

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

§ 10803. Private transfers.

(a) Where neither party to a prospective firearms transaction is a licensed firearms vendor under Chapter 8 of this Division, the parties to the transaction shall complete the sale or other transfer through a licensed firearms vendor as follows:

(1) The seller or other transferor shall deliver the firearm to the licensed firearms vendor, who shall retain possession of the firearm until all legal requirements for the sale or other transfer have been met, including compliance with any Commonwealth or federal waiting periods;

(2) The licensed firearms vendor shall process the sale or other transfer as if he or she were the seller or other transferor. The licensed firearms vendor shall comply with all requirements of Commonwealth and federal law that would apply if he or she were the seller or other transferor of the firearm;

(3) If the licensed firearms vendor cannot legally deliver the firearm to the purchaser or other transferee, the licensed firearms vendor shall require proof that the seller is in possession of a valid firearm registration certificate, and, if the seller has a firearm registration certificate and the return is not prohibited by Commonwealth or federal law, return the firearm to that person;

(i) Subsection (a)(3) shall not prohibit a person from receiving their firearm back from a firearm vendor if the person acquired their firearm by operation of law upon the death of the former owner of the firearm within the preceding 60 days.

(4) If the vendor cannot legally return the firearm to the seller or other transferor, the vendor shall store the firearm until it can be transferred or otherwise disposed of as provided by law; and

(5) The vendor may require the purchaser or other transferee to pay a fee covering the administrative costs incurred by the vendor for facilitating the transfer of the firearm.

(b) Alternatively, where neither party to a prospective firearms transaction is a licensed firearms vendor under Chapter 8 of this Division, the parties to the transaction may complete the sale or other transfer at the Department of Public Safety as follows:

(1) The parties to the transaction shall notify the Department of Public Safety in a manner to be determined by regulation to schedule a time for transfer. The firearm must be transported to and from the Department of Public Safety in a locked container, unloaded, separate from ammunition, and in open view. A person transporting a firearm to the Department of Public Safety in accordance with this subsection is exempt from [6 CMC § 10401\(a\)](#).

(2) The Department of Public Safety shall ensure that the purchaser is in possession of a valid Firearm Owner's Identification Card before releasing the firearm to the purchaser.

(3) If the Department of Public Safety cannot legally deliver the firearm to the purchaser or other transferee, the Department of Public Safety shall require proof that the seller is in possession of a valid Firearm Owner's Identification

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Card, and, if the seller has a valid Firearm Owner's Identification Card and the return is not prohibited by Commonwealth or federal law, return the firearm to that person;

(i) Subsection (b)(3) shall not prohibit a person from receiving their firearm back from the Department of Public Safety if the person acquired their firearm by operation of law upon the death of the former owner of the firearm within the preceding 60 days.

(4) If Department of Public Safety cannot return the firearm to the seller or other transferor, the Department of Public Safety shall store the firearm until it can be transferred or otherwise disposed of as provided by law; and

(5) The Department of Public Safety may authorize, by regulation, a fee to reimburse the Department for the administrative costs of services provided under this section.

(6) Private transfers under this subsection shall be subject to the firearm waiting period contained in [6 CMC § 10851](#) as if the Department of Public Safety were a licensed firearm vendor.

(7) If a licensed firearm vendor is available to complete the private transfer of firearms on a particular island, then the Department of Public Safety may, by regulation, decline to complete the private transfer of firearms under subsection (b).

Source: [PL 19-73](#) § 7 (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 § 10401](#)(a)" for "§ 401(a) of [PL 19-42](#)" in (b)(1) and "[6 CMC § 10851](#)" for "§ 10001" in (b)(6) pursuant to [1 CMC § 3806](#)(c)–(d), (g). The Commission substituted "Subsection (a)(3)" for "This subsection" in (a)(3)(i) and "Subsection (b)(3)" for "This Subsection" in (b)(3)(i) pursuant to [1 CMC § 3806](#)(d). The Commission changed capitalization for the purpose of conformity pursuant to [1 CMC § 3806](#)(f). The Commission changed "Owners" to "Owner's" in (b)(2) and changed "§ 903(b) to "subsection (b)" in (b)(7) pursuant to [1 CMC § 3806](#)(g).