present in the United States under the laws of the United States;
- (9) An alien who has been admitted to the United States under a nonimmigrant visa (as that term is defined in Section 1101(a)(26) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(26));
- (10) Was convicted within 10 years prior to the application of any:
 - (i) Violation in any jurisdiction of any law restricting the use, possession, or sale of any narcotic or dangerous drug;
 - (ii) 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;
- (11) A person who has been convicted of battery, assault, or a substantially similar offense in this or another jurisdiction, in which a firearm was used or possessed;
- (12) A person who has been convicted of violating an order of protection or a substantially similar offense in this or another jurisdiction;
- (13) A person who is charged with an act of violence or an act involving a firearm;
- (14) A person who is currently charged with or has been convicted of an act involving domestic violence as defined by Commonwealth law, or a

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

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

(15) A person who is currently charged with or has been convicted of stalking as defined by Commonwealth law, or a substantially similar offense in another jurisdiction, or an offense involving stalking in another jurisdiction;

(16) Any person who is 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;

(17) A person who is or was at the time of application or issuance subject to an existing order of protection;

(18) A person who is prohibited from acquiring or possessing firearms or firearm ammunition by court order or Commonwealth law;

(19) 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;

(20) A person who is not a resident of the Commonwealth;

(21) A person who has been adjudicated as a mentally disabled person;

(22) A person who has been found to be developmentally disabled;

(23) A person involuntarily admitted into a mental health facility. A person who has been involuntarily committed within the past five years or a person who was involuntarily committed more than five years ago who has not received the certification required under subsection (b) of this section;

(24) A person who has been discharged from the Armed Forces under dishonorable conditions; or

(25) A person who is not a United States citizen, United States national, or lawful permanent resident of the United States.

(b) A person who has had his or her Firearm Owner's Identification Card revoked or denied under [6 CMC § 10601\(d\)\(3\)\(iv\)](#) because he or she was a patient in a mental health facility as provided in subsection (a)(4) of this section or a person who was involuntarily committed as provided in subsection (a)(23) of this section, shall not be permitted to obtain a Firearm Owner's Identification Card, after the five-year period has lapsed, unless he or she has received a mental health evaluation by a physician, clinical psychologist, or qualified examiner, and has received a certification that he or she is not a clear and present danger to himself, herself, or others. The physician, clinical psychologist, or qualified examiner making the certification and his or her employer shall not be held criminally, civilly, or professionally liable for making or not making the certification required under this subsection. This subsection does not apply to a person whose firearm possession rights have been restored through administrative or judicial action pursuant to this Division.

(c) Upon revocation of a person's Firearm Owner's Identification Card, the Department of Public Safety shall provide notice to the person and the person shall comply with [6 CMC § 10614](#).

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

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

Commission Comment: The Commission renumbered this section and certain subsections pursuant to [1 CMC § 3806\(a\)](#). The Commission substituted “[6 CMC § 10601\(d\)\(3\)\(iv\)](#)” for “§603 (d)(3)(D) of this Chapter” in (b) and “[6 CMC § 10614](#)” for “§614 of this Division” in (c) 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 changed “5” to “five” in (a)(4) and (a)(23), “Section 101(a)(26)” to “Section 1101(a)(26)” in (a)(9), and “charge” to “charged” in (a)(15) pursuant to [1 CMC § 3806\(g\)](#).