

AN ACT

To provide penalties for allowing minors access to firearms; and for other purposes.

**BE IT ENACTED BY THE TWELFTH NORTHERN MARIANAS
COMMONWEALTH LEGISLATURE:**

Section 1. . Title. This Act shall be known as "The Minor Children Firearms Control Act of 2000."

Section 2. Findings and Purpose. The Legislature finds that there is a problem in the Commonwealth with minor children having access to firearms. Many firearm owners keep the weapon in their houses, where children can find it.

This Act has three purposes. First, the Legislature wishes to make it very clear that persons who allow minors access to firearms will be civilly liable for any damage that the firearms may cause, whether to the minor child or to any other person or property. Second, the Legislature wishes to impose criminal penalties on persons who deliberately give possession of firearms to minor children. Third, the Legislature also wishes to penalize persons who fail to secure their firearms in a reasonable manner so those minors do not have access to them.

Section 3. Civil Liability. Any person who owns or possesses a firearm shall have a positive duty to take all reasonable precautions to keep that firearm out of the possession of minors. Any person who fails in this duty shall be civilly liable for any damages caused to any person as a result.

Section 4. Criminal Liability.

- a) Giving a Firearm to a Minor. Any person who allows a minor to use or possess a firearm without adult supervision shall be guilty of a misdemeanor punishable by a fine of not more than One Thousand Dollars (\$1,000.00) and thirty days imprisonment.
- b) Any person who owns or possesses a firearm, and who fails to secure that firearm in such a manner that it is not easily accessible to minor children, shall be guilty of a misdemeanor punishable by not more than Five Hundred Dollars (\$500.00) and three days imprisonment.

"Easily accessible" means that the minor child can get access to the firearm without unusual exertions such as breaking a door or window, picking a lock, etc. For purposes of this subsection, a firearm that is kept locked in a secure location with the key or combination kept out of the possession of minor children, shall be presumed not easily accessible.

Section 5. Severability. If any provision of this Act or the application of any such provision to any person or circumstance should be held invalid by a court of competent jurisdiction, the remainder of this Act or the application of its provisions to persons or circumstances other than those to which it is held invalid shall not be affected thereby.

Section 6. Savings Clause. This Act and any repealer contained herein shall not be construed as affecting any existing right acquired under contract or acquired under statutes repealed or under any rule, regulation or order adopted under the statutes. Repealers contained in this Act shall not affect any proceeding instituted under or pursuant to prior law. The enactment of this Act shall not have the effect of terminating, or in any way modifying, any liability, civil or criminal, which shall already be in existence at the date this Act becomes effective.

Section 7. Effective Date. This Act shall take effect upon its approval by the Governor or upon its becoming law without such approval.

CERTIFIED BY:

/s/ Benigno R. Fitial
BENIGNO R. FITIAL
SPEAKER OF THE HOUSE

ATTESTED TO BY:

/s/ Evelyn C. Fleming
EVELYN C. FLEMING
HOUSE CLERK

Approved this 1st day of September, 2000

/s/ Pedro P. Tenorio
PEDRO P. TENORIO
GOVERNOR
COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS