

A Project of the Graduate Institute of  
International and Development Studies, Geneva

# small arms survey 2011



## states of security

**Chapter 9**  
**Balancing Act: Regulation of  
Civilian Firearm Possession**

By Sarah Parker

CAMBRIDGE

### About the Small Arms Survey

The Small Arms Survey is an independent research project located at the Graduate Institute of International and Development Studies in Geneva, Switzerland. It serves as the principal source of public information on all aspects of small arms and armed violence and as a resource centre for governments, policy-makers, researchers, and activists. The project has an international staff with expertise in security studies, political science, law, economics, development studies, sociology, and criminology, and collaborates with a network of partners in more than 50 countries.

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Cover photograph: Lucy Nicholson/Reuters



Copy-editing: Tania Inowlocki

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Printer: nbmedia, Geneva

# Balancing Act

## REGULATION OF CIVILIAN FIREARM POSSESSION

### INTRODUCTION

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In all but a handful of countries around the world,<sup>1</sup> civilians are permitted to purchase and possess firearms—with restrictions. While only a fraction of the world's civilians own guns, they possess a total of some 650 million—representing nearly three-quarters of the global firearm arsenal or approximately three times the number held by national armed forces and law enforcement (Small Arms Survey, 2007, p. 43; 2010, pp. 101–02). Permitted civilian uses of firearms typically include sport shooting, hunting, self-defence, and some types of professional work. Underpinning most national approaches to civilian firearm possession is an attempt to balance the prevention of social harm (crime, interpersonal violence, and suicide) with legitimate civilian use.

Although civilian firearm regulation has been debated in multilateral circles over the past two decades, it has largely eluded international control efforts. It is the prerogative of each country, based on its own mix of cultural, historical, and constitutional factors, to regulate civilian gun ownership as it sees fit. The resulting complexity and diversity of approaches make a comparative analysis of states' efforts to regulate civilian possession very difficult, and thus relatively few such studies have been undertaken.

This chapter seeks to fill this gap by analysing the legislation governing civilian access to and use of firearms in a sample of 42 jurisdictions (28 countries and 14 sub-national entities). The chapter aims to illustrate both the diversity of existing laws and their common features and foundations. The chapter does not, however, assess the efficacy or suitability of particular civilian possession laws, nor does it investigate the extent to which they have been implemented, enforced, or observed. Its principal conclusions regarding the jurisdictions under review include the following:

- A fundamental distinction can be made between jurisdictions that regard civilian firearm ownership as a basic right (two states) and those that treat it as a privilege (all others).
- Almost all states prohibit or restrict civilian access to weapons that they consider ill-suited to civilian use.
- The vast majority of states have a system of licensing in place to prevent certain types of civilians from owning firearms. In making their assessments, however, many use considerable discretion, rather than following specific criteria.
- Many states register firearms or maintain a record of firearms owned; these states tend to have centralized systems of registration.
- Most states require civilians to have a 'genuine reason' for owning a weapon.
- Some states permit the possession of firearms for self-defence, while others explicitly refuse licence applications for such purposes.

The first section of this chapter explains how the states in the sample were selected, provides a general overview of international and regional efforts to address civilian possession, and discusses legislative responses to mass shootings. The second section examines how states regulate the *firearm*,<sup>2</sup> providing an overview of what types of firearms

civilians may be authorized to possess and which states keep centralized records of firearms in civilian hands. The third section explores how states regulate the civilian *user*, including the criteria used to determine eligibility to possess a firearm, how the licensing process works, and whether states permit private sales of firearms. The final section reviews how states regulate the *use* of civilian firearms, including the extent to which states require a reason to possess a firearm and the conditions that apply to firearm ownership. This section also considers the different approaches states take to the use of firearms in self-defence and their relationship to broader attitudes towards civilian gun access. The two annexes to this chapter present details on owner licensing criteria and genuine reasons for owning a firearm (Annexe 9.1) and on conditions of firearm ownership (Annexe 9.2). Both annexes provide comprehensive referencing.

This study offers an overview of civilian possession laws in the selected countries using a series of tables to compare and summarize specific elements of national and sub-national controls. Although not agreed in any international negotiating forum, the elements of civilian gun control used to structure the tables have figured in various international reports and documents, such as the *United Nations International Study on Firearm Regulation* (UNCJIN, 1999), the UN Development Programme's *How to Guide: Small Arms and Light Weapons Legislation* (UNDP, 2008), and the draft International Small Arms Control Standard on national controls over the access of civilians to small arms and light weapons of the UN Coordinating Action on Small Arms (UNCASA, forthcoming).

## SETTING THE STAGE

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### Countries and sub-national entities under review

To provide a balanced picture of national and sub-national laws covering civilian firearm possession, this chapter reviews countries from each region of the world; these states have varying rates of civilian gun ownership, distinct legal systems, and diverse attitudes towards firearm controls. National legislation (laws and regulations) has been identified through official government websites, where available, or through citations and references to national legislation contained in states' national reports on the implementation of the UN Programme of Action on Small Arms (PoA) (UNGA, 2001). Based on a review of available resources, the following 28 countries were included in the study:

- **Africa:** Egypt, Kenya, South Africa, Uganda;
- **Americas:** Belize, Brazil, Canada, Colombia, Dominican Republic, United States, Venezuela;
- **Asia:** India, Israel, Japan, Kazakhstan, Singapore, Turkey, Yemen;
- **Europe:** Croatia, Estonia, Finland, Lithuania, Russian Federation, Switzerland, United Kingdom;
- **Oceania:** Australia, New Zealand, Papua New Guinea.

In countries with federal systems, such as Australia and the United States, the primary regulators of civilian possession are typically the sub-national entities (states or territories), rather than the national (federal) government. In Australia, no single federal law covers all six states and two territories; in the United States, extensive state legislation supplements basic federal laws. Firearm legislation in all Australia's six states and two territories is included and analysed in this study. Six US states are included: three states with some of the most extensive controls (California, Massachusetts, and New Jersey) and three states with some of the least extensive controls (Arizona, Florida, and Texas).<sup>3</sup> All told, this chapter takes account of legislation in a total of 42 jurisdictions.<sup>4</sup>

## Civilian possession in regional and international instruments

Over the past 20 years, UN member states have periodically highlighted the need for countries to review their national civilian possession laws. However, the focus of regional and international attention and efforts has generally been on combating the transnational illicit trade in small arms, with comparatively little consideration of regulating civilian possession at the national level. In fact, the issue of civilian possession was expressly removed from the discussion table during the 2001 PoA deliberations.

### International level

International interest in and attention to the issue of civilian firearm regulation peaked in the mid-1990s with the adoption of a series of resolutions by the Economic and Social Council (ECOSOC) of the United Nations calling for the Secretary-General to initiate the exchange of data and other information on the regulation of firearms, including an international study of firearm regulation (ECOSOC, 1995, paras. IV.7–8). A July 1997 ECOSOC resolution emphasizes the importance of state responsibility for effective regulation of civilian possession of small arms, and encourages member states to consider regulatory approaches to the civilian use of firearms that include the following common elements:

The focus of international attention has been on combating the illicit trade in small arms.

- a) Regulations relating to firearm safety and storage;
- b) Appropriate penalties and/or administrative sanctions for offences involving the misuse or unlawful possession of firearms;
- c) Mitigation of, or exemption from, criminal responsibility, amnesty or similar programmes [ . . . ] to encourage citizens to surrender illegal, unsafe or unwanted firearms;
- d) A licensing system [ . . . ] to ensure that firearms are not distributed to persons convicted of serious crimes or other persons who are prohibited under the laws of the respective Member States from owning or possessing firearms;
- e) A record-keeping system for firearms (ECOSOC, 1997, para. 5).

Based on these regulatory approaches, and in view of the four regional workshops on firearm regulation that were to be held in Brazil, India, Slovenia, and Tanzania in 1997, the resolution sought to include on the agenda the possible development of a UN declaration of principles regarding civilian firearm regulation (ECOSOC, 1997, para. 6).

That same year, the UN published the *United Nations International Study on Firearm Regulation*, based on a survey conducted at the request of ECOSOC on the recommendation of the UN Commission on Crime Prevention and Criminal Justice (UNCJIN, 1999). The study, which was updated in 1999, originated amid concerns over the high incidence of crime, accidents, and suicides involving firearms and over the lack of appropriate legal controls governing their possession and storage as well as training in their use. It was intended as a first step in a larger project involving the establishment of a database on firearm regulation, to be maintained by the Vienna-based Centre for International Crime Prevention, and the preparation of biennial reports on national firearm regulation.

The 1999 *Report of the UN Disarmament Commission* further encourages states to introduce appropriate national legislation, administrative regulations, and licensing requirements defining the conditions under which private citizens can acquire, use, and trade firearms. The report urges states to: ‘consider the prohibition of unrestricted trade and private ownership of small arms and light weapons specifically designed for military purposes, such as automatic guns (e.g., assault rifles and machine-guns)’ (UNGA, 1999, annex III, para. 36).

Although states continued to work together to address illicit trafficking and illicit manufacturing of small arms, with the eventual adoption of the Firearms Protocol in 2001, the discussion of civilian possession regulation effectively stalled. Plans to implement a second study were abandoned; the envisaged database and regular reports on

firearm regulation never materialized; and the topic of ‘measures to regulate firearms’ ceased to appear on the agenda of the UN Commission on Crime Prevention and Criminal Justice after its seventh session in 1998. International attention shifted away from civilian possession towards illicit trafficking and international tracing of small arms, as well as the management of state-held stockpiles and surplus disposal.

### Regional instruments

While civilian possession has faded from the global policy discussion, it has remained part of a number of regional discussions and agreements. Since 1991, at least eight regional agreements covering more than 110 countries have touched on elements of civilian possession—typically in the context of armed violence prevention or efforts to address illicit trafficking and manufacturing (see Table 9.1). These agreements are either intended to be incorporated into participating states’ national law, to guide the adoption of legislation meeting minimum requirements, or to set broad standards and norms.<sup>5</sup> Four of the eight agreements are legally binding.<sup>6</sup>

**Table 9.1 Civilian possession provisions of regional instruments**

Instrument	Provisions
<b>Africa</b>	
<b>Bamako Declaration</b> (Bamako Declaration on an African Common Position on the Illicit Proliferation, Circulation and Trafficking of Small Arms and Light Weapons) <sup>7</sup>	Recommends that member states establish, among other things, illegal possession of small arms and light weapons, ammunition, and other related material as a criminal offence under national law (OAU, 2000, art. 3(A)(iii)).
<b>SADC Firearms Protocol</b> (Protocol on the Control of Firearms, Ammunition and Other Related Materials in the Southern African Development Community Region) <sup>8</sup>	Obliges states parties to incorporate the following elements into national law: prohibition of unrestricted possession by civilians; prohibition on possession and use of light weapons by civilians; registration of all civilian-owned firearms; provisions on safe storage and use, competency testing, and restrictions on owners’ rights to relinquish control, use, and possession; the monitoring and auditing of firearm licences, and the restriction on the number of firearms that may be owned; prohibition on pawning and pledging of firearms, ammunition, and other related materials; and prohibition on misrepresentation or withholding of any information given during the application process (SADC, 2001, art. 5(3)). Also recommends a coordinated review of national procedures and criteria for issuing licences and establishing national electronic databases of licensed firearms, firearm owners, and dealers within their territories (art. 7).
<b>Nairobi Protocol</b> (Nairobi Protocol for the Prevention, Control and Reduction of Small Arms and Light Weapons in the Great Lakes Region and the Horn of Africa) <sup>9</sup>	Almost identical provisions to SADC Firearms Protocol but also requires registration and effective control of arms owned by private security companies and prohibits the civilian possession of semi-automatic and automatic rifles and machine guns and all light weapons (Nairobi Protocol, 2004, art. 5).
<b>ECOWAS Convention</b> (ECOWAS Convention on Small Arms and Light Weapons, Their Ammunition and Other Related Materials) <sup>10</sup>	Prohibits the possession, use, and sale of light weapons by civilians; encourages licensing systems, including the following criteria: minimum age; no criminal record or the subject of a morality investigation; proof of a legitimate reason to possess, carry, or use; proof of safety training and competency training; proof of safe storage and separate storage of ammunition. Also requires: limit on the number of weapons a licence may cover; waiting period of at least 21 days; expiration dates on licences and periodic reviews; seizure laws and revocation of licences for contraventions of possession laws; and adequate sanctions and penalties for illicit possession and use (ECOWAS, 2006, art. 14).

<b>Americas<sup>11</sup></b>	
<b>Andean Plan</b> (Andean Plan to Prevent, Combat and Eradicate Illicit Trade in Small Arms and Light Weapons in All Its Aspects) <sup>12</sup>	Encourages improvement and reinforcement of civilian possession regulations (Andean Community, 2003, art. 4(e)); recommends the establishment of illicit possession, carrying, and use of small arms as a criminal offence under national law (art. 3).
<b>Europe</b>	
<b>European Weapons Directive</b> (Council Directive 91/477/EEC of 18 June 1991 on Control of the Acquisition and Possession of Weapons, as amended by Directive 2008/51/EC of the European Parliament and of the Council) <sup>13</sup>	Lays down minimum conditions for the acquisition and possession of firearms and ammunition including: prohibition on certain firearms (including automatic firearms) (Council of the European Union, 1991, art. 6); restrictions on certain categories of weapons (including semi-automatic firearms), for example, persons must have 'good cause'; must be at least 18 years old (except for hunting and target shooting); must not be a danger to themselves, to public order, or to public safety (art. 5); also requires member states to establish a computerized data filing system to record information on firearms, owners, and sellers (art. 4).
<b>Middle East</b>	
<b>Arab Model Law on Weapons, Ammunitions, Explosives and Hazardous Material<sup>14</sup></b>	Contains provisions regarding the possession of weapons and ammunition including: requirement for a licence or permit to possess firearms (League of Arab States, 2002, art. 6); recommendations to restrict the amount of ammunition that can be possessed or carried (art. 8); limits on the number of weapons that an individual can be licensed to possess ('one rifle, one gun, two hunting weapons') (art. 10); licensing criteria including: age requirement (at least 21 years old); competency ('fully responsible/be of sound mind'); no criminal convictions; physical fitness (art. 23); as well as provisions regarding the cancellation of licences; the obligation to report lost or stolen weapons within three days; and associated criminal penalties.
<b>Oceania</b>	
<b>Nadi Framework</b> (in Legal Framework for a Common Approach to Weapons Control Measures) <sup>15</sup>	Establishes a requirement that civilians have a 'genuine reason' for possessing a gun and identifies acceptable reasons; lists firearms that should be prohibited for civilian possession; suggests a permit scheme and process for licensing civilians and keeping a register relating to possession and sale (SPCPC and OCO, 2000).

## Approaches to regulating civilian possession

It is difficult to make generalizations about the legislative processes of countries with vastly different executive structures and political systems. However, it is clear that the process of passing laws is often a complex one, involving a range of interdependent factors—including public advocacy, private interests, social mobilization, prevailing national priorities, and even interpersonal relations between policy-makers, among many others. In the case of civilian possession laws, attitudes to and experiences of gun use and gun crime may be as important as all of these factors in shaping laws.

States take one of two general approaches to civilian possession of firearms: they treat it as a basic 'right' or consider it a 'privilege'. In some countries there is an automatic entitlement to have a gun unless certain factors apply (such as a serious criminal conviction), while in most others there is a presumption against civilians owning firearms unless certain conditions and requirements are met. Legislation reviewed for this chapter suggests that the vast majority of states fall into the latter category. This distinction informs the nature and, in some cases, the extent of the regulations states impose.

### Box 9.1 Legislative and policy responses to mass shootings

**Australia.** Public mass shootings were instrumental in modifying Australia's civilian gun regulations in the late 1980s. The National Committee on Violence was established in Australia following two mass killings in Melbourne in 1987.<sup>16</sup> The Committee produced a report on violence reduction strategies, *Violence: Directions for Australia*, including recommendations for firearm controls. Between 1991 and 1995 the Australasian Police Ministers' Council (APMC)—responsible for coordinating gun control among Australia's six states and two territories—drew up a series of recommendations for harmonizing the different registration and licensing systems in these jurisdictions (Norberry, Woolner, and Magarey, 1996).

Concrete action was not taken until the Port Arthur massacre in Tasmania in April 1996, in which 35 people were shot and killed and many others were injured (Norberry, Woolner, and Magarey, 1996). During an emergency meeting of the APMC following the massacre, all state and territory governments committed to enacting uniform laws under what became known as the 'Nationwide Agreement on Firearms'. The agreement included the following significant changes to civilian gun laws: (a) a general ban on the use of semi-automatic rifles and shotguns and pump-action shotguns, except for specific purposes; (b) requirement of proof of a genuine reason to own, possess, or use a gun and special need for some licence categories; (c) basic licence requirements including a minimum age of 18 years, safety training as a prerequisite, and a 28-day waiting period on each purchase; (d) the introduction of nationwide registration of all firearms; and (e) strict storage requirements (APMC, 1996).

**Canada.** In the wake of Canada's worst mass shooting, in which 14 women were killed on the campus of the University of Montreal's Ecole Polytechnique in 1989, the government introduced a requirement that *all* firearms be registered. Prior to the incident, only restricted firearms (including handguns and assault weapons) had to be registered; non-restricted firearms (namely long guns used for hunting and sport shooting) did not (Canada, 1995, para. 83.1; Makarenko, 2010).

**Germany.** School shootings in Erfurt (2002) and Emsdetten (2006) prompted the government to ban TASERs and dummy guns, as well as several other weapons in 2008 (Harding, 2009).

**Finland.** Two school massacres stunned Finland in 2007 and 2008, with gunmen killing eight and ten people, respectively, before taking their own lives (Burrige, 2010). The events led to proposed revisions to the country's firearm laws, including provisions that prohibit persons under 20 from obtaining a handgun ('pistol, small-calibre pistol, revolver') (Harding, 2009; Finland, 2009b). Other amendments under consideration by the end of 2010 included a requirement that all licence applicants pass an aptitude test as a prerequisite and undergo a suitability test (similar to that used by the Finnish military) as well as increased scope for the police to obtain information on an applicant's health, drug habits, violent behaviour, and military service record and suitability (Finland, 2009a; 2009b).

**New Zealand.** The Aramoana massacre of 1990, in which 13 people were killed with a semi-automatic rifle, prompted a review of and amendments to the Arms Act of 1983. Some of the changes included: (a) the introduction of a new class of gun—military-style semi-automatic (MSSA) firearms—and additional restrictions imposed on them; (b) licences ceased to be



An injured person is wheeled away from the University of Montreal after a gunman opened fire, killing 14 women and injuring four men at the Ecole Polytechnique before shooting himself, December 1989.  
© Shaney Komulainen/AP Photo





lifetime and were to be reviewed at ten-year intervals; (c) new restrictions on the mail-order purchase of firearms and ammunition; and (d) a prohibition on leaving firearms unattended in motor vehicles (New Zealand, 1992b; Newbold, 1998, pp. 116-17).

**United Kingdom.** Following the murder of 16 people in Hungerford, Berkshire, in August 1987, the Home Office introduced the Firearms (Amendment) Act of 1988, which expanded the class of prohibited weapons to include most semi-automatic rifles and smooth-bore shotguns, as well as self-loading or pump-action shotguns. Following the Dunblane (Scotland) massacre in March 1996, in which 16 primary school children and their teacher were murdered, a public inquiry on firearm control was undertaken that ultimately led to a ban on handguns (other than air guns, firearms for starting athletics races, and guns of historic interest) (UK, 1997, ss. 1(2), 2-8).

Civilian firearm regulations returned to the national agenda following a shooting in Cumbria in June 2010 in which 12 people were killed and 11 injured by a taxi driver in possession of a rifle and a shotgun. The Home Affairs Committee commenced a new inquiry to examine how firearm or shotgun certificates are issued, monitored, and reviewed, and whether revisions to these regulations were needed.<sup>17</sup>

**United States.** No country seems to have been more affected by public mass shootings than the United States—nor has any had such varied legal responses to them. The responses occur mainly at the state level, where most civilian gun regulations are enacted, and typically take two forms: increased criminal penalties for weapon-related offences conducted near schools and enhanced safe storage measures to prevent access of children and young adults to guns in the home. The latter reflects responses to mass shootings by young people at middle schools, high schools, and universities.<sup>18</sup> Many states have introduced specific penalties for adults who fail to prevent children from gaining access to loaded firearms (see Annex 9.2<sup>19</sup>). In other states, the response has focused on the perpetrator rather than the means. In Arkansas, for example, legislative reforms following the Jonesboro school shooting in 1998 (carried out by two boys aged 11 and 13) allowed juveniles to be tried as adults (Scott and Steinberg, 2008, p. 18; NYT, 1999).

In August 2008, the board of the small rural Harrold Independent School District in Texas unanimously approved a plan to allow teachers to bring concealed handguns into classrooms (Reuters, 2008). The rationale behind the arming of teachers was deterrence and quick response time. Since then many state legislatures in the United States have debated this issue of 'campus carry', with proposals ranging from ones that allow anyone, including students, with a concealed handgun permit to carry guns on school premises to those that allow only full-time staff who have undergone specialized police training to possess guns on school premises.<sup>20</sup> The idea of allowing teachers and, potentially, students to carry firearms at school as a deterrent stands in stark contrast to the earlier policy response of banning firearms on school premises.<sup>21</sup>

Following the deadliest mass shooting in US history—the Virginia Tech massacre of 2007<sup>22</sup>—the federal government passed national legislation providing incentives for states to improve their criminal and mental health record reporting to the Federal Bureau of Investigation's National Instant Criminal Background Check System (NICS). Under federal law, states are encouraged but not required to report all relevant mental health information (LCAV, 2008, p. 115).

The relationship between mass shootings and legal responses is far from clear.

Regardless of which approach they take, all states recognize the need to adopt certain measures to promote the safe use of firearms and to prevent misuse and threats to public safety, as well as the safety of the person in possession of the firearm. Indeed, rising crime rates may spark legislative action; more frequently, news-grabbing public incidents of gun violence inspire changes in firearm law. This is most noticeable in countries where gun violence is perceived as relatively rare, where mass shootings tend to stir up strong feelings on all sides and push civilian gun regulations into the spotlight. Over the past 20 years, mass shootings have motivated changes to civilian possession laws in at least seven of the countries under review, many addressing specific factors that underpinned the shootings (see Box 9.1).<sup>23</sup>

The precise relationship between mass shooting incidents and particular legal responses is far from clear. In many cases, these incidents have acted as a driver to strengthen gun laws, but because legislative responses are ultimately political, and thus negotiated, outcomes vary widely.

## REGULATING THE FIREARM

### Prohibited and restricted firearms

There is no internationally agreed definition or classification of ‘civilian’ versus ‘military’ firearms. Nevertheless, most countries reviewed in this chapter prohibit or severely restrict civilian access to and ownership of weapons they deem inappropriate for civilians or better suited to military use. Bans and restrictions may also target specific types of firearms that are disproportionately involved in crime, or weapons deemed unsuitable for authorized civilian uses (such as hunting and self-defence).

The descriptions and classifications of firearms that are subject to restriction or prohibition vary enormously across jurisdictions; in the absence of an internationally agreed classification system, it is not possible to assert that all or most of the reviewed countries absolutely ban a particular type of weapon. Generally speaking, however, most countries reviewed (with the exception of **Yemen**) prohibit possession of automatic firearms and restrict possession of semi-automatic firearms and handguns.<sup>24</sup>

Handgun restrictions vary from limiting civilian possession of certain types of handguns to permitting the possession of any handguns for certain uses only (or both). For example, **Lithuania** prohibits the possession of ‘short firearms’<sup>25</sup> whose calibre exceeds 9 mm for self-defence purposes (Lithuania, 2002, art. 7(4)), while **South Africa** grants licences for handguns (other than fully automatic ones) only for the purposes of hunting, sport shooting, and self-defence (South Africa, 2000, paras. 13, 16).

**Brazil** has two classifications: ‘restricted-use weapons’ and ‘unrestricted-use weapons’. The use and possession of automatic firearms and certain handguns are restricted to the armed forces, law enforcement agencies, and, in certain cases, to sport shooters, hunters, and small arms collectors. Restricted-use weapons and ammunition cannot be sold in gun shops; they can only be purchased directly from the factory with a special authorization from the Brazilian Army. Other handguns can be sold to civilians (Dreyfus and Perez, 2007, p. 44). Similarly, in the **Dominican Republic**, certain firearms are considered ‘war weapons’ and can only be used by government forces, including .45 calibre pistols, rifles, machine guns, carbines, artillery pieces, and other heavy weapons (Inoa, 2010).

Table 9.2 identifies what categories of firearms are prohibited or restricted in each of the jurisdictions under review; it also lists the penalties associated with unlawful possession of such weapons. The table reveals that most countries ban the possession of automatic firearms and machine guns and that many also have restrictions on civilian access to handguns.

Table 9.2 Overview of prohibited and restricted firearms for civilian possession<sup>26</sup>

Country/state	Automatic firearms	Semi-automatic firearms <sup>27</sup>	Handguns	Penalty for possessing prohibited firearm	Registration
Australia	● <sup>28</sup>	○	○	2-20 years <sup>29</sup>	F, O, L, T
Australian Capital Territory	● <sup>30</sup>	○ <sup>31</sup>	○ <sup>32</sup>	1-2 prohibited firearms: 10 years; 3-9 prohibited firearms: 14 years; 10+ prohibited firearms: 20 years <sup>33</sup>	F, O, L, T <sup>34</sup>
New South Wales	● <sup>35</sup>	○ <sup>36</sup>	○ <sup>37</sup>	14 years <sup>38</sup>	F, O, L, T <sup>39</sup>
Northern Territory	● <sup>40</sup>	○ <sup>41</sup>	○ <sup>42</sup>	AUD 53,200 (USD 52,300) or 2 years <sup>43</sup>	F, O, L, T <sup>44</sup>
Queensland	● <sup>45</sup>	○ <sup>46</sup>	○ <sup>47</sup>	4-7 years <sup>48</sup>	F, O, L, T <sup>49</sup>
South Australia	● <sup>50</sup>	○ <sup>51</sup>	○ <sup>52</sup>	10 years or AUD 50,000 (USD 50,000) <sup>53</sup>	F, O, L, T <sup>54</sup>
Tasmania	● <sup>55</sup>	○ <sup>56</sup>	○ <sup>57</sup>	2 years and/or AUD 6,500 (USD 6,400) <sup>58</sup>	F, O, L, T <sup>59</sup>
Victoria	● <sup>60</sup>	○ <sup>61</sup>	○ <sup>62</sup>	2-7 years <sup>63</sup>	F, O, L, T <sup>64</sup>
Western Australia	● <sup>65</sup>	○ <sup>66</sup>	○ <sup>67</sup>	7 years <sup>68</sup>	F, O, L, T <sup>69</sup>
Belize	● <sup>70</sup>	● (semi-automatic handguns) <sup>71</sup>	● (handguns with calibre greater than 9 mm or 0.38 in. are prohibited) <sup>72</sup>	(summary) 3-7 years; (on conviction) 5-10 years <sup>73</sup>	L <sup>74</sup>
Brazil	● <sup>75</sup>		○ <sup>76</sup>	3-6 years and a fine (not specified) <sup>77</sup>	F, L, T registered by SINARM, <sup>78</sup> restricted firearms to be registered with Army Command <sup>79</sup>
Canada	● (unless grand-fathered <sup>80</sup> )	○ <sup>81</sup>	● (some) ○ (some) <sup>82</sup>	5 years (10 years if knowingly) <sup>83</sup>	F, O, L, T, plus every application, import, export loss, theft, finding, destruction <sup>84</sup>
Colombia	● <sup>85</sup>	● (some) <sup>86</sup> ○ (some) <sup>87</sup>	○ <sup>88</sup>	4-8 years for self-defence firearms; 5-15 years' for possession of military weaponry <sup>89</sup>	F <sup>90</sup>



Country/state	Automatic firearms	Semi-automatic firearms	Handguns	Penalty for possessing prohibited firearm	Registration
Croatia	● <sup>91</sup>	● (some) ○ (some) <sup>92</sup>	○ <sup>93</sup>	Up to 60 days or HRK 20,000-150,000 (USD 3,800-28,000) <sup>94</sup>	F, O, L <sup>95</sup>
Dominican Republic <sup>96</sup>	●		● (some)	3-10 years and USD 60-150 fine	L
Estonia	● <sup>97</sup>	n/a <sup>98</sup>	○ <sup>99</sup>	1-5 years (5-15 if large quantity) <sup>100</sup>	F, O, L, T <sup>101</sup>
Finland	○ <sup>102</sup>	<sup>103</sup>	<sup>104</sup>	4 months-4 years <sup>105</sup>	F, L, T <sup>106</sup>
India	● <sup>107</sup>	○ <sup>108</sup>	○ <sup>109</sup>	5+ years and fine (unspecified) <sup>110</sup>	F, L, plus dealers keep a record of transfers <sup>111</sup>
Israel <sup>112</sup>	●	●		7 years and fine (unspecified)	F, L, O
Japan	● <sup>113</sup>	● <sup>114</sup>	● <sup>115</sup>	Handgun: 1-10 years; firearms: <sup>116</sup> up to 3 years or fine up to JPY 500,000 (USD 600) <sup>117</sup>	No central register, but manufacturers and those who store handguns keep records, plus antique firearms are registered <sup>118</sup>
Kazakhstan <sup>119</sup>	●		● <sup>120</sup>	Unlawful possession generally: 1-5 monthly salaries (plus possible confiscation)	F
Kenya	● <sup>121</sup>	● (some) <sup>122</sup>		7-15 years (14+ if 'arms or munitions of war') <sup>123</sup>	F, plus dealers must keep a register of transactions <sup>124</sup>
Lithuania	● <sup>125</sup>	○ <sup>126</sup>		Unlawful possession generally: up to 5 years <sup>127</sup>	F, O, plus import, export, and destruction <sup>128</sup>
New Zealand	○ <sup>129</sup>	○ <sup>130</sup>	○ <sup>131</sup>	3 years and/or NZD 4,000 (USD 3,000) <sup>132</sup>	F (pistols, restricted firearms, and MSSAs; general registration of all firearms discontinued in 1983); plus dealers keep records of transactions <sup>133</sup>

Country/state	Automatic firearms	Semi-automatic firearms	Handguns	Penalty for possessing prohibited firearm	Registration
Papua New Guinea	● <sup>134</sup>		○ <sup>135</sup>	6-12 months <sup>136</sup>	L <sup>137</sup>
Russian Federation <sup>138</sup>	●		● <sup>139</sup>	Up to 4 years and a fine up to RUB 80,000 (USD 2,800) <sup>140</sup>	F
Singapore	No specific prohibitions or restrictions (and automatic firearms and automatic pistols are included in the definition of 'arms'), but very strict provisions on who can possess a gun: only target shooters and, in very exceptional cases, for personal protection. <sup>141</sup>			Unlawful possession of any arm, including automatic arms: 5-10 years and 6+ strokes of the cane <sup>142</sup>	F, O, L, plus the nature of the arms licensed, any identification marks, and any licence conditions; <sup>143</sup> dealers keep records of sales <sup>144</sup>
South Africa	● <sup>145</sup>	○ <sup>146</sup>	○ <sup>147</sup>	25 years <sup>148</sup>	F, O, L, T, plus all other firearm records <sup>149</sup>
Switzerland	● <sup>150</sup>	○ <sup>151</sup>		3 years or fine (unspecified) <sup>152</sup>	F, O, L, T <sup>153</sup>
Turkey <sup>154</sup>	●	●	○	Fully automatic: 5-8 years and fines of up to TRY 25,000 (USD 15,900); other: 1-3 years and fines of up to TRY 3,000-5,000 (USD 1,900-3,200)	L, T
Uganda	● <sup>155</sup>			5 years, UGX 20,000 (USD 8.50), or both <sup>156</sup>	O, L (firearm certificates) <sup>157</sup>
United Kingdom	● <sup>158</sup>	● (some) <sup>159</sup>	● <sup>160</sup>	5 years (with or without a fine, unspecified) <sup>161</sup>	Police keep a register of dealers; dealers and manufacturers must keep a register of all transactions <sup>162</sup>
United States	● <sup>163</sup>	<sup>164</sup>		(Determined by each state)	No federal register but the National Firearms Act (NFA) requires registration of certain firearms, including machine guns <sup>165</sup>



Country/state	Automatic firearms	Semi-automatic firearms	Handguns	Penalty for possessing prohibited firearm	Registration
Arizona	● (unless federally registered under NFA) <sup>166</sup>			1-3.75 years for 1 <sup>st</sup> offence (2.5 years is the presumptive sentence); increased (up to 15 years) for subsequent/repeat offences <sup>167</sup>	No <sup>168</sup> (other than federal requirements)
California	● <sup>169</sup>	○ <sup>170</sup>		Assault weapons: up to 1 year (if 1 <sup>st</sup> offence and no more than 2 weapons possessed: up to USD 500 fine if certain conditions apply); <sup>171</sup> machine gun: imprisonment (not specified) and/or up to USD 10,000 fine <sup>172</sup>	Registration of pre-ban assault weapons and .50 calibre rifles, <sup>173</sup> but registration of long guns is prohibited, <sup>174</sup> plus the licensing authority keeps records of handgun licences issued
Florida	● (except grand-fathered firearms) <sup>175</sup>		○ (3-day waiting period) <sup>176</sup>	Up to 15 years and up to USD 10,000 <sup>177</sup>	No (other than federal requirements)
Massachusetts	● (only instructors and collectors) <sup>178</sup>	● (some) <sup>179</sup> ○ (some) <sup>180</sup>		Assault weapons: 1 <sup>st</sup> offence: 1-10 years and/or USD 1,000-10,000; subsequent offences: 5-15 years and/or USD 5,000-15,000; machine gun: up to life imprisonment (if loaded, additional 2.5 years) <sup>181</sup>	No (other than federal requirements)
New Jersey	○ <sup>182</sup>	○ (some) <sup>183</sup>	○ <sup>184</sup>	5-10 years and fine up to USD 150,000 <sup>185</sup>	Assault firearms owned before 1990 must be registered at police stations, plus dealers keep register of handguns sold and certification on rifle and shotgun sales <sup>186</sup>

Country/state	Automatic firearms	Semi-automatic firearms	Handguns	Penalty for possessing prohibited firearm	Registration
Texas	● (unless federally registered under NFA) <sup>187</sup>		○ (there are restrictions on the carrying of handguns) <sup>188</sup>	2-10 years and possible fine up to USD 10,000	No (other than federal requirements)
Venezuela	Only the state may possess 'weapons of war', including: canon, rifles, mortars, machine guns, sub-machine guns, carbines, pistols, and revolvers, be they automatic or semi-automatic. Civilians are only authorized to hold .22 rifles and shotguns (repeating and hunting). <sup>189</sup>			5-8 years for firearms; 6-10 years for 'weapons of war' <sup>190</sup>	F <sup>191</sup>
Yemen	No types of firearm are restricted or prohibited for civilian use. The law divides 'arms' into two categories: 'personal' or civilian firearms, including 'rifles, machine guns, revolvers and hunting rifles' and 'military' weapons or weapons for state security institutions, which covers everything else. <sup>192</sup>				L, plus traders keep a record of transfers and report this to the licensing authority every 3 months; and the Ministry of Interior keeps a register of seized firearms <sup>193</sup>

## Key

● = prohibited for civilian possession (with no or limited exceptions)

○ = special restrictions apply to some or all firearms in this category

F = details of the firearm must be recorded

O = details of the owner or licensed person must be recorded

L = details of the licence, permit, or authorization must be recorded

T = details of all transfers and other transactions must be recorded

Blank cell = no special restrictions apply

## Registration

Registration involves keeping a record of certain information pertaining to firearms and sometimes their owners in an official register. Most of the countries in the sample have a system of registration in place, though the nature of the system and the type of information recorded vary considerably. While other countries may not have a formal, centralized register, they record information obtained through the owner licensing process. As indicated in Table 9.2, some states—such as **Australia, Brazil, Canada, Estonia, South Africa, and Switzerland**—require comprehensive records of *all* information relating to firearms, including details of licensed firearm owners, their firearms, every licence or authorization applied for, refused, and granted, and every firearm transaction or transfer, while other states only record limited information.

Mandatory registration is designed to facilitate the tracing of guns used in crime to their last known legal owner, the return of stolen guns to their owners, the seizing of firearms following criminal convictions, and the investigation

of transfers that may be illegal. Some of the benefits that supporters associate with systems of registration include an increased ability to enforce firearm law, enhanced tracing of sources of illegally possessed or used firearms, and reduced availability of guns to criminals (Hahn et al., 2005, p. 53). Critics of registration focus on the financial cost of maintaining a registry and on the burden imposed on owners of non-restricted firearms (namely hunters and sport shooters). For example, there have been ongoing but unsuccessful efforts to abolish the long-gun register in **Canada**, established following the country's worst gun massacre in 1989 (see Box 9.1). The main criticisms concern the expense associated with the Canadian register<sup>194</sup> and the fact that non-restricted firearms (namely long guns—rifles and shotguns) must be registered even though it is claimed that they are relatively unimportant to the register's crime prevention goals.<sup>195</sup> The Royal Canadian Mounted Police dispute that the system is costly, noting that it is 'cost-effective in reducing firearms-related crime and promoting public safety' (RCMP, 2010, p. 59).<sup>196</sup>

With the adoption of its Arms Act in 1983, **New Zealand** moved away from a system of registration of all firearms towards improved licensing of individuals and the registration of certain types of firearms only. Prior to this, the country had a decentralized system of firearm registration (including for shotguns, rifles, pistols, and restricted weapons). However, efforts to assess the accuracy of the existing (pre-computer, card-based) registration system and an internal police report, entitled *Firearms Registration in New Zealand*, suggested that maintaining an accurate registry that would genuinely assist police investigations was an enormous and expensive task that depended on owners' attitudes and willingness to provide updated information. Ultimately, it was determined that the money could be spent to better advantage on other police work (New Zealand, 1997, s. 2.2). Accordingly, the system of registering long guns was abandoned under the 1983 law. Recommendations to reintroduce a system of registration by an independent inquiry commissioned by the minister of police in a 1997 report entitled *Review of Firearms Control in New Zealand* were not adopted, despite police support for the proposal.<sup>197</sup>

The **United States** does not have a national registry of firearms or their owners, although the National Firearms Act does require the registration of machine guns, short-barrelled shotguns, and rifles, as well as sound suppressors (silencers) (LCAV, 2008, p. 189; US, n.d.c, s. 5841). In fact, federal law specifically *precludes* the use of the National Instant Criminal Background Check System to create any system of registration of firearms or firearm owners by requiring the destruction of records pertaining to transfers that are permitted (US, n.d.b, s. 25.9(b)(3)), though some states have established registration systems for all types of firearms.

**New Jersey** requires assault weapons to be registered with the police; this US state also requires dealers and other firearm sellers to keep a register of handguns sold (including a description of the purchaser and the handgun) and to keep the certification provided by the buyer (including details of the purchaser's name, address, and purchaser identification number) on sales of shotguns and rifles (New Jersey, n.d.a, ss. 2C:58-2(a)(4), 58-2(b)).

**Florida** expressly *prohibits* the keeping of a register of legally owned firearms or firearm owners, asserting that such a list 'is not a law enforcement tool and can become an instrument for profiling, harassing, or abusing law-abiding citizens' and, further, that the list could 'fall into the wrong hands and become a shopping list for thieves' (Florida, n.d., s. 790.335(1)(a)(2)). Indeed, the legislation provides for redress for firearm owners whose names *have* been recorded in a list or registry (s. 790.335(1)(a)(4)). Yet the statute does permit information of firearms used in crime and persons involved in crime to be recorded; it also allows records of stolen firearms, though such lists are kept for a limited time.<sup>198</sup>



## REGULATING THE USER

### Who can possess a firearm?

In addition to regulating the types of weapons civilians can possess, states impose restrictions on who can lawfully possess firearms, primarily by establishing licensing systems and risk assessment criteria for determining eligibility. The criteria are designed to disqualify individuals who are considered more likely to misuse firearms and can involve: age restrictions; mental (and sometimes physical) health requirements; evidence of drug dependency; criminal records; protection orders; and general 'public interest' considerations. Many states are explicitly looking to evaluate whether an applicant is a 'fit and proper' person who can be trusted with the responsibility of owning a firearm or firearms.

Many countries have also established competency and pre-licensing training requirements to ensure that firearm owners are trained in firearm use and handling, in an effort to reduce the likelihood of accidents. Annexe 9.1 provides an overview of some of the eligibility criteria reviewed countries consider when evaluating a licence application or permitting firearm possession.

### Age restrictions

Most countries prohibit the acquisition and ownership of guns by young people and minors, or at least restrict the types of firearm-related activities young people can engage in or the types of firearms they can possess. As illustrated in Annexe 9.1, most of the sample countries do not permit ownership of a firearm until a person has reached 18 years



An eight-year-old hunter-in-training aims her rifle with the help of her father in Minnesota, November 1998.  
© Steve Liss/Time Life Pictures/Getty Images

of age (the age of majority or adulthood in many countries). Notable exceptions include **Croatia, Egypt, Estonia, India, Lithuania, South Africa, and Turkey**, which do not generally permit gun ownership until a person has reached the age of 21; **Brazil** and **Uganda**, which require a person to be 25 years of age; **Israel**, which requires a person to be 27 years of age (unless he or she has completed military service); and, at the other end of the spectrum, **New Zealand** and **Belize**, which allow gun ownership at the age of 16, and **Kenya**, which allows gun ownership at the age of 14.

Federal law in the **United States** prohibits the possession of handguns by those under the age of 18 but places no minimum age limit on the possession of long guns.<sup>199</sup> A number of US states do establish minimum age limits for the possession of long guns—typically 18 years of age, but sometimes 16 or 21—and raise the minimum age for handgun possession to 21 (LCAV, 2008, pp. 81–87).

### Mental and physical health

Applicants with serious mental health issues may be ineligible to possess a firearm.

In some parts of the world, applicants with serious mental health issues may be ineligible for a firearm licence or to possess a firearm. In some cases, the regulatory provisions simply indicate the licensing authority must be satisfied that the applicant is not of ‘unsound mind’ (as in **India** and **Kenya**) or is of ‘sound mind’ (**Uganda**); elsewhere, applicants must show that they are not suffering from a mental disorder or that their mental health does not prevent them from handling a firearm in a responsible manner, as in the Australian Capital Territory (**ACT**), Australia. In **Belize**, though the legislation does not expressly state that mental health is a factor in the assessment of whether someone is a ‘fit and proper’ person to own a firearm, a firearm licence may be revoked if the licensee is found to be of ‘unsound mind’. In other cases, an applicant may be asked to produce a medical certificate confirming he or she is capable of handling firearms and that he or she has no psychological—or physical—impediments (for example, in Australia’s **ACT** and **Queensland** state as well as in **Croatia, the Dominican Republic, Kazakhstan, the Russian Federation, South Africa, and Turkey**); elsewhere, the licensing authority may investigate whether the applicant has been treated for mental illness (**Canada**).<sup>200</sup>

In the **United Kingdom**, applicants are required to indicate on their application form whether they have ever been treated for depression or other mental or nervous disorders, and they must give consent for the licensing authority to approach the relevant doctor to discuss the applicant’s state of health (UK, 1998).<sup>201</sup> Indeed, in **Australia** and the **United Kingdom**, health practitioners who have reason to believe that patients may pose a threat to public safety (or their own safety) if in possession of a firearm may report their concerns to police, in spite of their confidentiality obligations (NSW, 1996, s. 79; Dodd, 2010). **Finland** is considering introducing similar legislation that would give doctors and other healthcare professionals a right under law to notify the police of a person who may, on the basis of his or her state of health, be considered unsuitable for possessing a firearm (Finland, 2009a, s. 114; 2009b).

In some cases, the focus of the mental health assessment is on the applicant’s tendency towards violence, such as in **South Africa** (South Africa, 2000, s. 9(2)(d)), including a propensity to engage in self-destructive behaviour, such as whether the applicant has ever attempted suicide, as in **New South Wales** (NSW, 1996, s. 11(4)(b)) and **Northern Territory** (NT, n.d.b, s. 10(4)(b)), or is likely to use the firearm to harm himself, as in **Tasmania** (Tasmania, 1996, s. 29(2)(a)(ii)).

Some jurisdictions in the sample also consider whether the applicant is *physically* fit to possess a firearm (such as **Egypt, Lithuania, Switzerland, and Turkey**; Australia’s **Queensland, South Australia, Tasmania, and Western Australia**; and the US state of **New Jersey**); these may require a medical certificate testifying to that effect.

In **Singapore**, applicants who are over a certain age (60 years for a target practice licence; 50 years for a self protection licence) must submit a medical report confirming they are fit to handle a firearm (Singapore, n.d.a, paras. A(3), B(2)). **Finland** simply indicates that an applicant's general state of health will be considered during the application process. Elsewhere, applicants suffering from specific conditions are not permitted to own firearms. For example, epileptics are prohibited from carrying a weapon in the **Dominican Republic** (Inoa, 2010); in **New Jersey**, when granting a handgun purchase permit or firearms purchaser identification card, authorities take into consideration any physical defect or disease that would make it unsafe for the applicant to handle a firearm (New Jersey, n.d.a, s. 2C:58-3(c)(3)).<sup>202</sup>

### Drug dependency and intoxication

In some countries, licences or the purchase of a firearm will be refused if the applicant has a history of alcohol or substance abuse or drug or chemical dependency (as in **Croatia, South Africa, Turkey, the United States, and Yemen**).<sup>203</sup> In other countries, the fact that a person has a history of drug dependency or is an alcoholic is taken into consideration when determining whether he or she is 'fit and proper' to own a firearm, as in the **Dominican Republic** (Inoa, 2010), **New Zealand** (New Zealand, 2010, p. 40), and the **United Kingdom**. In the **United Kingdom**, applicants are required to indicate on their application forms whether they have a medical condition, including alcohol or drug dependency (UK, 1998).<sup>204</sup> In **Kazakhstan**, an applicant must certify that he or she is neither an alcoholic nor a drug addict (Karimova, 2010).

Most jurisdictions make it an offence to sell firearms to persons who are intoxicated or drunk at the time of sale; examples are the **United Kingdom** (UK, 1968, s. 25) and **Texas** (Texas, n.d.a, s. 46.06(a)(3)). Obviously, it is not possible to prevent people from getting drunk and using firearms in their possession once the licence has been granted and a gun has been acquired. But in some parts of the world, it is an offence to be in possession of a firearm while intoxicated, even if this does not result in harm or injury (or even use). That is the case in **Belize** (2003, s. 42(1)); **Lithuania** (2002, art. 30(2)(3)); **Kenya**, where offenders face a fine of KES 10,000 (USD 125) and/or up to one year's imprisonment (Kenya, 1954, s. 33); **New Zealand**, where the fine is NZD 3,000 (USD 2,300) or three months' imprisonment or both (New Zealand, 1983, s. 47); **Papua New Guinea**, where offenders face up to six months' imprisonment (PNG, 1978, s. 57); and **Uganda**, where the punishment is six months in jail and/or a fine of UGX 2,000 (USD 1) (Uganda, 1970, s. 31); as well as in Australia's **Victoria**, where the offender receives 120 penalty units or two years' imprisonment (Victoria, 1996, s. 132(1)), and **South Australia**, where the fine can reach AUD 10,000 (USD 10,000) or imprisonment for two years (South Australia, 1977, s. 29). In **Estonia**, a firearm licence (weapons permit) can be suspended for a year if the licensee is caught operating a car (or train or plane) under the influence of drugs or alcohol, even without being in possession of a firearm at the time (Estonia, 2002a, s. 43(1)(1)).

### Criminal record

Most countries take account of an applicant's criminal record when evaluating a firearm licence application. Even in states where a firearms licence is not required, firearm sales to individuals who have a criminal record are prohibited, as in the United States (US, n.d.a, s. 922(d)(1)).

Approaches vary, with some states refusing a licence to anyone who has served a term of imprisonment for a certain period of time regardless of the nature of the offence; some considering whether the conviction occurred within a certain timeframe prior to the application, such as **Canada**—within the previous five years (Canada, 1995, s. 5(2)); and others refusing a licence to applicants previously convicted of certain classes of offences, such as firearm-

related or drug-related offences, or felonies (more serious offences). Some countries employ a combination of these factors. For example, **Yemen** refuses a licence to anyone who has been convicted of a 'serious crime'; has been imprisoned for at least seven months for a crime involving assault, money, or honour; has been convicted twice of any of these crimes within the same year; or has been convicted of a crime involving the use of a firearm (Yemen, 1992, arts. 21(2)–(3)).

**Authorities pay particular attention to whether an applicant has committed violent crimes.** In many jurisdictions, licensing authorities pay particular attention to whether the applicant has committed *violent* crimes, especially those involving sexual violence, domestic violence, family violence, or interpersonal violence; that is the case in Australia's **Victoria**, **Kenya**, **New Zealand**, **South Africa**, and **Switzerland**. For example, in **New Zealand** the licensing officer may reject a firearm licence if a protection order under the Domestic Violence Act 1995 is in force against the applicant (New Zealand, 1983, s. 27A), but he or she is not obliged to decide accordingly. Likewise, in the **United States**, federal law prohibits the purchase and possession of firearms and ammunition by those who have been convicted of a misdemeanour involving domestic violence or who are subject to certain kinds of domestic violence protective orders. Some states go further and strengthen these requirements, giving police the authority to remove firearms at the scene of a domestic violence incident, to remove firearms from the abuser when a protection order is granted, or to require the abuser to surrender his firearms (US, n.d.a, ss. 922(g)(8)–(9); LCAV, 2008, pp. 88–104).

In **South Africa**, in determining whether an applicant is a 'fit and proper' person to hold a licence, the registrar is encouraged to check whether there have been convictions involving violent behaviour, as well as whether in the past five years the applicant has been reported to the police or social services for alleged threatened or attempted violence, or whether in the past two years the applicant has experienced a divorce or separation from an intimate partner with whom the applicant resided and where there were written allegations of violence (South Africa, 2004, ss. 14(1)(e)–(f)). In **Canada**, applicants are required to give details of their conjugal status and information about their current and former conjugal partner(s) as part of the application form for a Possession and Acquisition Licence. In addition, the signature of the current *or former* spouse, common-law partner, or other conjugal partner is required on the application form, otherwise the chief firearms officer has a duty to notify them of the application (Canada, n.d.b, ss. E–F, boxes 18–19). In **New Zealand**, police will separately interview an applicant's spouse, partner, or next of kin as part of the application process to assess the applicant's suitability to hold a licence (New Zealand, 2010, p. 40).

### Public interest

In many countries, in addition to the specific considerations described above that help determine whether an applicant is a 'fit and proper' person, licensing authorities are also directed to consider whether the applicant can possess a firearm without posing a danger to public peace or safety and whether the granting of a firearm licence to an applicant would be contrary to the 'public interest'. These are broad criteria that involve considerable discretion on the part of the licensing authority. Details of states that apply this criterion can be found in Annexe 9.1.

### Competency

Many jurisdictions require prospective gun owners to undergo some kind of firearm training or competency testing prior to obtaining a firearm. The nature of the training or testing varies, but the general aim is to assess the applicant's practical and theoretical knowledge related to weapons use and safe handling and, in some cases, storage requirements and relevant laws governing acquisition, use, and the limits of legitimate self-defence (deadly force). For example, in **Brazil**, as part of the application, applicants must prove their technical ability in the handling of firearms,

must be certified by an authorized firearm instructor, and must demonstrate their psychological aptitude for the handling of firearms, as certified by affidavit to be supplied by a Federal Police Department psychologist or a psychologist certified by the Federal Police (Brazil, 2004, art. 12). In **Estonia**, applicants must pass an examination regarding their knowledge of the firearm laws covering acquisition, storage, registration, carrying, transfer, and legal use of weapons as well as the provision of first aid to a victim with a shooting injury (there is also a practical test on firearm handling) (Estonia, 2002a, s. 35(5)). In **New Zealand**, all licensees must undergo training and pass theory tests on safe handling of firearms (New Zealand, 1992a, reg. 14).

In some instances, the nature of the training requirement depends on the type of firearm sought, or how the user intends to use or carry it. In the **United States**, for instance, there is no federal requirement for gun owners to have completed specific training to purchase firearms, although some states do have training requirements as part of licence or permit acquisition, including **California** (for handguns) and **Massachusetts** (LCAV, 2008, pp. 179, 210–11). Many US states have also introduced competency testing for licences to carry concealed handguns. For example, in **Texas**, anyone wishing to acquire a licence to carry a concealed handgun must complete a handgun proficiency course involving 10–15 hours of instruction on (1) the laws that relate to weapons and to the use of deadly force; (2) handgun use, proficiency, and safety; (3) non-violent dispute resolution; and (4) proper storage practices for handguns with an emphasis on storage practices that eliminate the possibility of accidental injury to a child (Texas, n.d.b, s. 411.188).

In other instances, the training requirement may depend on the activity or purpose for which the firearm is sought. For example, in **Croatia**, to obtain a permit to acquire a hunting firearm, the applicant must provide a certificate confirming having passed a hunting exam; for a sporting firearm, he or she must provide a certificate of active membership issued by a target shooting organization (Croatia, 1992, art. 19). In **Lithuania**, applicants are required to pass a competency test if the firearm licence is sought for self-defence purposes (Lithuania, 2002, art. 13(5)). Similarly, in **Singapore** applicants must pass a shooting proficiency test if they require a firearm for self-defence (Singapore, n.d.a, para. B(1)(d)).

In some jurisdictions, such as **Uganda**, the law indicates an applicant must be ‘competent’ to use a firearm, without specifying how competency is to be assessed (Uganda, 1970, s. 4).

### Other criteria

In addition to the common criteria described above, states consider a range of other factors when determining whether an applicant is ‘fit and proper’ to own a firearm, including:

- *Lifestyle*: lifestyle or domestic circumstances (unspecified), such as in **Estonia** (Estonia, 2002a, s. 36(4)(3)) and Australia’s **ACT** (ACT, 1996, s. 19(1)(a)), **New South Wales** (NSW, 1996, s. 11(4)(a)), and **Northern Territory** (NT, n.d.b, s. 10(4)(a)).
- *Associates*: reputation, honesty, integrity, and the nature of the applicant’s close associates, for example in **South Australia** (South Australia, 1977, s. 5(13)), and whether the applicant’s associates would be deemed unsuitable to obtain access to a firearm, as in **New Zealand** (New Zealand, 2010, p. 40); whether the applicant is living with someone with a criminal record, as in **Japan** (Japan, 1958, art. 5(6)(3)), or who is ineligible to own a firearm, as in **Lithuania** (Lithuania, 2002, art. 17(1)).
- *Loss of previous firearm*: whether the applicant has previously lost a firearm or had a firearm stolen through his or her negligence, as in **Belize** (Belize, 2003, s. 7(2)(g)), or has had a previous licence revoked due to the loss of a firearm, as in **Lithuania** (Lithuania, 2002, art. 17(1)(8)).

- *Military service record*: whether the applicant has evaded national service, as in **Estonia** (Estonia, 2002a, s. 36(4)), or has received a dishonourable discharge from the armed forces, as in the **United States** (US, n.d.a, s. 922(d)(6)).
- *Employment history*: whether the person has experienced forced job loss in the previous two years, as in **South Africa** (South Africa, n.d., question 16).
- *Outstanding warrants*: whether the applicant is a fugitive from justice, as in the **United States** (US, n.d.a, s. 922(d)(2)), has an outstanding arrest warrant against him or her, as in the US state of **Massachusetts** when granting a temporary licence to carry a firearm to a non-resident (Massachusetts, n.d., ch. 140, s. 131F(v)), or is in default of child support payments or taxes, as in the US state of **Texas** when granting a licence to carry a concealed handgun (Texas, n.d.b, ss. 411.172(10), (11)).
- *Number of firearms in the neighbourhood*: in **Papua New Guinea**, the registrar may refuse to grant a licence for any reason, including ‘whether arising out of the number of firearms in the locality concerned or otherwise’ (PNG, 1978, s. 9(2)(b)).

## Owner licensing processes

### Types of licences

Many countries—including **Croatia, Estonia, Finland, Kazakhstan, Lithuania, Papua New Guinea, Russian Federation, Singapore, Switzerland, and Turkey** (see Annexe 9.2)—have adopted a two-tier system of licensing, whereby a person is required to obtain a permit to acquire a firearm, and will then be granted a licence to possess or keep the firearm. In **Croatia**, for example, an applicant must obtain a permit to acquire a firearm, which involves scrutiny of the *applicant’s eligibility* (Croatia, 1992, art. 17). He or she may then purchase a firearm, applying for registration of the firearm within eight days of acquisition, whereupon the licensing authority will grant a weapon licence for the firearm (art. 26). The registration and licence granting process involves the scrutiny of *the firearm*: Is the firearm marked? What are its origins? (art. 29). In countries where this system is in place, a licence will generally be valid for a specified length of time (usually in years), and the acquisition permit will be valid for a much shorter period of time (days or months rather than years).

In other countries, such as **Australia**, the reverse system is applied. A person must hold a firearm licence (having provided a ‘genuine reason’ for obtaining the licence) before applying for a permit to acquire a particular firearm, and can only acquire a particular type of firearm if he or she holds the corresponding category of licence. This is the case in **New South Wales**, for example (NSW, 1996, ss. 31(1)–(3)). In **Canada** a person must obtain a licence to possess a firearm (known as a ‘Possession and Acquisition Licence’), which is issued with respect to the *person*, who must then acquire a registration certificate, which is issued with respect to a *firearm*, once the firearm is purchased (Canada, 1995, s. 13). Box 9.2 describes a number of different licences.

In other countries, a single licence or permit to possess is issued for each firearm, with no requirement to obtain a separate permit to acquire (as in **Belize** and the **United Kingdom**; see Annexe 9.2). Separate, specialized licences or permits may be required for certain types of weapons. For example, the **United Kingdom** issues two types of permits: firearm certificates and shotgun certificates, with slightly different procedures and conditions associated with each (UK, 1998, rr. 3(1), 5(1), schedules 1 (part 1), 2 (part 1)). Under **New Zealand’s** licensing system, prospective firearm owners must obtain a firearm licence to possess a firearm. In order to possess a pistol, MSSA, or restricted firearm, however, a person must obtain special endorsement on his or her licence from the police and a permit to procure such a weapon (New Zealand, 1983, ss. 29, 30A).

**Box 8.2 Licence terminology**

**Permit to acquire:** a permit authorizing the holder to purchase or acquire a firearm. Usually valid for a short period of time (such as three months).

**Licence or permit to possess:** a licence or permit authorizing the licensee or permit holder to possess or own a weapon. In a few countries these are valid for the lifetime of the holder, but in most countries surveyed they are granted for a limited period of time (such as five years). Upon expiration, the licensee must apply to renew the licence, which generally involves going through the licence application process again.

**Permit to carry:** a permit that authorizes the holder to carry a firearm outside his place of residence. In some countries, a licence to possess also authorizes the holder to carry the firearm, and no separate permit to carry is required. In certain states, special permits are required for certain activities, such as a permit to carry a concealed weapon.

**Parallel permit:** a permit that entitles the holder to possess and use a specific firearm, even though he or she is not the licensed owner of the firearm. The consent of the firearm owner is generally sought as part of the application process.

In the **United States**, federal law does not require civilians to hold a licence to possess firearms as such (although in some US states they may be required to hold a licence to possess certain restricted firearms or to carry a concealed handgun). In many US states, however, civilians are required to obtain a firearm purchaser or owner identification card through their local police department, which undertakes a background check of the applicant on the National Instant Criminal Background Check System, an electronic database maintained by the Federal Bureau of Investigation.<sup>205</sup> This card is then presented to a licensed firearms dealer along with supporting identification when the holder goes to purchase a firearm. The licensed dealer places a call to the police to ensure the firearms identification card is valid, and the police will generally conduct another point-of-sale NICS check. In **Yemen**, where citizens also have the 'right' to possess weapons, civilians are not required to have a licence to hold or possess firearms, but they must have a licence to carry them (Yemen, 1992, arts. 9, 10; Sahouri, 2010b, p. 2).

In some jurisdictions, the licensing authority is required to give a reason for any licence refusal. For example, in **Lithuania** '[r]efusal to issue a permit must be grounded' (Lithuania, 2002, art. 12(5)). Similarly, in **Canada**, a chief firearms officer may refuse to issue an authorization to carry for 'any good and sufficient reason' (Canada, 1995, s. 68). Elsewhere, a reason is not required. For example, in **Uganda**, the chief licensing officer may, in his or her discretion, refuse to issue a firearms certificate 'without assigning any reason for the refusal' (Uganda, 1970, s. 4(4)).

**Restrictions on quantities**

In some jurisdictions in the sample, restrictions are imposed on the number of firearms a person can purchase at one time or can possess in total. For example, in the US state of **California**, an individual cannot apply to purchase more than one handgun within any 30-day period (California, n.d.a, s. 12072(a)(9)).

Some countries also limit the amount and type of ammunition a person can purchase or hold. For example, in **Lithuania**, a person can only acquire and keep 300 cartridges for each firearm held (and 1,000 cartridges if the person is a sport shooter) (Lithuania, 2002, art. 12(8)). Similarly, **Estonia** only permits civilians to store up to 100 cartridges for pistols, revolvers, gas weapons, and rifled barrel hunting guns; 300 cartridges for smoothbore-barrel hunting guns; up to 1,000 cartridges per sporting firearm; up to 1 kg of propellant per firearm, but not more than 5 kg in total; and up to 1,000 primers (Estonia, 2002a, s. 46). **Israel** allows individuals to hold a maximum of 50 bullets for a handgun.<sup>206</sup> **South Africa** restricts the amount of ammunition a person can have to a maximum of 200 cartridges, unless the person is a dedicated hunter or sport shooter (South Africa, 2000, s. 91).

In other jurisdictions, the legislation indicates that a person will only be entitled to possess a ‘reasonable’ amount of ammunition according to the needs of the owner and the type of the firearm, as is the case in **Tasmania** (Tasmania, 1996, s. 105(2)(b); 2006, reg. 14(a)(i)) and **South Australia** (South Australia, 2008, reg. 36). Many jurisdictions limit a licensee to purchasing and possessing ammunition of the type and calibre appropriate for the firearm for which he or she holds a licence. This calibre-specific licensing is usually policed by vendors who can only legally sell ammunition for a firearm type for which the purchaser displays a valid licence. Elsewhere, the legislation simply indicates that the firearm licence or authorization will indicate the quantity of ammunition that can be held by the licensee, as is the case in **Belize** (Belize, 2003, first schedule, form 1), **India** (India, 1962, r. 8(b)), **Kenya** (Kenya, n.d.a, second schedule, form 1), **Uganda** (Uganda, 1970, s. 4(8)(c)(iii)), and the **United Kingdom** (UK, 1968, s. 27(2)).

### Waiting periods

A handful of the countries in the sample have mandatory waiting periods in place, meaning that applicants will not be granted a licence or permit to own a firearm until a certain period of time has elapsed or they must wait a certain number of days before they can collect a firearm once purchased. In **Australia**, for example, an acquisition permit can generally only be granted after 28 days from the date of the application (and if the applicant holds a firearm licence authorizing possession of the firearm sought).<sup>207</sup> Similarly, in **Canada** there is a 28-day waiting period between the application for a Possession and Acquisition Licence and the granting of the licence (Canada, 1998a, s. 5).

In the **United States**, several states impose a waiting period for the purchase of handguns—independently of a licensing requirement in some cases. For example, in **Florida** there is a three-day waiting period between purchase and delivery of handguns (although the county may shorten the waiting period for those who have a concealed weapon permit). Notably, in Florida applicants may be exempt from *any* waiting period if they or their families have been threatened with death or bodily injury and this threat has been reported to local law enforcement (Florida, n.d., s. 790.31(2)(d)(6)). In **New Jersey**, seven days must elapse after a permit to purchase a handgun has been issued before a purchaser can take possession (New Jersey, n.d.a, s. 2C:58-2.a(5)(a)). **California** imposes a waiting period of ten days for all firearms purchases (California, n.d.a, ss. 12071(b)(3)(A), 12072(c)(1)).

### Penalties for unlawful possession

The penalties imposed for the unauthorized possession of a firearm vary from country to country (see Annexe 9.1). The penalties are generally higher if a person possesses a firearm with the intent to commit a crime, if the person is drunk or intoxicated while carrying the firearm, if the firearm is carried in a public place without authorization, or if the firearm is unlawfully discharged. In **Singapore**, the unlawful use of or attempt to use a firearm is punishable by death (Singapore, 1973, s. 4). Similarly, in **Egypt** the use of firearms against public order or the security of the state is punishable by death (Sahouri, 2010a).

### Regulation of civilian transfer and retransfer

Civilians acquire firearms from a variety of sources. They may inherit them, purchase them privately from other civilians, or buy them from gun dealers, retailers, or, in some countries, at gun shows. Some states only allow firearms to be purchased from licensed dealers and retailers and do not permit transfers between private individuals, such as **Australia** (APMC, 1996, res. 9)<sup>208</sup> and **Singapore** (Singapore, 1913, s. 13(d)), or only permit private sales under restricted circumstances. In **South Africa**, for instance, a person may sell a firearm without the intervention of a dealer, but only on such conditions as the designated firearms officer may determine (South Africa, 2000, s. 31).





A Turkish boy looks at hunting guns during the Third Gun, Hunting & Nature Fair in Istanbul, September 2004.  
© Mustafa Ozer/AFP Photo

Most countries do, however, allow private sales between civilians. Generally, where states permit civilians to buy and sell firearms privately, they stipulate that the purchaser must hold the relevant licence or acquisition permit (as is the case in **Canada**, **Estonia**, **Finland**, **Kenya**, **Papua New Guinea**, **Uganda**, and the **United Kingdom**) and the seller must notify the licensing authority, police department, or registrar, as the case may be, of the transfer. The latter is the case in **Belize**, where notification must occur within 14 days (Belize, 2003, s. 14(1)), **Canada** (Canada, 1995, s. 85(2)), **Finland**, where it must occur within 30 days (Finland, 1998, s. 89), **Kenya**, where it must occur within 48 hours (Kenya, n.d.a, form 2, s. 4(3)), **Uganda**, where it must occur within 48 hours (Uganda, 1970, s. 21(2)), and the **United Kingdom**, where it must occur within 7 days (UK, 1997, s. 33(2)).

In some instances, though there is no formal requirement to notify the authorities, a requirement that the seller cancel the registration of his or her firearm upon sale serves to alert the authorities that a transaction has taken place and the firearm has changed hands; in **Croatia**, for example, registration must be cancelled within eight days of sale or handover (Croatia, 1992, art. 25). In **Estonia**, the transfer of the firearm must take place in the presence of a police officer, and the transfer is formalized on the basis of a written application made by the owner of the firearm prior to the transfer (Estonia, 2002a, s. 64).

In the **United States**, federal laws govern sales by licensed dealers and retailers,<sup>209</sup> but the only restriction imposed on private sales by federal law is that a person (other than a licensed dealer, manufacturer, importer, or collector) cannot sell or transfer a firearm to someone who does not live in the same state as the seller (US, n.d.a, s. 922(a)(5)). It is also unlawful to sell or transfer a handgun or handgun ammunition to someone who is under 18 years of age (s. 922(x)(1)).

Nevertheless, some regulation of private sales does take place at the state level. A survey conducted by the US Department of Justice in 2005 indicates that the laws of 17 states regulate at least some private sales by requiring that purchasers obtain a permit or undergo a background check before receiving a firearm (US, 2005, p. 9). Among US states selected for this chapter, state law does not require background checks on prospective purchasers in private sales in **Arizona**, **Florida**, or **Texas**; nor are permits required to purchase firearms in these states (see Annexe 9.2). **Californian** law requires private sales to be processed through a licensed dealer, who must conduct a background check (LCAV, 2008, pp. 164–65). In **Massachusetts**, a purchaser must have a permit to obtain a firearm from a private seller (LCAV, 2008, pp. 164–65). In **New Jersey**, a purchaser must have a permit to buy a handgun or an identification card to receive a long gun from a private seller, and he or she will have been screened as part of the process of obtaining those documents (New Jersey, n.d.a, s. 2C:58-3).

## REGULATING THE USE

### 'Genuine reason'

**Often applicants must demonstrate that they have a reason for acquiring a weapon.** Most countries require a person to have a 'genuine reason' for acquiring a firearm or they permit civilians to possess firearms only for certain purposes, such as hunting, sport shooting, and, in some instances, self-defence. Many countries require applicants to demonstrate that they have a reason for acquiring a weapon, though the level of 'evidence' required to prove the need for a firearm varies from case to case. Annexe 9.1 indicates which of the surveyed countries require applicants to demonstrate that they have a 'genuine reason' for possessing a firearm and identifies the reasons accepted in each case.

The *reason* given for acquiring a weapon will often be taken into consideration by the official who determines what type of weapon a person can acquire. For example, in **Finland**, before granting an acquisition permit, the authorities will consider whether the firearm sought is not unnecessarily powerful or efficient and is suitable for the purpose for which the permit is granted (Finland, 1998, s. 44). In **Western Australia**, the commissioner who considers a licence application must be satisfied with the reason for the acquisition but also 'that the kind of firearm or ammunition can be reasonably justified' (Western Australia, 1973, s. 11A(3)).

Some countries that require applicants to have a good or genuine reason to possess a firearm specify what constitute good or genuine reasons in their national legislation. In **Croatia**, a person must have a 'justifiable reason' for acquiring a firearm and the legislation stipulates the following reasons for acquisition: hunting, target shooting, and self-defence (see Annexe 9.1). Other countries that require applicants to have a good or genuine reason for possessing a firearm leave it to the discretion of the licensing authority to decide on a case-by-case basis, as in **Kenya**, **Papua New Guinea**, and the **United Kingdom**. In the **United Kingdom**, applicants will not be granted a firearm certificate or a shotgun certificate unless they have a 'good reason' for possessing the firearm. The legislation indicates

that if a shotgun is to be used for sporting or competition purposes or for pest control, this constitutes a ‘good reason’ for having such a gun (UK, 1968, s. 28(1B)); however, it does not specify what constitutes a ‘good reason’ for possessing other types of firearms, for which licensing officers have discretion in awarding or rejecting a licence. Similarly, the law in **Yemen** indicates that a person must state ‘sufficient reasons and justifications’ for granting a licence as part of their application for a licence to carry; it states that a person must have ‘a political and social position or his work requires carrying a personal weapon’ but otherwise gives the licensing authority ‘the right to estimate the worthiness’ of the applicant (Yemen, 1994, art. 6).

In some countries, the legislation does not expressly state that a person must have a ‘good’ or ‘genuine’ reason for owning a firearm, but in practice a reason is required. For example, **South African** legislation does not state that a person must have a reason for possessing a firearm, but firearm licences are only granted for specific activities, such as ‘licence to possess firearm for occasional hunting and sports-shooting’ (South Africa, 2000, s. 15).

In other cases, certain uses of firearms are automatically approved, while others are subject to government approval. For example, the law in **Switzerland** provides that ‘any person who requests a license to acquire a firearm for a purpose other than sport, hunting or collection must give reasons for their request’ (Switzerland, 1997, art. 8). In **Canada**, an applicant does not need a reason to possess a firearm; however, a person who holds a licence to possess a restricted firearm (including certain handguns and certain semi-automatic firearms) and who wishes to take it to a place other than where it is authorized to be possessed must prove he or she *needs* the restricted firearm to protect his or another person’s life, or in connection with his or her lawful occupation (Canada, 1995, s. 20).

Similarly, in **New Jersey** the legislation indicates applicants must have a ‘justifiable need’ before they will be granted a permit to carry a handgun (New Jersey, n.d.a, s. 2C:58-4(c)). Anyone wishing to obtain a licence to purchase, possess, and carry a machine gun or assault firearm must submit a written application ‘setting forth in detail his reasons for desiring such a license’ (s. 2C:58-5(a)). These provisions do not specify what reasons are acceptable in either case, but others indicate ownership of certain assault rifles may be authorized for the purposes of competitive shooting matches, provided the owner is a member of a rifle or pistol club (s. 2C:58-12). The legislation also indicates that ‘no license shall be issued unless the court finds that the public safety and welfare so require’ (s. 2C:58-5(b)).

The reasons specified by countries as constituting valid or lawful justifications for possessing a firearm generally fall into the following categories: hunting; sport shooting and competition; employment or profession (such as farming and rural purposes or pest control); performance or art, including theatre and film; collection or exhibition, such as in a museum; and protection of person or property.

### **Hunting, target practice, and sport shooting**

Hunting, target practice, and sport shooting are the primary reasons most countries surveyed permit civilian ownership of firearms; **Singapore** is a notable exception as it does *not* permit firearm possession for hunting purposes, other than a speargun for fishing purposes (Singapore, n.d.d). In some jurisdictions an applicant must demonstrate that he or she is a dedicated hunter or sport shooter, for example by providing evidence that he or she is a member of a sport shooting club or has a hunting licence. In **Uganda**, a person must obtain a bird or game licence within three months of receiving a firearm certificate or else the certificate ceases to be valid (Uganda, 1970, s. 4(5)). In **Singapore**, a person must be a member of a registered gun club to obtain a firearm for target shooting and must attend at least 12 shooting practices per year to have a licence renewed (Singapore, n.d.a, para. A(1); n.d.c, para. 2).

### Profession

In many jurisdictions, firearm possession is authorized for certain employment-related or professional purposes, including pest control and farming or rural occupations. In some countries, there is simply a general acknowledgment that a firearm may be required for a professional or work purpose; examples include **Estonia** (Estonia, 2002a, s. 28(1)(4)) and **Finland**, whose law refers to ‘work where a weapon is necessary’ (Finland, 1998, s. 43(3)). In others, licences will only be granted for specific work-related activities such as nature research and conservation, as in **Croatia** (Croatia, 1992, art. 16), or where the work is of an especially dangerous or risky nature, such as remote wilderness work or the cash-transport business, as in **Canada** (Canada, 1995, s. 20(b); 1998c, s. 3).

### Performance or art

Most countries have provisions authorizing the use of firearms for performance purposes, such as theatrical or cinematic productions. Often this is subject to certain conditions, such as that the firearm must be deactivated, as in **Croatia** (Croatia, 1992, art. 33), or that it may only be *borrowed* from a licensed dealer under a special permit, as in **Victoria** (Victoria, 1996, s. 92A(1)). Elsewhere, a person may seek permission to use a firearm in a film or theatrical production without having to obtain a formal licence or certificate, as in **Uganda** (Uganda, 1970, s. 7(1)(l)) and the **United Kingdom** (UK, 1968, s. 12).

### Collection or museum

Many countries permit museums and individuals to possess firearms, including restricted and prohibited firearms, for the purposes of display and collection. In some cases, as in **Croatia** and **Lithuania**, such firearms must be deactivated or rendered inoperable (see Annexe 9.1). In others, collectors will be required to prove they are genuine collectors of firearms, and collection will be the only purpose endorsed on their firearm licence, as in **South Australia** (1977, ss. 12(7b), 13(2a)).

### Self-defence

As indicated in Annexe 9.1, at least 16 of the reviewed jurisdictions explicitly contemplate self-defence or personal protection as a ‘genuine reason’ for possessing a firearm;<sup>210</sup> others explicitly prohibit acquisition of a firearm for self-defence, such as **Australia**. Many countries that permit the possession of firearms for self-defence restrict the type of weapon that can be held under such a licence and require some level of proof that the applicant needs a self-defence weapon. In **South Africa**, for example, the legislation stipulates that a person can hold only one licence to possess a firearm for self-defence, and that such a licence can only be granted for shotguns that are not fully or semi-automatic or for handguns that are not fully automatic. Furthermore, the applicant must demonstrate that he or she needs a firearm for self-defence and cannot reasonably satisfy that need by means other than the possession of a firearm (South Africa, 2000, s. 13). A person may be granted a licence to possess a *restricted* firearm for self-defence (including a semi-automatic rifle or shotgun) if he or she can demonstrate that a non-restricted firearm would not provide sufficient protection (s. 14). Similarly, in **Singapore**, a person must be able to show proof that there is a serious threat to his or her life and that there is no other way of overcoming the threat (Singapore, n.d.a, para. B(1)(c)).

### Firearms and self-defence

The right to defend oneself against a physical threat is a universally recognized principle in all legal systems, provided (generally speaking) that the threat is ‘immediate’ and the response is ‘necessary’ and ‘proportionate’.<sup>211</sup> There is no

universally recognized right to *possess* a firearm to defend oneself, however. The 2006 report prepared by the UN Special Rapporteur on Human Rights discusses the principle of self-defence under human rights law; it appraises claims that the principle provides legal support for a ‘right’ to possess small arms, which, in turn, would negate or substantially minimize the duty of states to regulate possession. Yet the report concludes that, though the principle has an important place in international human rights law, ‘it does not provide an independent, legal supervening right to small arms possession, nor does it ameliorate the duty of States to use due diligence in regulating civilian possession’ (UNHRC, 2006, para. 19).

Although some countries do not accept self-defence as a genuine reason for possessing a firearm (as illustrated in Annexe 9.1), they do not necessarily preclude the use of a firearm to defend oneself, provided such use is consistent with criminal law provisions governing the use of force. Conversely, just because a state *does* accept self-defence as a genuine reason for possessing a firearm does not mean the use of that firearm in self-defence will always be justified.

There is no universally recognized right to possess a firearm for self-defence.

This section explores the different policy approaches to the use of firearms for self-defence in two countries that explicitly permit the acquisition of firearms for self-defence (**Lithuania** and the **United States**), one country that permits the acquisition of firearms for self-defence in certain, limited circumstances (**Canada**), and two countries that do *not* permit the acquisition of firearms for self-defence (**Australia** and **New Zealand**).

### Lithuania

The relevant legislation in Lithuania states that:

*A person may use any arm in self-defence or in defence of another person, property, inviolability of one’s home, other rights, interests of society or the state interests from an imminent or direct threat, regardless of whether he has the possibility of avoiding the attempt or calling for assistance from another person or authority (Lithuania, 2002, art. 34(2), emphasis added).*

The wording of the legislation indicates the right to use a firearm in self-defence or in defence of property is not dependent on *necessity*. A person is entitled to use a firearm in self-defence against a threat that is ‘imminent or direct’, even if he or she can avoid the threat or call for assistance from authority (presumably including the police).

### United States

The Second Amendment to the US Constitution protects and preserves the right of US citizens to ‘keep and bear’ arms, although it does not elaborate on the legitimate purpose or use to which those arms can be put. Federal legislation indirectly confirms the right to use firearms for self-defence by virtue of the notes to the section of the United States Code addressing crimes and criminal procedure associated with firearms, which state that one of the purposes of the section is ‘to avoid hindering industry from supplying firearms to law abiding citizens for all lawful purposes, including hunting, *self-defense*, collecting, and competitive or recreational shooting’ (US, n.d.a, note on ‘Purposes’, emphasis added).

Two landmark US Supreme Court cases in 2008 and 2010 put it beyond doubt that the Second Amendment protects the individual right to keep and bear arms for the purpose of self-defence. In *District of Columbia v. Heller*, the Court ruled that a law introduced by the District of Columbia banning the possession of handguns in the home and requiring any lawful firearm in the home to be disassembled or rendered inoperable by a trigger lock was unconstitutional. With respect to the handgun ban, the Court noted:

*the American people have considered the handgun to be the quintessential self-defense weapon. There are many reasons that a citizen may prefer a handgun for home defense [ . . . ]. Whatever the reason, handguns are the most popular weapon chosen by Americans for self-defense in the home, and a complete prohibition of their use is invalid (District of Columbia v. Heller, 2008, pp. 56, 57).*

In *McDonald v. Chicago*—another case involving a challenge to the constitutionality of a handgun ban—the Court determined that the Second Amendment limits state and local governmental authority to the same extent that it limits federal authority (a question that the *Heller* case had left unanswered since it only considered the effect of the Second Amendment on federal law) (*McDonald v. Chicago*, pp. 1–2).

It is not yet clear what the impact of these decisions will be on firearm regulation in the United States. In *Heller* the Court did acknowledge that gun rights are not unlimited, and it was careful to point out that its ruling was not to be taken as an indication that all firearm laws are unconstitutional (*District of Columbia v. Heller*, pp. 22, 54–56). In both cases, however, the question of what kinds of gun laws *can* be reconciled with Second Amendment protection was left open.<sup>212</sup>

At the US state level, the majority of jurisdictions have adopted the so-called ‘Castle doctrine’, also known as ‘Stand your ground’ laws. This doctrine (the title of which is derived from the adage: ‘an Englishman’s home is his castle’) permits a person to use deadly force to defend him- or herself and anyone inside his or her home from an attack by an intruder if he or she reasonably believes that force is immediately necessary, and provides that a person in lawful residence does not have a duty to retreat before using deadly force.



Gun rights supporters hold up banners outside the Supreme Court in Washington, DC, after the court ruled that US citizens have a constitutional right to keep guns in their homes for self-defence, June 2008. © Jose Luis Magana/AP Photo

All of the US states under consideration have adopted the doctrine into their penal codes, though there are some subtle differences in the legal provisions. For example, in **Texas** a person is justified in using deadly force to prevent a *robbery*, whereas in most other states the use of deadly force is only justified to protect against the unlawful use of force by the intruder. The Texas provisions stipulate that the ‘finder of fact’ (judge or jury) in court proceedings may not consider whether the person retreated when deciding whether he or she was justified in shooting the intruder (Texas, n.d.a, s. 9.32(d)).

### Canada

The only specific reference made to the use of firearms for self-defence in Canada’s Firearms Act 1995 is in relation to restricted and prohibited firearms. Section 20 provides that individuals who hold licences for restricted or prohibited firearms may only carry such firearms ‘(a) to protect the life of that individual or of other individuals; or (b) for use in connection with his or her lawful profession or occupation’, such as cash handling, working in a remote wilderness area, or working as a licensed trapper (Canada, 1995, s. 20; 1998c, reg. 3). Similarly, section 28 provides that a chief firearms officer may approve the transfer to an individual of a restricted firearm or certain handguns only if the buyer needs the restricted firearm or handgun for the reasons identified above.

The regulations stipulate that, in order to possess a restricted firearm or prohibited handgun, it must be needed to protect the life of the applicant or of other individuals when, inter alia, the person’s life is in imminent danger and ‘police protection is not sufficient in the circumstances’ (Canada, 1998c, reg. 2).

Otherwise, the question of whether and when firearms can be used for self-defence in Canada is determined on a case-by-case basis in accordance with the principles governing the right to self-defence contained in the Criminal Code. The Code stipulates that a person may use force to repel an attack ‘if the force he uses is not intended to cause death or grievous bodily harm and is no more than is necessary to enable him to defend himself’. If, in repelling the attack, the person causes the death of the attacker, the act is justified if the person is under the ‘reasonable apprehension’ of his or her own death or grievous bodily harm and ‘cannot otherwise preserve himself’ from such death or grievous bodily harm (Canada, n.d.a, ss. 34(1), 35).

There is no explicit reference to the use of a firearm in the Criminal Code; nor does the Firearms Act 1995 expressly acknowledge a right to possess or use firearms for purposes of self-defence. The storage requirements for firearms in Canada are such that firearms are not readily usable for self-defence. As noted in Annexe 9.2, even non-restricted firearms are to be stored unloaded; they must be ‘rendered inoperable’ by means of a secure locking device or by the removal of the bolt or bolt-carrier. Alternatively, they are to be stored in a container of some kind that is securely locked, with associated ammunition not readily accessible (Canada, 1998b, reg. 5).<sup>213</sup>

### Australia

As noted in Annexe 9.2, self-defence is not recognized as a ‘good reason’ for possessing a gun in any state or territory in Australia. Nevertheless, as discussed above, this does not categorically preclude a person from using a firearm in self-defence if justified in the circumstances.

One aspect of the criminal law that is particularly relevant in this regard is the partial defence of excessive force (also known as ‘excessive defence’), applicable in cases of murder and recognized in **New South Wales** and **South Australia**.<sup>214</sup> This defence can be invoked when a person uses force that is excessive or not reasonable in the circumstances, but where the requisite intent for murder may not be present. In a sense it is an acknowledgement that, in the heat of the moment, it may not be possible to measure precisely what would constitute ‘reasonable’ force to

repel an attacker, allowing such persons to be charged with manslaughter (or culpable homicide), which carries a lesser sentence than murder.

One notable difference between the two states with respect to this plea is that the New South Wales legislation only permits offenders to rely on it where their actions resulted in the death of another person if they were acting to protect themselves or another person, not property (NSW, 1900, s. 421). The South Australian legislation allows partial defence if the offender kills another person while protecting property or preventing trespass, even if the conduct is excessive (not 'reasonably proportionate'), provided the offender genuinely believes the conduct was reasonable and necessary *and* did not intend to kill the person (South Australia, 1935, s. 15A(2)).

Courts have considered a number of factors when determining whether fatal shootings were conducted in self-defence, including: whether the firearm was brought to the scene by the defendant or belonged to the deceased and was seized by the defendant opportunistically; whether the deceased was armed; whether the defendant was carrying a gun, which involves a risk in and of itself and adds to the culpability of the crime; and whether the shooting took place in public. In other words, the fact that a person was carrying a gun or was in possession of a gun may reduce his or her ability to rely on the partial defence of 'excessive defence', since the presence and use of a firearm will inevitably attract a risk that it will potentially be used for deadly consequences, thus making it difficult to argue the defendant did not intend to kill the deceased.

### **New Zealand**

The New Zealand Arms Code includes the following self-explanatory 'important note' regarding firearms for self-defence:

*Self-defence is not a valid reason to possess firearms. The law does not permit the possession of firearms 'in anticipation' that a firearm may need to be used in self-defence.*

*Citizens are justified in using force in self defence in certain situations. The force that is justified will depend on the circumstances of the particular case. Every person is criminally responsible for any excessive use of force against another person.*

*A firearm is a lethal weapon. To justify the discharge of a firearm at another person the user must hold a[n] honest belief that they or someone else is at imminent threat of death or grievous bodily harm.*

*Discharge of a firearm at another person will result in a Police investigation and what ever the consequences of the incident you may face serious criminal charges* (New Zealand, 2010, pp. 41–42).

### **Conditions of firearm possession**

Countries impose a range of conditions on licensees. Annexe 9.2 provides an overview of the common conditions imposed on licensees and firearm owners and indicates which jurisdictions impose them.

#### **Reporting requirements**

In many jurisdictions, firearm owners have an obligation to report the theft or loss of any firearm in their possession to the police or other authority within a short period of time. Owners may have an obligation to report the loss or theft of their licence, but not the firearm itself, as in **Papua New Guinea** (PNG, 1978, s. 67). Reporting requirements are thought to serve several public safety functions: timely reporting enables police to trace guns more effectively and increases the chances of recovering the weapon; reporting requirements make gun owners more accountable for their weapons and protect them from accusations in the event their stolen or lost firearm is used in a crime; and timely reporting helps enforcement authorities identify incidents of trafficking and 'straw purchasing'.<sup>215</sup>

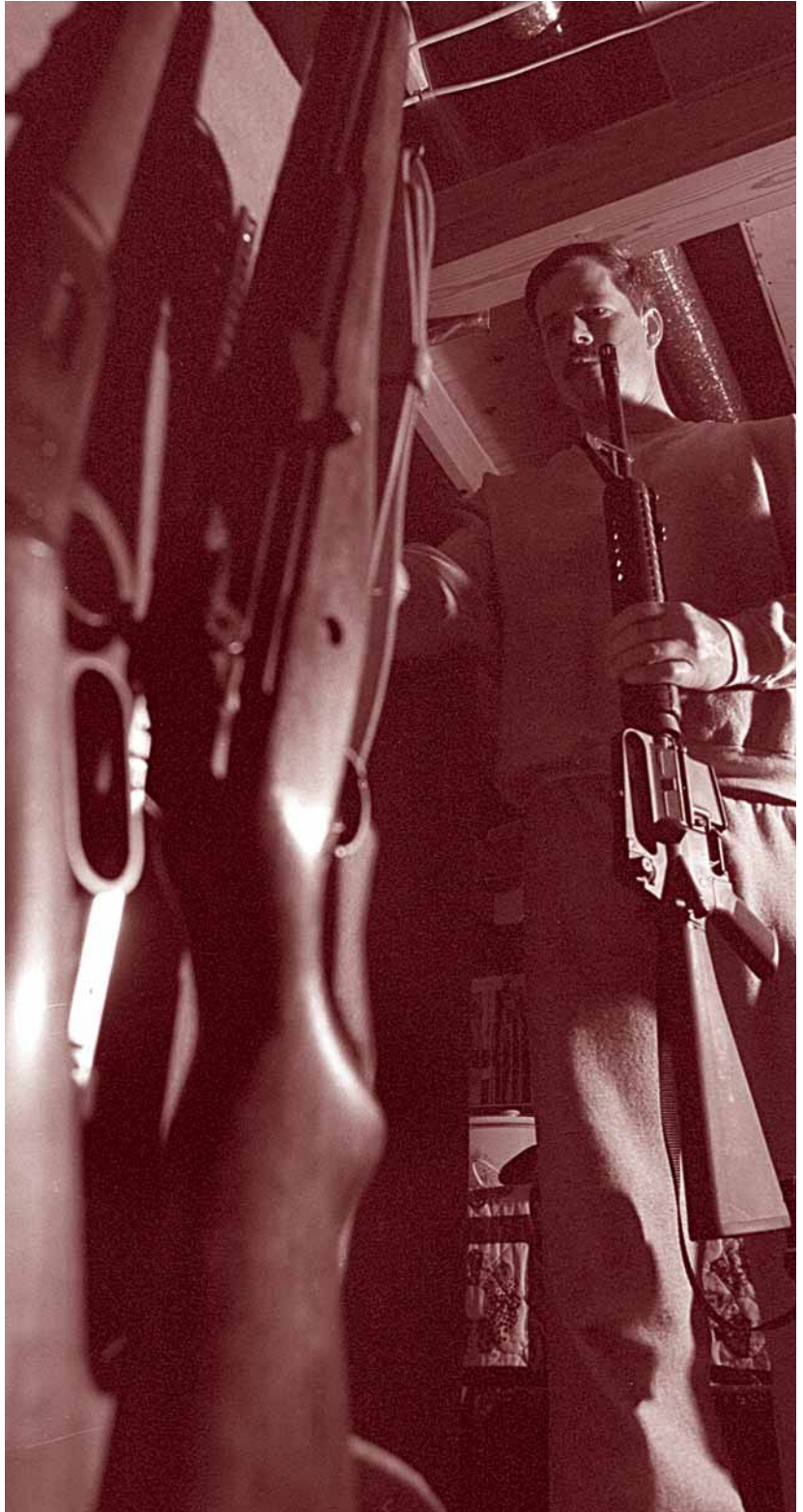


Most reviewed states require firearm owners to report lost or stolen firearms, with some specifying the timeframe for reporting (such as ‘within 24 hours’) and others simply indicating if reporting should take place ‘immediately’ or ‘forthwith’ (see Annexe 9.2). Most states with reporting obligations impose a fine on owners who fail to report theft or loss; moreover, in several cases, owners may face a prison sentence. **South Africa**, for example, carries the highest possible penalty—ten years’ imprisonment (South Africa, 2000, ss. 120(11), 121).

In **New Jersey**, if the owner of a registered assault weapon (firearm) fails to report the theft within 24 hours of his or her knowledge of the theft, not only is he or she liable to pay a fine, but if the firearm is used in the commission of a crime, the owner is civilly liable for any damages resulting from that crime (New Jersey, n.d.a, s. 2C:58-12(g)).

### Safe storage

Safe storage requirements, such as storing the firearm unloaded, storing ammunition separately, and ensuring the firearm is in a locked receptacle, purportedly help reduce the risk that firearms will be stolen or misused, intentionally or accidentally. The emphasis in most jurisdictions is on preventing access to the firearm by unauthorized persons—including thieves or young children. What constitutes ‘safe storage’ varies from country to country, as does the extent of the obligation. In some instances, there is no specific standard to be applied, and licensees are simply required to take ‘reasonable precautions’, as in **Papua New Guinea** (PNG, 1978, s. 51), or to store their firearms ‘with caution’, as in **Switzerland**



A gun owner puts a firearm in a gun safe at his residence in Colorado, March 2001.  
© Michael Smith/Newsmakers/Getty Images

(Switzerland, 1997, art. 34(1)(e)), or 'securely and in safe custody', as in **Kenya** (Kenya, 1954, s. 18(3)), to prevent them from being accessible to unauthorized persons.

In the **United Kingdom**, one of the conditions printed on the firearm certificate is that the firearm must, at all times, be stored securely 'so as to prevent, so far as is reasonably practicable, access to the firearms or ammunition by an unauthorised person' (UK, 1998, schedule 1, part II, condition 4(a)). The legislation does not impose specific requirements in this regard, although the Home Office has produced guidelines listing options and recommended practices, but emphasizing that it is the responsibility of certificate holders to ensure their compliance with the condition (UK, 2005, para. 1.4). For example, the guidelines recommend storing ammunition and other removable parts separate from the firearms (para. 2.2), adding that, although it is not a requirement of the Firearms Act, it is 'sensible' that they be locked away for security and safety reasons, especially if there are children in the house (para. 2.47).

Separate storage  
of ammunition is  
a common feature  
wherever safe  
storage  
requirements  
exist.

Separate storage of ammunition is a common feature wherever safe storage requirements exist. The regulations in **Canada** require that firearms be stored in such a way that they are not within reach of ammunition, unless the ammunition is stored, together with or separately from the firearm, in a locked container (Canada, 1998b, s. 5(1)(c)). In **New Zealand**, owners of pistols, MSSA firearms, or restricted firearms must store their ammunition separately (New Zealand, 1992a, reg. 28). For other firearms, the ammunition must be stored so as to be inaccessible to someone who obtains access to the firearm, or, if the firearm and ammunition are stored together, the firearm must be rendered incapable of firing (for example, by removing the bolt and magazine, if possible, and locking them away separately from the firearm; making sure both the chamber and the magazine are empty; or using trigger-locking devices for firearms that cannot be taken apart) (New Zealand, 1992a, reg. 19; 2010, p. 12).

Another common feature is that firearms must be *unloaded* or must be incapable of discharging when they are stored. An exception to this requirement is often permitted in countries where firearms may be possessed for self-defence. Under **South African** law, firearms must be unloaded when stored unless they are held under a licence to possess a firearm for self-defence (South Africa, 2004, s. 86(11)).

Attempts to introduce safe storage requirements have had interesting repercussions in the **United States** because of their implications for self-defence. As discussed above, the US Supreme Court struck down as unconstitutional a Washington, DC, law that required firearms in the home to be rendered inoperable (*District of Columbia v. Heller*, 2008, p. 58). Some US states, including **Florida** and **Texas**, require firearm owners to take precautions to prevent children from gaining access to loaded firearms, including keeping the firearm in a locked container or securing it with a trigger lock (or other means to render it inoperable) (Florida, n.d., s. 790.174(1); Texas, n.d.a, s. 46.13(b)).

In **New Jersey**, keeping firearms securely stored is not a condition of ownership or possession; however, it is a criminal offence for an adult to leave a loaded firearm within easy reach of a minor (persons under 18 years of age) (New Jersey, n.d.b, s. 9:17B-3), unless the person stores the firearm in a securely locked box or container, secures the firearm with a trigger lock, or stores the firearm in a location which a reasonable person would believe to be secure (s. 2C:58-15(a)). Firearm owners are eligible for a USD 5 instant rebate when they purchase a trigger-locking device along with their firearm; retailers must display a sign announcing the rebate and the following warning:

*Remember—the use of a trigger lock is only one aspect of responsible firearm storage. Firearms should be stored, unloaded and locked in a location that is both separate from their ammunition and inaccessible to children* (New Jersey, n.d.b, s. 2C:58-17(b)).

Though some states recommend that certain safety measures be adopted, few countries prescribe the exact storage conditions. Exceptions include **Kazakhstan**, which requires owners to store their firearms in a safe deposit or metallic cabinet or any other storage that excludes the possibility of access to it by third persons (Karimova, 2010). **Estonia** requires owners who hold two or more firearms to store them in a specially adapted steel cabinet, permanently attached to the floor, a wall, or another structural element. Individuals who possess more than eight firearms must establish a specially adapted storage room (Estonia, 2002a, s. 46). In **Croatia**, weapons and ammunition ‘shall be kept in such a manner so as to be inaccessible to persons not authorised to own them, locked and isolated, unless they are kept in a metal cabinet, safe box, or similar storing place that may not be opened by a tool in common use’ (Croatia, 1992, art. 36).

In **New Zealand**, owners of pistols, restricted firearms, and MSSA firearms must store them in a steel and concrete strongroom, steel safe, steel box, or steel cabinet bolted to the building; the storage unit must be approved, either generally or specifically, by a police officer (New Zealand, 1992a, reg. 28(1)(a)). The regulations go on to specify in extensive detail the nature of the fixtures and fittings of such strongrooms, including the condition of the locks, bolts, and hinges, and the security of any windows or skylights. With respect to non-restricted firearms, owners must not store them ‘in such a place that a young child has ready access to it’ and must store ammunition separately or must ensure the firearm cannot be discharged (New Zealand, 1992a, regs. 19(1)(a)–(b)).

In some jurisdictions, the licensing authority must be satisfied that the applicant is capable of storing the firearm safely *before* granting a licence. For example, in **Kenya**, **New Zealand**, **South Australia**, and **Uganda**, the licensing authority must be satisfied that the applicant will take the necessary steps to keep the firearm secure and in safe custody, to prevent theft, loss, or access by an unauthorized person.<sup>216</sup> In **Belize**, applicants are asked to describe the security arrangements they have in place for the storage of their weapon (though the relevant act does not specify what storage arrangements are required) (Belize, n.d., question 7).

**Singapore** has some of the most restrictive storage provisions, requiring anyone who possesses a firearm for target practice to store the firearm at the gun club where he or she is a member. If a person owns a firearm for self-protection, he or she must keep it ‘in a safe with combination and key locks’ when not in use, and the safe must weigh no less than 70 kg (Singapore, n.d.b, para. 2). If the owner is planning to leave the country for more than one month, he or she must deposit the firearm at a police station for safekeeping (or with another authorized person) (Singapore, 1913, s. 19(3)). Similarly, in **Croatia**, if firearm owners intend to leave their place of residence for more than six months without taking the weapon with them, they must hand it over to a person who is entitled to hold such a weapon and to notify the authorities (Croatia, 1992, art. 37).

### Carrying in public

Some jurisdictions have imposed an absolute prohibition on the carrying of firearms in public places by civilians, such as **Brazil** (Dreyfus and Perez, 2007) and the **Russian Federation** (Pyadushkin, 2008), though exceptions are made for private security guards, hunters, and sport shooters. Others permit the carrying of weapons, provided the carrier has reasonable grounds for carrying the weapon and the weapon is unloaded, as in **Finland** (Finland, 1998, s. 106), or has obtained a permit or special (one-off) permission to carry, as in **Croatia** (Croatia, 1992, art. 27), **Kazakhstan** (Karimova, 2010), **Lithuania** (Lithuania, 2002, art. 12(10)), **New Zealand**—for pistols and restricted firearms (New Zealand, 1983, s. 36(1))—and **Switzerland** (Switzerland, 1997, art. 27). Other jurisdictions prohibit the carrying of firearms in certain locations, such as government premises, in and around schools and



A gun owner wears a .45 calibre semi-automatic pistol as he barbecues at a gun-rights rally in Portland, Maine, April 2010.  
© Joel Page/AP Photo



### Box 9.3 Concealed carry laws in the United States

The **United States** has four standards of law governing the carrying of firearms (typically handguns) in public. These are known as 'no issue', 'may issue', 'shall issue', and unrestricted laws. Two states currently have 'no issue' laws, which do not allow civilians to carry concealed weapons at all. Twelve states and the District of Columbia have 'may issue' laws, which require a permit to be obtained to carry a concealed handgun and give the licensing authority some level of discretion with respect to the granting of such a permit. In other words, the licensing authority *may* issue a permit to carry a concealed handgun if certain criteria are met. Finally, 34 states with 'shall issue' laws require that a permit be obtained to carry a concealed handgun. The licensing authority has no discretion in granting the permit, however; the permit *shall* be issued if certain objective criteria are met (typically, the applicant must be at least 21 years old; must pass a fingerprint-based background check; and may have to complete a safety class).

In three states (Alaska, Arizona, and Vermont) no permit is required to carry a concealed handgun or carrying is lawful without a permit when the carrier is engaged in certain activities (such as hunting, or when working as a security guard). **Arizona** deregulated the carrying of concealed weapons in April 2010, passing a law that removed the requirement to obtain a permit to carry a concealed handgun (Davenport and Cooper, 2010). Such unrestricted approaches to concealed carry are sometimes referred to as 'constitutional carry', as some perceive it as more closely aligned to the constitutional right to bear arms.

Different states also have varying laws concerning 'open carry' in the United States, that is, the act of carrying a firearm in a public place in plain view (as opposed to concealed from view). Some states allow open carry without a permit; some allow open carry provided the person has a permit or licence; and others may prohibit open carry altogether or restrict it to certain circumstances, such as when a person is hunting or on their own property. Annexe 9.2 indicates the provisions regarding concealed and open carry with respect to the US states reviewed for this chapter. In general, the trend over the last ten years has been towards less restrictive concealed carry state laws.

Source: LCAV (2008, pp. 203-11)



Authorities remove a man from the Texas Capitol after he fired off a few rounds into the air in January 2010. A few months later, legislators ordered magnetometers installed at all four public entrances to the capitol. © Vida Walker Burtis/AP Photo

churches, or during specific holidays and events, such as elections. For example, the **United States** has restrictions on carrying guns in or near federal buildings and school premises (see Box 9.3); and the cities of Bogotá and Cali in **Colombia** have both experimented with bans on the carrying of handguns on holidays, which reportedly led to a lower incidence of homicide during periods when the firearm-carrying ban was in effect (Villaveces et al., 2000, cited in HDC, 2005, p. 20). **South Africa's** law permits any premises or categories of premises to be declared 'firearm-free zones', if doing so is determined to be in the public interest (South Africa, 2000, s. 140).

## CONCLUSION

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This chapter has reviewed national controls over the civilian possession of firearms in 42 jurisdictions with a view to identifying some of the differences and similarities among them. Its first observation is that national approaches to civilian firearm regulation turn on the question of whether civilian ownership is seen as a basic right or a privilege. In two of the states the chapter reviews (the **United States** and **Yemen**) civilians have a basic right to own firearms and, accordingly, regulation tends to be more permissive; legislation limiting the right of possession is narrowly phrased. In all other jurisdictions, firearm possession is regarded as a privilege, and states place greater restrictions on ownership.

The chapter's second observation is that, despite the lack of international standards in this area, and irrespective of whether countries see civilian firearm ownership as a right or as a privilege, the reviewed jurisdictions share many elements of civilian firearm control. These include licensing systems that regulate access, gun registration or record-keeping, and restrictions and prohibitions on the possession of certain weapons. More fundamentally, national controls on civilian firearm access are generally three-pronged, simultaneously regulating the *type* of firearm civilians can possess, the *user*, and the permitted *use* of firearms.

By and large, states share the same underlying objectives—to prevent gun misuse and improve public security. In some instances, they pursue these goals through strong firearm controls; in others they favour more permissive gun laws. Only a few states worldwide prohibit civilians, as a group, from owning firearms, and none permit unrestricted civilian possession and use. In fact, nearly all seek a balance—one that is shaped by the unique history and culture of each country, and by its legal (constitutional) system. Simply put, there is no one-size-fits-all approach to the issue: authorities must consider many context-specific factors when designing national controls on civilian possession.

Yet civilian firearm controls are not only a reflection of geography. As with other types of social regulation, civilian gun laws change over time. Revisions are sparked not only by high-profile mass shootings, such as those reviewed in this chapter, but also by broader shifts in public attitudes towards armed violence—and towards regulation itself. As a result, the chapter can only offer a snapshot of civilian firearm legislation at a particular time (late 2010). States will undoubtedly continue to fine-tune their civilian gun laws as they seek to balance permission and restriction. ■

## LIST OF ABBREVIATIONS

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.22 L.R.	.22 calibre long rifle
ACT	Australian Capital Territory (Australia)
APMC	Australasian Police Ministers' Council
ECOSOC	United Nations Economic and Social Council

ECOWAS	Economic Community of West African States
EU	European Union
MSSA	Military-style semi-automatic firearm (New Zealand)
NICS	National Instant Criminal Background Check System (US)
NFA	National Firearms Act (United States)
OAU	Organization of African Unity
PoA	Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects
SADC	Southern African Development Community

## ANNEXES

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Annexe 9.1 identifies the eligibility criteria for owning a firearm in each of the jurisdictions under review (such as age, mental health, drug dependency, criminal record, public interest, and competency); it also identifies the ‘genuine reasons’ considered as part of the licensing process (such as hunting, sport shooting, professional requirements, performance, collection, and self-defence).

Annexe 9.2 lists the duration of licences and permits to acquire firearms in the jurisdictions under review; it also identifies the conditions associated with licences and ownership of firearms generally (such as the obligation to report theft or loss, safe storage requirements, and rules governing carrying weapons in public), as well as the penalties associated with a failure to fulfil these conditions.

## Annexe 9.1 Overview of owner licensing criteria and genuine reasons for owning a firearm

Country/ sub-national entity	Age		Mental health	Drug dependency	Criminal record	Public interest or safety	Competency
	Adult	Minor					
Australia							
Australian Capital Territory	18 <sup>1</sup>	12+ (C) <sup>2</sup>	✓ (MC) <sup>3</sup>	<sup>4</sup>	✓ (V) <sup>5</sup>	✓ <sup>6</sup>	✓ <sup>7</sup>
New South Wales	18 <sup>15</sup>	12+ (A and C) <sup>16</sup>	✓ <sup>17</sup>	<sup>18</sup>	✓ (V) <sup>19</sup>	✓ <sup>20</sup>	✓ <sup>21</sup>
Northern Territory	18 <sup>29</sup>	16+ (A and C) <sup>30</sup>	✓ (incl. suicide attempts) <sup>31</sup>		✓ (V) <sup>32</sup>	✓ <sup>33</sup>	✓ <sup>34</sup>
Queensland	18 <sup>40</sup>	11+ (A or farming) <sup>41</sup>	✓ (and physical) <sup>42</sup>	<sup>43</sup>	✓ (V) <sup>44</sup>	✓ <sup>45</sup>	✓ <sup>46</sup>
South Australia	18 <sup>54</sup>	15+ (if family or employer is engaged in farming) <sup>55</sup>	✓ (and physical) <sup>56</sup>		✓ (V) <sup>57</sup>	✓ <sup>58</sup>	✓ <sup>59</sup>
Tasmania	18 <sup>66</sup>	12+ (A-approved range only- and C); 16+ (A- approved range only-and C) <sup>67</sup>	✓ (and physical) <sup>68</sup>		✓ (V) <sup>69</sup>	✓ <sup>70</sup>	✓ <sup>71</sup>
Victoria	18 <sup>78</sup>	12+ (A and C) <sup>79</sup>	✓ <sup>80</sup>	<sup>81</sup>	✓ (V) <sup>82</sup>	✓ <sup>83</sup>	✓ <sup>84</sup>
Western Australia	18 <sup>91</sup>	under 18 (under supervision of licensed adult; not handguns) <sup>92</sup>	✓ (and physical) <sup>93</sup>		✓ (V) <sup>94</sup>	✓ <sup>95</sup>	✓ <sup>96</sup>
Belize	16 <sup>103</sup>		(✓) <sup>104</sup>		✓ (V) <sup>105</sup>		(✓) <sup>106</sup>
Brazil	25 <sup>112</sup>	18+ <sup>113</sup>	✓ (psycho- logical aptitude) <sup>114</sup>		✓ <sup>115</sup>	✓ <sup>116</sup>	✓ <sup>117</sup>
Canada (firearms other than restricted firearms and handguns)	18 <sup>122</sup>	12+ (A, B, and C); no minimum if hunting and trapping is a 'way of life'; parental consent required <sup>123</sup>	✓ <sup>124</sup>	<sup>125</sup>	✓ (V) <sup>126</sup>	✓ <sup>127</sup>	✓ <sup>128</sup>
Canada (restricted firearms and handguns)	(as above)	minors cannot be licensed to possess restricted or prohibited firearms <sup>130</sup>	(as above)	(as above)	(as above)	(as above)	✓ (restricted firearms safety course) <sup>131</sup>



Reason required?	Hunting	Target/sport shooting	Profession	Performance	Collection	Personal protection
✓ ('genuine reason') <sup>8</sup>	✓ (and vermin control) <sup>9</sup>	✓ <sup>10</sup>	✓ (animal welfare; farming) <sup>11</sup>	(✓) (permit can be obtained) <sup>12</sup>	✓ <sup>13</sup>	no <sup>14</sup>
✓ ('genuine reason') <sup>22</sup>	✓ (and pest control) <sup>23</sup>	✓ <sup>24</sup>	✓ (animal welfare; farming) <sup>25</sup>	(✓) (permit can be obtained) <sup>26</sup>	✓ <sup>27</sup>	no <sup>28</sup>
✓ ('genuine reason') <sup>35</sup>	✓ (and pest control) <sup>36</sup>	✓ <sup>37</sup>	✓ (instruction; animal welfare; farming) <sup>38</sup>		✓ <sup>39</sup>	(no)
✓ ('genuine reason') <sup>47</sup>	✓ <sup>48</sup>	✓ <sup>49</sup>	✓ (incl. farming) <sup>50</sup>	(✓) (can borrow for theatrical purposes) <sup>51</sup>	✓ <sup>52</sup>	(no) <sup>53</sup>
✓ ('genuine reason') <sup>60</sup>	✓ <sup>61</sup>	✓ <sup>62</sup>	✓ (guarding property; farming) <sup>63</sup>	✓ <sup>64</sup>	✓ <sup>65</sup>	(no)
✓ ('genuine reason') <sup>72</sup>	✓ (not handguns) <sup>73</sup>	✓ <sup>74</sup>	✓ (long arm: e.g. animal welfare; farming; handgun: e.g. security industry) <sup>75</sup>		✓ <sup>76</sup>	no <sup>77</sup>
✓	✓ (not handguns) <sup>85</sup>	✓ <sup>86</sup>	✓ (long guns: such as for farming, handguns: for security guards) <sup>87</sup>	(✓) (permit can be obtained) <sup>88</sup>	✓ <sup>89</sup>	no <sup>90</sup>
✓ ('genuine reason') <sup>97</sup>	✓ (not handguns) <sup>98</sup>	✓ <sup>99</sup>	✓ <sup>100</sup>		✓ <sup>101</sup>	no <sup>102</sup>
✓ (reasonable grounds) <sup>107</sup>	(✓) <sup>108</sup>	(✓) <sup>109</sup>	(✓) (farming) <sup>110</sup>			(✓) <sup>111</sup>
✓ <sup>118</sup>	✓ <sup>119</sup>	✓ <sup>120</sup>	✓ <sup>121</sup>			
129						
✓ <sup>132</sup>		(✓) <sup>133</sup>	✓ (e.g. cash transport; work in remote wilderness; professional trapper) <sup>134</sup>		(✓) <sup>135</sup>	✓ (if imminent danger and police protection insufficient) <sup>136</sup>



Country/ sub-national entity	Age		Mental health	Drug dependency	Criminal record	Public interest or safety	Competency
	Adult	Minor					
Colombia <sup>137</sup>	18		✓	✓	✓		
Croatia <sup>139</sup>	21 <sup>140</sup>	18+ (A, B, and security guards); under 18 (air weapons for A) <sup>141</sup>	✓ (MC) <sup>142</sup>	✓ <sup>143</sup>	✓ (V) <sup>144</sup>		(✓) <sup>145</sup>
Dominican Republic <sup>153</sup>	18		✓ (MC)	✓	✓ (V)	✓	✓
Egypt <sup>154</sup>	21	school and university students are exempt from requiring a licence for training purposes	✓ (and physical)	✓ (not intoxicated)	✓	✓	✓ (must have knowledge of proper security precautions)
Estonia	21 <sup>155</sup>	18-21 (A, B, plus pneumatic or gas weapon, crossbow, or smoothbore gun) <sup>156</sup>	✓ <sup>157</sup>	✓ <sup>158</sup>	✓ <sup>159</sup>		✓ <sup>160</sup>
Finland	18 <sup>168</sup>	15+ (A and B, with parental consent) <sup>169</sup>	(✓) ('state of health') <sup>170</sup>		(✓) (V) <sup>171</sup>		✓ (if for profession) <sup>172</sup>
India	21 <sup>179</sup>	12+ (A) <sup>180</sup>	✓ <sup>181</sup>		✓ <sup>182</sup>	✓ <sup>183</sup>	
Israel	27 (21 if served in the military) <sup>189</sup>	under 21 (A—for air rifle or air handgun—or C) <sup>190</sup>	✓ <sup>191</sup> (MC)	✓ <sup>192</sup> (MC)	✓ <sup>193</sup> (V)		✓ <sup>194</sup>
Japan	18 (20 for hunting guns) <sup>201</sup>	14 (air guns) <sup>202</sup>	✓ <sup>203</sup>	✓ <sup>204</sup>	✓ (V) <sup>205</sup>	✓ <sup>206</sup>	✓ (for hunting guns and air rifles) <sup>207</sup>
Kazakhstan <sup>214</sup>	18	16 (A and C)	✓ (MC)	✓	✓	✓	✓ (test of knowledge for safe-handling)

Reason required?	Hunting	Target/sport shooting	Profession	Performance	Collection	Personal protection
✓	✓	✓	✓ (e.g. security providers and rural exploitation) <sup>138</sup>		✓	✓
✓ <sup>146</sup>	✓ <sup>147</sup>	✓ <sup>148</sup>	✓ (legal persons for scientific research and data collection on species) <sup>149</sup>	✓ (antique or deactivated firearms) <sup>150</sup>	✓ (antique or deactivated firearms) <sup>151</sup>	✓ <sup>152</sup>
	✓	n.s.	✓ (security provider; game rancher; firearm trainer; certain officials)		✓ (antique or deactivated firearms)	✓
	n.s.	n.s.	n.s.	n.s.	n.s.	n.s.
✓ ('purpose' must be stated in application) <sup>161</sup>	✓ <sup>162</sup>	✓ <sup>163</sup>	✓ <sup>164</sup>	(✓) (single permit only; blank catridges) <sup>165</sup>	✓ <sup>166</sup>	✓ <sup>167</sup>
✓ <sup>173</sup>	✓ (not automatic firearms) <sup>174</sup>	✓ (not automatic firearms) <sup>175</sup>	✓ <sup>176</sup>	✓ <sup>177</sup>	✓ <sup>178</sup>	
✓ <sup>184</sup>		✓ <sup>185</sup>	✓ (farming) <sup>186</sup>	✓ (theatre, film) <sup>187</sup>		✓ <sup>188</sup>
✓ <sup>195</sup>	✓ <sup>196</sup> (must have hunting licence from Wild Life Authority)	✓ <sup>197</sup> (if member of a shooting club)	✓ (incl. guards, firearms instructors, and elimination of agricultural harms, e.g. seasonal pest control)	✓ <sup>198</sup>	✓ <sup>199</sup> (official museums; private collection is not permitted; souvenirs only in exceptional cases)	✓ <sup>200</sup>
✓ <sup>208</sup>	✓ (and extermination) <sup>209</sup>	✓ <sup>210</sup>	✓ (e.g. animal anaesthesia; butchery; fishery; industrial uses) <sup>211</sup>	✓ <sup>212</sup>	✓ (museum exhibitions) <sup>213</sup>	
	✓	✓	✓	✓	✓ (public exhibition, e.g. museum)	



Country/ sub-national entity	Age		Mental health	Drug dependency	Criminal record	Public interest or safety	Competency
	Adult	Minor					
Kenya	14 <sup>215</sup>	12-14 (A plus miniature rifle or shotgun) <sup>216</sup>	✓ <sup>217</sup>		(✓) <sup>218</sup>	✓ <sup>219</sup>	
Lithuania <sup>225</sup>	18-23 <sup>226</sup>	16+ (A) <sup>227</sup>	✓ (and physical) <sup>228</sup>	✓ <sup>229</sup>	✓ <sup>230</sup>		(✓) <sup>231</sup>
New Zealand (firearms other than pistols and restricted firearms)	16 <sup>238</sup>	no minimum age for supervised shooting of unrestricted firearm <sup>239</sup>	(✓) <sup>240</sup>	(✓) <sup>241</sup>	(✓) <sup>242</sup>		✓ <sup>243</sup>
New Zealand (pistols and restricted firearms)	(as above)		(as above)	(as above)	(as above)	(as above)	(as above)
New Zealand (MSSA firearms)	18 <sup>253</sup>		(as above)	(as above)	(as above)	(as above)	(as above)
Papua New Guinea	18 <sup>257</sup>				(✓) <sup>258</sup>	✓ <sup>259</sup>	
Russian Federation <sup>265</sup>	18	16 (B)	✓ (MC)	✓	✓	✓	✓
Singapore	18 (21 for self- protection) <sup>266</sup>		(✓)		(✓) <sup>267</sup>	✓ <sup>268</sup>	✓ (for self- defence) <sup>269</sup>
South Africa	21 <sup>276</sup>	under 21 (A, B, or D) <sup>277</sup>	✓ <sup>278</sup>	✓ <sup>279</sup>	✓ (V) <sup>280</sup>		✓ <sup>281</sup>
Switzerland <sup>288</sup> (firearms other than prohibited firearms)	18 <sup>289</sup>	under 18 (can borrow firearm for A) <sup>290</sup>	✓ (and physical) <sup>291</sup>		✓ (V) <sup>292</sup>		(✓) (for licence to carry) <sup>293</sup>
Switzerland (prohibited firearms)	(as above)		(as above)		(as above)		
Turkey <sup>302</sup>	21 <sup>303</sup>	under 21 (A) <sup>304</sup>	✓ (and physical; MC)	✓	✓		
Uganda	25 <sup>306</sup>		✓ ('sound mind') <sup>307</sup>				(✓) (competent to use a firearm) <sup>308</sup>

Reason required?	Hunting	Target/sport shooting	Profession	Performance	Collection	Personal protection
✓ ('good reason') <sup>220</sup>	(✓) <sup>221</sup>	(✓) <sup>222</sup>	(no certificate required for slaughter use) <sup>223</sup>			✓ <sup>224</sup>
✓ <sup>232</sup>	✓ <sup>233</sup>	✓ <sup>234</sup>	✓ (training; scientific research) <sup>235</sup>		✓ <sup>236</sup>	✓ <sup>237</sup>
244	(✓) <sup>245</sup>	(✓) <sup>246</sup>	(✓) <sup>247</sup>			248
✓		✓ <sup>249</sup>	✓ (licensed dealer) <sup>250</sup>	✓ <sup>251</sup>	✓ <sup>252</sup>	
	(✓) <sup>254</sup>	(✓) <sup>255</sup>	(✓; e.g. pest control) <sup>256</sup>			
✓ (substantial reason) <sup>260</sup>	✓ <sup>261</sup>	✓ <sup>262</sup>	✓ (vet; scientific research; slaughter) <sup>263</sup>			✓ <sup>264</sup>
	✓	✓	✓ (reindeer and horse breeders)			
	270	✓ <sup>271</sup>	✓ (bodyguard) <sup>272</sup>	273	274	✓ <sup>275</sup>
(✓)	✓ <sup>282</sup>	✓ <sup>283</sup>	✓ (security provider, game rancher, firearm trainer) <sup>284</sup>	✓ <sup>285</sup>	✓ <sup>286</sup>	✓ <sup>287</sup>
✓ <sup>294</sup>	✓ <sup>295</sup>	✓ <sup>296</sup>			✓ <sup>297</sup>	✓ <sup>298</sup>
✓ <sup>299</sup>			✓ <sup>300</sup>		✓ <sup>301</sup>	
	✓	✓	✓ (security guards, farmers)		✓	(✓) <sup>305</sup>
✓ (reasonable cause) <sup>309</sup>	(✓) <sup>310</sup>	(✓) <sup>311</sup>	(no certificate required for slaughterhouse) <sup>312</sup>	(no certificate required) <sup>313</sup>		



Country/ sub-national entity	Age		Mental health	Drug dependency	Criminal record	Public interest or safety	Competency
	Adult	Minor					
United Kingdom (firearms other than shotguns)	18 <sup>314</sup>	14-18 (A and B) <sup>315</sup>	(✓) <sup>316</sup>	(✓) <sup>317</sup>	✓ <sup>318</sup>	✓ <sup>319</sup>	
United Kingdom (shotguns)	(as above)	15+ (unless supervised by someone 21 or older) <sup>327</sup>	(as above)	(as above)	(as above)	✓ <sup>328</sup>	
United States	18 (handguns only) <sup>332</sup>		✓ <sup>333</sup>	✓ <sup>334</sup>	✓ (V) <sup>335</sup>		
Arizona (to buy a firearm)	18 <sup>336</sup>	14+ (A, B, and farming) <sup>337</sup>			✓ (V) <sup>338</sup>	<sup>339</sup>	
Arizona (for a handgun CCP)	21 <sup>341</sup>		✓ <sup>342</sup>		✓ (V) <sup>343</sup>	<sup>344</sup>	(✓) <sup>345</sup>
California (to buy a firearm)	18 (rifle or shotgun) <sup>347</sup>	loans to persons under 18 by parents and guardians: indefinitely loans to persons under 18 by persons other than parents and guardians, with parental permission: maximum 30 days <sup>348</sup>	✓ <sup>349</sup>	✓ <sup>350</sup>	✓ (V) <sup>351</sup>		
California (for a handgun CCP)	21 <sup>353</sup>	loans to persons under 18 by parents or guardians: may be loaned for period of time necessary to engage in a lawful activity loans to persons under 18 by anyone other than parents or guardian with parental permission: max. 10 days <sup>354</sup>	(as above)	(as above)	(as above)		✓ <sup>355</sup>

Reason required?	Hunting	Target/sport shooting	Profession	Performance	Collection	Personal protection
✓ ('good reason') <sup>320</sup>	(✓) (for pest control) <sup>321</sup>	(✓) <sup>322</sup>	(no firearm certificate required for slaughterhouse or auctioneers) <sup>323</sup>	(no certificate required) <sup>324</sup>	(✓) <sup>325</sup>	no <sup>326</sup>
✓ ('good reason') <sup>329</sup>	✓ (shooting vermin) <sup>330</sup>	✓ <sup>331</sup>				
340						
346						
352						
✓ <sup>356</sup> ('good cause' needed for CCP)	(what constitutes 'good cause' for a CCP is n.s.)	(what constitutes 'good cause' for a CCP is n.s.)	(what constitutes 'good cause' for a CCP is n.s.)	(what constitutes 'good cause' for a CCP is n.s.)	(what constitutes 'good cause' for a CCP is n.s.)	(what constitutes 'good cause' for a CCP is n.s.)



Country/ sub-national entity	Age		Mental health	Drug dependency	Criminal record	Public interest or safety	Competency
	Adult	Minor					
Florida	18 <sup>357</sup>	16-18 (A and B) under 16 (A and B and supervised) <sup>358</sup>	✓		✓ (V) <sup>359</sup>		360
Massachusetts (to buy a firearm/FID)	18 (21 for large-capacity rifles and shotguns) <sup>362</sup>	15-18 (with parental consent) under 15 (A and B (if supervised)) <sup>363</sup>	✓ <sup>364</sup>	✓ <sup>365</sup>	✓ (V) <sup>366</sup>		✓ <sup>367</sup>
New Jersey (to buy a firearm)	18 <sup>369</sup>	under 18 (or 21 for a handgun) if supervised; military drill; A (if supervised) and B <sup>370</sup>	✓ (and physical) <sup>371</sup>	✓ <sup>372</sup>	✓ (V) <sup>373</sup>	✓ (public health, safety, or welfare) <sup>374</sup>	
New Jersey (for a hand- gun CCP)	21 <sup>376</sup>	under 21 if supervised; military drill; A (if supervised) and B <sup>377</sup>	(as above)	(as above)	(as above)	(as above)	✓ <sup>378</sup>
Texas (to buy a firearm)	18 <sup>380</sup>	under 18 (with parental consent) <sup>381</sup>		✓ (intoxi- cated) <sup>382</sup>	✓ <sup>383</sup>		✓ <sup>384</sup>
Texas (for a hand- gun CCP)	21 <sup>386</sup>			✓ <sup>387</sup>	✓ <sup>388</sup>		✓ <sup>389</sup>
Venezuela <sup>391</sup>	18		✓		✓	✓	✓
Yemen <sup>395</sup> (licence to carry)	18 <sup>396</sup>		✓ <sup>397</sup>	✓ (drugs and alcohol) <sup>398</sup>	✓ (V) <sup>399</sup>		

**Note:** Blank cells indicate that cited legislation makes no relevant or specific reference. Shaded cells indicate that the jurisdiction in question does not require applicants to have a 'reason' or 'purpose' to acquire a firearm; hence, no acceptable purposes are expressly identified in the legislation (such as hunting or sport shooting), and, implicitly, firearms may be acquired for any purposes unless stated otherwise.

#### Key

- A sport shooting, target practice, or competition
- B hunting
- C to receive instruction in firearm handling
- D collector
- CCP permit to carry a concealed weapon ('concealed carry permit')
- FID Firearms Identification Card
- MC medical certificate
- n.s. not specified
- V the criminal conviction includes violence

(✓) relevant information is not expressly indicated in the legislation, but is implied in the legislation or is implied in or derived from a secondary, non-binding source, such as guidelines



Reason required?	Hunting	Target/sport shooting	Profession	Performance	Collection	Personal protection
361						
368						
375						
✓ ('justifiable need' to carry a handgun) <sup>379</sup>	(what constitutes 'justifiable need' to carry a handgun is n.s.)	(what constitutes 'justifiable need' to carry a handgun is n.s.)	(what constitutes 'justifiable need' to carry a handgun is n.s.)	(what constitutes 'justifiable need' to carry a handgun is n.s.)	(what constitutes 'justifiable need' to carry a handgun is n.s.)	(what constitutes 'justifiable need' to carry a handgun is n.s.)
385						
390						
✓	✓ <sup>392</sup>	✓	✓		✓ <sup>393</sup>	✓ <sup>394</sup>
✓ ('sufficient reasons') <sup>400</sup>			✓ (work, political or social position requires carrying a personal weapon) <sup>401</sup>			✓ <sup>402</sup>

## Annexe 9.2 Overview of conditions of firearms ownership

Country/ sub-national entity	Duration		Penalties for unlawful possession	Licence conditions and penalties for non-compliance	
	Licence	Permit to acquire		Report theft/loss	Penalties for failure to report
Australia					
Australian Capital Territory	5 years; R: 1 year <sup>1</sup>	30 days <sup>2</sup>	1-2 prohibited firearms: 5 years; 3-9 prohibited fire- arms: 7 years; 10+ prohibited firearms: 20 years <sup>3</sup>	✓ within '2 days' <sup>4</sup>	AUD 5,500 (USD 5,900) (50 penalty units) <sup>5</sup>
New South Wales	2 years; R: 1 year <sup>9</sup>	90-day permit to acquire <sup>10</sup>	5 years <sup>11</sup>	✓ 'immediately' to police officer; within 7 days to commissioner <sup>12</sup>	AUD 5,500 (USD 5,900) (50 penalty units) <sup>13</sup>
Northern Territory	5 years; R: 1-3 years <sup>18</sup>	n.s. <sup>19</sup>	AUD 26,600 (USD 28,360) (200 penalty units); 12 months (x2 for restricted or prohibited firearms) <sup>20</sup>	✓ within '2 working days' <sup>21</sup>	AUD 6,650 (USD 7,090) (50 penalty units); 12 months <sup>22</sup>
Queensland	5 years; R: 1 year <sup>26</sup>	3 months <sup>27</sup>	2-7 years (depending on category) <sup>28</sup>	✓ 'immediately' <sup>29</sup>	AUD 1,000 (USD 1,060) (10 penalty units) <sup>30</sup>
South Australia	5 years; R: 1 year <sup>36</sup>	n.s. <sup>37</sup>	4-7 years and AUD 20,000- 35,000 (USD 21,300-37,300) (depending on category) <sup>38</sup>	within 14 days <sup>39</sup>	AUD 5,000-10,000 (USD 5,300-10,700) or 1-2 years (depend- ing on category of firearm) <sup>40</sup>
Tasmania	5 years (3 if licensee so elects); R: 12 months (semi- automatic) <sup>45</sup>	90 days <sup>46</sup>	2 years and/or AUD 6,500 (USD 6,930) (50 penalty units) <sup>47</sup>	✓ within 7 days <sup>48</sup>	AUD 6,500 (USD 6,930) (50 penalty units) <sup>49</sup>

Licence conditions and penalties for non-compliance			
Safe storage	Penalties for unsafe storage	Carrying in public?	Penalties for unlawful carrying
✓ A, S <sup>6</sup>	1 year (2 if a prohibited firearm) <sup>7</sup>	(✓)	carrying in a dangerous or unsafe manner: AUD 5,500 (USD 5,900) (50 penalty units); 6 months; or both unauthorized possession in a public place: AUD 11,000 (USD 11,720) (100 penalty units); 12 months; or both <sup>8</sup>
✓ A, S <sup>14</sup>	prohibited firearm: AUD 5,500 (USD 5,900) (50 penalty units); 2 years; or both other firearm: AUD 2,200 (USD 2,350) (20 penalty units); 12 months; or both <sup>15</sup>	(security guards must holster pistols) <sup>16</sup>	(security guards: AUD 5,500 (USD 5,900) (50 penalty units)) <sup>17</sup>
✓ A, S <sup>23</sup>	AUD 6,650 (USD 7,090) (50 penalty units) or 12 months <sup>24</sup>	(✓)	unlawful carrying of firearm exposed to public view: AUD 13,000 (USD 13,860) (100 penalty units) or 6 months (double if prohibited or restricted firearms) unlawful carrying of loaded firearm in public place: AUD 26,000 (USD 27,720) (200 penalty units) or 12 months (double if prohibited or restricted firearms) <sup>25</sup>
✓ S, U <sup>31</sup>	AUD 10,000 (USD 10,700) (100 penalty units) or 2 years <sup>32</sup>	cannot carry loaded firearm in public 'without reasonable excuse' <sup>33</sup> (e.g. security guard, must be holstered) <sup>34</sup>	AUD 6,000 (USD 6,400) (60 penalty units) or 1 year <sup>35</sup>
✓ A, S <sup>41</sup>	AUD 5,000-10,000 (USD 5,300-10,700) or 1-2 years (depending on category of firearm) <sup>42</sup>	offence to carry in public without lawful excuse <sup>43</sup>	AUD 2,500 (USD 2,700) or 6 months (increased to AUD 10,000 (USD 10,700) or 2 years if at night and in the vicinity of licensed premises) <sup>44</sup>
✓ A, S <sup>50</sup>	AUD 2,600 (USD 2,770) (20 penalty units) and/or 12 months (AUD 6,500 (USD 6,930) (50 penalty units) and/or 2 years if prohibited or restricted firearms) <sup>51</sup>	✓ <sup>52</sup>	unlawful possession of loaded firearm in public place (i.e. not licensee and not undertaking the purpose for which the licence has been granted): AUD 13,000 (USD 13,860) (100 penalty units); 3 years; or both <sup>53</sup>



Country/ sub-national entity	Duration		Penalties for unlawful possession	Licence conditions and penalties for non-compliance	
	Licence	Permit to acquire		Report theft/loss	Penalties for failure to report
Victoria	5 years; R: 3 years <sup>54</sup>	28 days <sup>55</sup>	2-7 years (depending on category) <sup>56</sup>	✓ 24 hrs <sup>57</sup>	AUD 3,580 (USD 3,800) (30 penalty units) <sup>58</sup>
Western Australia	12 months (3-5 years for collectors' licence) <sup>63</sup>		5 years; handgun: 7 years (summary conviction: 3 years or AUD 12,000 (USD 12,800)) <sup>64</sup>	✓ 'as soon as is practicable' <sup>65</sup>	AUD 2,000 (USD 2,100) <sup>66</sup>
Belize	1 year (expires on appli- cant's next birthday) <sup>71</sup>		summary: 1 <sup>st</sup> offence: 2-5 years; 2 <sup>nd</sup> offence: 3-7 years on indictment: 1 <sup>st</sup> offence: 3-7 years; 2 <sup>nd</sup> offence: 5-10 years <sup>72</sup>		
Brazil <sup>76</sup>	3 years		fine (n.s.); 1-3 years	✓ 'immediately' <sup>77</sup>	suspension of licence
Canada	5 years <sup>78</sup>		5 years (10 years if knowingly) <sup>79</sup>	✓ 'with reasonable despatch' <sup>80</sup>	5 years <sup>81</sup>
Colombia	10 years (arms in house or property, not to be carried); 3 years (for self-defence); 1 year (for restricted weapons) <sup>86</sup>		4-8 years for self-defence firearms; 5-15 years for military weaponry <sup>87</sup>	✓ 'immediately' or at latest 30 days <sup>88</sup>	One-month value of minimum wage. If not paid, weapon seized until payment received <sup>89</sup>

Licence conditions and penalties for non-compliance			
Safe storage	Penalties for unsafe storage	Carrying in public?	Penalties for unlawful carrying
✓ A, S <sup>59</sup>	AUD 7,160-28,650 (USD 7,640-30,560) (60-240 penalty units) or 1-4 years (depending on category) <sup>60</sup>	1) offence to carry loaded firearm in a town or populous place; 2) offence to use or carry on private property without consent; 3) offence to carry while drunk or intoxicated; 4) offence to carry concealed firearm 'for the purpose of committing an indictable offence' <sup>61</sup>	1 and 2) AUD 7,160 (USD 7,640) (60 penalty units) or 12 months; 3) AUD 14,320 (USD 15,280) (120 penalty units) or 2 years; 4) AUD 28,640 (USD 30,560) (240 penalty units) or 4 years <sup>62</sup>
✓ A, S, U <sup>67</sup>	1 <sup>st</sup> offence: AUD 2,000 (USD 2,100); subsequent: AUD 4,000 (USD 4,300) or 12 months <sup>68</sup>	✓ <sup>69</sup>	unlawful carrying: AUD 16,000 (USD 17,100) or 4 years; 7 years if handgun <sup>70</sup>
(✓) <sup>73</sup>		✓ <sup>74</sup>	offence not to carry the licence when carrying the firearm (penalty for general offences: up to BZD 5,000 (USD 2,600) or up to 3 years, or both) <sup>75</sup>
✓ (A, S—specified only for private security companies, collectors, sport shooters, and hunting organizations)	storing without authorization and in violation of legal or regulatory norms: 2-4 years plus fine (n.s.)	no (except private security guards; hunters and sports persons; automatically voided if found drunk/intoxicated)	unlawful carrying: 2-4 years plus fine (n.s.)
✓ A, S, U <sup>82</sup>	up to 2 years (up to 5 years for subsequent offence) <sup>83</sup>	✓ (for restricted and prohibited firearms need an authorization to carry and can carry only 1 firearm, which must be holstered) <sup>84</sup>	carrying in a 'careless manner': up to 2 years (up to 5 years for subsequent offence) unauthorized concealed carry: up to 5 years carrying to a public meeting without lawful excuse: punishable on summary conviction <sup>85</sup>
storage conditions are stipulated only in the context of transporting firearms: A, S <sup>90</sup>	n.s. <sup>91</sup>	✓ (3-year permit to carry a self-defence weapon, 1-year permit to carry a restricted weapon) <sup>92</sup>	n.s. <sup>93</sup>



Country/ sub-national entity	Duration		Penalties for unlawful possession	Licence conditions and penalties for non-compliance	
	Licence	Permit to acquire		Report theft/loss	Penalties for failure to report
Croatia	10 years <sup>94</sup>	6 months <sup>95</sup>	fine of HRD 20,000-50,000 or up to 30 days <sup>96</sup>	'immediately' <sup>97</sup>	fine of HRD 10,000- 30,000 <sup>98</sup>
Dominican Republic <sup>103</sup>	up to 1 year (expires on 31 December of the year of issue)		USD 30-550 plus 6 months- 2 years <sup>104</sup>	✓ (no time frame)	n.s.
Egypt <sup>105</sup>	3 years		at least 1 month plus fine EGP 50-500 (USD 8-84) (life imprisonment with hard labour for certain firearms)		
Estonia	5 years <sup>106</sup>	3 months <sup>107</sup>	fine (n.s.) or up to 3 years <sup>108</sup>	✓ ('promptly') <sup>109</sup>	300 fine units or detention (n.s.) <sup>110</sup>
Finland	indefinite (except licences for work purposes: 5 years) <sup>115</sup>	6 months (1 year for collectors) <sup>116</sup>	fine (n.s.) or 2 years <sup>117</sup>	✓ ('without delay') <sup>118</sup>	fine (n.s.) <sup>119</sup>
India	3 years <sup>124</sup>		fine (n.s.) and 1-3 years <sup>125</sup>	✓ ('forthwith') <sup>126</sup>	up to 6 months and/or fine up to INR 2,000 (USD 44) <sup>127</sup>
Israel	3 years <sup>130</sup>	90 days <sup>131</sup>	unlawful possession of firearm: 7 years unlawful possession of ammunition: 3 years (lower penalties if licence has simply expired) <sup>132</sup> possible fine (n.s.)	✓ within 48 hours <sup>133</sup>	6 months <sup>134</sup>

Licence conditions and penalties for non-compliance			
Safe storage	Penalties for unsafe storage	Carrying in public?	Penalties for unlawful carrying
✓S <sup>99</sup>	fine of HRD 20,000-50,000 or up to 30 days <sup>100</sup>	✓ <sup>101</sup>	fine of HRD 10,000-30,000 (carrying without documentation or displaying in public) <sup>102</sup>
		✓ (conditions not specified)	n.s.
		✓ (but not in public places that serve alcohol, or public meetings, conferences or weddings)	up to 2 months and a fine of EGP 100-1,000 (USD 17-168)
✓A, S, U <sup>III</sup>	300 fine units or detention (n.s.) negligent storage that leads to injury to another or use of the firearm to commit an offence: fine (n.s.) or up to 3 years <sup>112</sup>	✓ (must be concealed and unloaded (except revolvers), and prohibited to carry at public events) <sup>113</sup>	300 fine units or detention (n.s.) carrying while drunk or at public events: 200 fine units or detention (n.s.) <sup>114</sup>
✓A, S <sup>120</sup>	fine (n.s.) or 6 months <sup>121</sup>	✓ (must be unloaded and 'reasonable grounds' for carrying; if 'for work' a possession permit entitles carrying for the assignment in question) <sup>122</sup>	fine (n.s.) or 6 months—if carried in dangerous manner <sup>123</sup>
		✓ (depending on type of firearm and licence, restrictions apply to taking firearm to public meetings and religious processions) <sup>128</sup>	up to 3 months and/or fine up to INR 500 (USD 11) <sup>129</sup>
✓S, A, U <sup>135</sup>	1 year <sup>136</sup>	✓ <sup>137</sup>	carrying firearms without a licence to possess: 10 years carrying against safety regulations: 6 months <sup>138</sup>



Country/ sub-national entity	Duration		Penalties for unlawful possession	Licence conditions and penalties for non-compliance	
	Licence	Permit to acquire		Report theft/loss	Penalties for failure to report
Japan	3 years (for hunting or air guns, i.e. until 3 <sup>rd</sup> birthday of licensee after granting of licence) <sup>139</sup>	3 months (no separate permit to acquire, but licence expires if no firearm purchased within 3 months) <sup>140</sup>	handgun: 1-10 years; hunting gun: up to 5 years or fine up to JPY 1 million (USD 12,500) other firearms: up to 3 years or fine up to JPY 500,000 (USD 6,250) <sup>141</sup>		
Kazakhstan <sup>146</sup>	5 years (self- defence; unlimited for collection)	3 months	1-5 monthly salaries (plus possible confiscation)	✓ (for collectible arms, immediately)	10-20 monthly salaries (minimum wage) for indi- viduals breaching licensing rules and requirements
Kenya	1 year <sup>147</sup>		5-10 years <sup>148</sup>	✓ 'as soon as pos- sible' <sup>149</sup>	KES 10,000 (USD 120); 1 year; or both <sup>150</sup>
Lithuania	5 years <sup>155</sup>	6 months <sup>156</sup>	up to 5 years <sup>157</sup>	(obligation to report loss or theft of permit to hold or carry 'immediately', but not firearm itself) <sup>158</sup>	<sup>159</sup>
New Zealand	10 years <sup>164</sup>	permit to procure pistol, MSSA firearm, or restricted firearm: 1 month <sup>165</sup>	NZD 1,000 (USD 824); 3 months; or both <sup>166</sup>	✓ ('forthwith') <sup>167</sup>	up to NZD 500 (USD 400) <sup>168</sup>
Papua New Guinea	12 months <sup>173</sup>	7 days <sup>174</sup>	PGK 1,500 (USD 620); 6 months (if pistol or high- powered firearm: PGK 5,000 (USD 2,000) or 5 years) <sup>175</sup>	<sup>176</sup>	
Russian Federation <sup>182</sup>	5 years	6 months	fine (n.s.); 8 years	✓ (legal persons must report immediately)	RUB 4,000-50,000 (USD 140-1,800)



Licence conditions and penalties for non-compliance			
Safe storage	Penalties for unsafe storage	Carrying in public?	Penalties for unlawful carrying
✓ A, S (hand-guns cannot be stored in the home) <sup>142</sup>	JPY 200,000 (USD 2,500) <sup>143</sup>	✓ (arms must be covered or put in a case) <sup>144</sup>	2 years or up to JPY 300 (USD 4) <sup>145</sup>
✓	10-20 monthly salaries (minimum wage) for individuals breaching licensing rules and requirements	✓ (must have permission to carry from Ministry of Internal Affairs)	1-5 monthly salaries (if repeat offence within the year, 5-10 monthly salaries)
✓ <sup>151</sup>	KES 10,000 (USD 120); 1 year; or both <sup>152</sup>	(no specific provisions, except it is an offence to carry a firearm while drunk) <sup>153</sup>	(KES 10,000 (USD 120); 1 year; or both) <sup>154</sup>
✓ <sup>160</sup>	weapons for which no permit required: warning or fine up to LTL 100 (USD 42) or fine of LTL 50-100 (USD 21-42), plus confiscation of firearm weapons for which a permit is required: LTL 100-200 (USD 42-84) (can be increased to LTL 300-600 (USD 125-250) if the person is convicted of certain administrative penalties) <sup>161</sup>	✓ (permit to carry issued at time of registration; handguns must not be visible) <sup>162</sup>	weapons for which no permit required: warning or fine up to LTL 100 (USD 42), or fine of LTL 50-100 (USD 21-42), plus confiscation of firearm weapons for which a permit is required: LTL 100-200 (USD 42-84) (can be increased to LTL 300-600 (USD 125-250) if the person is convicted of certain administrative penalties) <sup>163</sup>
✓ A, S <sup>169</sup>	pistol, restricted firearm, or MSSA: licence revoked other firearms: n.s. <sup>170</sup>	✓ (need specific endorsement to carry pistols or restricted firearms in public) <sup>171</sup>	carrying in public place, except if with lawful purpose: NZD 4,000 (USD 3,300); 3 years; or both <sup>172</sup>
✓ <sup>177</sup>	PGK 1,000 (USD 410) or 12 months <sup>178</sup>	✓ (need permit to carry and must have 'substantial reason' for carrying) <sup>179</sup>	unlawful carrying: PGK 1,500 (USD 620) or 6 months <sup>180</sup> exposed carrying in a public place within a town: PGK 400 (USD 165) <sup>181</sup>
✓ A, S, U	RUB 500-50,000 (USD 20-1,800)	no (except hunting and sporting weapons)	fine (n.s.); up to 8 years



Country/ sub-national entity	Duration		Penalties for unlawful possession	Licence conditions and penalties for non-compliance	
	Licence	Permit to acquire		Report theft/loss	Penalties for failure to report
Singapore	2 years <sup>183</sup>	(licence to purchase valid for only 14 days)	up to 3 years plus up to SGD 5,000 (USD 4,000) <sup>184</sup>		
South Africa	10 years; licence to possess for self-defence: 2-5 years <sup>187</sup>		15 years <sup>188</sup>	✓ within 24 hours <sup>189</sup>	10 years <sup>190</sup>
Switzerland	5 years (licence to carry) <sup>195</sup>	6 months (licence to acquire) <sup>196</sup>	fine (n.s.) or 3 years <sup>197</sup>	✓ 'immediately' <sup>198</sup>	fine (n.s.) <sup>199</sup>
Turkey	5 years <sup>204</sup>	60 days <sup>205</sup>	judicial fine from 30 days to 100 days; 1-3 years <sup>206</sup>		
Uganda	1 year (until 31 December the year it was purchased) <sup>209</sup>		UGX 20,000 (USD 8.50); 10 years; or both <sup>210</sup>	✓ 'as soon as possible' <sup>211</sup>	UGX 5,000 (USD 2); 12 months; or both <sup>212</sup>
United Kingdom (firearms other than shotguns)	5 years <sup>217</sup>		summary: GBP 400 (USD 660); 6 months; or both on indictment: 5-7 years; fine (n.s.); or both <sup>218</sup>	✓ within 7 days <sup>219</sup>	up to 6 months; fine of level 5 on the standard scale; or both <sup>220</sup>
United Kingdom (shotguns)	5 years <sup>225</sup>		summary: 6 months or statutory maximum on indictment: 5 years; fine; or both <sup>226</sup>	✓ without undue delay <sup>227</sup>	up to 6 months; fine of level 5 on the standard scale; or both <sup>228</sup>
United States					
Arizona	CCP: 5 years <sup>231</sup>		possessing a firearm as a 'prohibited possessor': 1-3.75 years (2.5 years is the presumptive sentence); class 4 felony <sup>232</sup>		

Licence conditions and penalties for non-compliance			
Safe storage	Penalties for unsafe storage	Carrying in public?	Penalties for unlawful carrying
✓ S <sup>185</sup>	n.s.		unlawful carrying: 5-14 years plus up to 6 cane strokes <sup>186</sup>
✓ S, U (unless for self-defence) <sup>191</sup>	fine (n.s.); up to 12 months; or both <sup>192</sup>	✓ (must be completely covered and in a holder) <sup>193</sup>	2 years <sup>194</sup>
✓ <sup>200</sup>	fine (n.s.) <sup>201</sup>	✓ (licence to carry required other than for hunters and sports and game wardens) <sup>202</sup>	fine for not having licence to carry (n.s.) <sup>203</sup>
		✓ (need gun-carrying licence) <sup>207</sup>	1-3 years plus penalty of TRY 3,000-5,000 (USD 1,900-3,100) <sup>208</sup>
✓ (safe custody) <sup>213</sup>	UGX 5,000 (USD 2); 12 months; or both <sup>214</sup>	(✓) <sup>215</sup>	offence to carry a firearm while drunk: 6 months and/or UGX 2,000 (USD 0.80) displaying firearms in public place in such a way as to cause alarm: up to 6 months and/or up to UGX 6,000 (USD 2.50) <sup>216</sup>
(✓) <sup>221</sup> (A, S)	up to 6 months; fine of GBP 5,000 (USD 8,250); or both <sup>222</sup>	offence to carry loaded shotgun, firearm (loaded or unloaded) plus ammunition in a public place without 'lawful authority or reasonable excuse' <sup>223</sup>	summary: 6 months; fine of GBP 400 (USD 660); or both; indictment: 7 years or fine or both <sup>224</sup>
✓ <sup>229</sup>	up to 6 months; fine of level 5 on the standard scale; or both <sup>230</sup>	(as above)	(as above)
no <sup>233</sup>		open carry without permit legal in most places concealed carry: ('shall issue' state) as of July 2010 CCP no longer required if over 21, except in places including bars and schools <sup>234</sup>	carrying in a secured area of an airport or possessing a deadly weapon on school grounds or carrying to a public establishment or event after a reasonable request to remove the weapon or carrying to a polling place on election day: 6 months or up to USD 2,500 <sup>235</sup> carrying a concealed weapon when under 21: 30 days or up to USD 500 <sup>236</sup>



Country/ sub-national entity	Duration		Penalties for unlawful possession	Licence conditions and penalties for non-compliance	
	Licence	Permit to acquire		Report theft/loss	Penalties for failure to report
California	concealed handgun licence: up to 2 years licence to carry handgun loaded and exposed (for residents in a county with a population of less than 200,000 people): up to 2 years <sup>237</sup>		possessing a firearm as a 'prohibited possessor' is a felony; sentence varies, e.g. a convicted felon or drug addict found in possession of a firearm is guilty of a felony punishable by imprisonment for 16 months, or two or three years <sup>238</sup>	<sup>239</sup>	
Florida	concealed carry licence: 7 years <sup>244</sup>		penalty for unlawful possession ranges from a misdemeanour to a felony <sup>245</sup>		
Massachusetts	FID: 6 years licence to carry: 6 years <sup>252</sup>		possession without FID: 2 years or fine up to USD 500 for 1 <sup>st</sup> offence; USD 1,000 or up to 2 years, or both, for subsequent offences <sup>253</sup>	✓ ('forthwith') <sup>254</sup>	USD 200-1,000 for 1 <sup>st</sup> offence; USD 1,000-5,000 for subsequent offences plus suspension or permanent revocation of FID or licence to carry <sup>255</sup>

Licence conditions and penalties for non-compliance			
Safe storage	Penalties for unsafe storage	Carrying in public?	Penalties for unlawful carrying
must prevent access to children <sup>240</sup>	up to USD 1,000 and/or up to 1 year in county jail if a child carries firearm off-premises (including if child causes injury (other than death or great bodily injury)) fine increased to up to USD 5,000 if child carries it to a school if child uses firearm to cause death or great bodily injury, penalty may be increased to 16 months-3 years in state prison and/or up to USD 10,000 <sup>241</sup>	open carry of handgun prohibited (except for residents of county with a population less than 200,000 people, licensing authority 'may issue' a licence to carry a handgun loaded and exposed) concealed handgun carry ('may issue' state) <sup>242</sup>	unlawful carrying of a concealed firearm (in a car or, if a handgun, on the person) generally: imprisonment for up to 1 year and/or up to USD 1,000 <sup>243</sup>
must prevent access to children <sup>246</sup>	failure to store firearm appropriately (i.e. in a securely locked box or container or in a location that a reasonable person would believe to be secure or secured with a trigger lock) leading a minor (under 16) to gain access and possess or exhibit it in a public place or in a rude, careless, angry, or threatening manner: up to 60 days and/or USD 500 <sup>247</sup>	open carry prohibited (except for fishing, camping, and lawful hunting) offence to exhibit a firearm in a careless or threatening manner at or near a school concealed handgun carry ('shall issue' state) permitted with licence (except certain public places, including schools) <sup>248</sup>	up to 60 days and/or USD 500 <sup>249</sup>  up to 5 years and/or USD 5,000 <sup>250</sup>  up to 5 years and/or USD 5,000 <sup>251</sup>
✓ S	non-large-capacity weapon: USD 500-5,000 and/or up to 1 year (increased to USD 1,000-10,000; and/or 1-10 years if it is a rifle or shotgun and a person under 18 has access) large-capacity weapon: USD 1,000-10,000 and/or 1-10 years (increased to USD 5,000-10,000 and/or 2.5-10 years if it is a rifle or shotgun and a person under 18 has access) <sup>256</sup>	'may issue' state for licence to carry firearms 2 types: Class A (firearms, rifles, and shotguns, including large-capacity weapons; does permit concealed carry) and Class B (non-large-capacity firearms and rifles and shotguns, including large capacity weapons; does not entitle carrying loaded weapons in a concealed manner in public) <sup>257</sup>	carrying in a vehicle without a licence to carry: 2.5-5 years in state prison or 18 months-2.5 years in jail or correctional facility (if a large-capacity weapon is involved: imprisonment for 2.5-10 years; plus additional 2.5 years if the weapon is loaded) carrying at school or university without permission: USD 1,000 or up to 1 year, or both <sup>258</sup> carrying loaded shotgun or rifle in public: USD 500-5,000 and/or 2 years; (if large capacity: USD 1,000-10,000 and/or 1-10 years) carrying unloaded rifles and shotguns in public and not enclosed in a case: USD 100-1,000; (if large capacity: USD 1,000-10,000 and/or 1-10 years) <sup>259</sup>



Country/ sub-national entity	Duration		Penalties for unlawful possession	Licence conditions and penalties for non-compliance	
	Licence	Permit to acquire		Report theft/loss	Penalties for failure to report
New Jersey	licence for machine guns and assault rifles: 2 years permit to carry a hand- gun: 2 years FID for other firearms: indefinite (unless voided because the holder ceases to be eligible) <sup>260</sup>	permit to purchase a handgun: 90 days <sup>261</sup>	handguns (air gun, spring gun, or pistol), rifle, or shot- gun: 3-5 years; fine of USD 15,000 machine gun, assault fire- arm, or other handgun: 5-10 years; fine of up to USD 150,000 <sup>262</sup>	✓ within 36 hours (24 hours for registered assault weapon) <sup>263</sup>	USD 500 for 1 <sup>st</sup> offence; USD 1,000+ for subsequent offences <sup>264</sup>
Texas	concealed handgun licence: first birthday of licensee occurring after the fourth anniversary of the date of issuance <sup>269</sup>		unlawful possession by a person convicted of certain crimes is a 3 <sup>rd</sup> -degree felony or Class A misdemeanour (depending on the prior conviction) <sup>270</sup>		
Venezuela <sup>279</sup>	1 year; 3 years for sporting licence <sup>280</sup>	60 days	5-8 years for firearms; 6-10 years for weapons of war		
Yemen	licence to carry: 3 years <sup>283</sup>		unlawful carrying: up to YER 10,000 (USD 45); up to 1 year; or both <sup>284</sup>	✓ (within 24 hours) <sup>285</sup>	up to YER 10,000 (USD 45); up to 1 year; or both <sup>286</sup>

**Note:** Blank cells indicate that cited legislation makes no relevant or specific reference.

#### Key

- A ammunition is to be stored separately
- S storage requirements are specified
- U firearms must be stored unloaded
- CCP permit to carry a concealed weapon ('concealed carry permit')
- FID Firearms Identification Card
- n.s. not specified
- R restricted firearm

(✓) relevant information is not expressly indicated in the legislation, but is implied in the legislation or is implied in or derived from a secondary, non-binding source, such as guidelines

Licence conditions and penalties for non-compliance			
Safe storage	Penalties for unsafe storage	Carrying in public?	Penalties for unlawful carrying
must prevent access to children <sup>265</sup>	6 months and/or fine of USD 1,000 <sup>266</sup>	concealed carry ('may issue' state) permit to carry a handgun is required  licence for machine guns and assault rifles is a licence to possess and carry <sup>267</sup>	handgun without permit to carry: crime of the 2 <sup>nd</sup> degree (3 <sup>rd</sup> degree for an air gun)  possession on school premises without authorization from governing officer: crime of 3 <sup>rd</sup> degree <sup>268</sup>
must prevent access to children <sup>271</sup>	up to USD 500 if a child gains access; up to USD 4,000 and/or up to 1 year if the child discharges the firearm causing death or bodily injury <sup>272</sup>	open carry <sup>273</sup> of handguns prohibited unless e.g. at a gun show or on licensee's own property <sup>274</sup>  concealed handgun carry ('shall issue' state) permitted with licence (except in certain public places, including bars; schools; prisons; amusement parks; churches) <sup>275</sup>	open carry of a handgun: up to USD 4,000 and/or up to 1 year <sup>276</sup>  unlawful carrying of a handgun: up to USD 4,000 and/or up to 1 year (for certain public places); 2-10 years and up to USD 10,000 (if licensed premises or correctional facility) <sup>277</sup>  carrying any firearm in a prohibited public place: 2-10 years and up to USD 10,000 <sup>278</sup>
(✓) <sup>281</sup>	n.s.	(✓) <sup>282</sup>	
		✓ <sup>287</sup>	up to YER 10,000 (USD 45); up to 1 year; or both <sup>288</sup>

## CHAPTER ENDNOTES

- 1 Brunei Darussalam, Cambodia, and Taiwan (Republic of China) have exceptionally stringent civilian gun laws, prohibiting civilian gun possession in all but a few cases. Author correspondence with the Government of Brunei Darussalam; Cambodia (2005, art. 3); *China Post* (2009). In addition, Eritrea and Liberia report that they prohibit civilian ownership of firearms in their national reports on the implementation of the UN Programme of Action on Small Arms (Eritrea, 2010; Liberia, 2010); and the Solomon Islands has reported that only members of the Regional Assistance Mission are allowed to own and carry firearms (Solomon Islands, 2004).
- 2 The categorization of national arms control into regulation of the *firearm*, regulation of the *user* of the firearm, and regulation of the *use* of the firearm is based on Zimring (1991).
- 3 These six US states were selected on the basis of information and comparative analysis obtained from the websites of the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), the Legal Community against Violence (LCAV), and the National Rifle Association (NRA).
- 4 While the sample is diverse and balanced, it may not be representative of the systems in place in countries outside the sample.
- 5 This study has not specified the extent to which the regional agreements touching on civilian possession have been incorporated into the national laws of participating states.
- 6 The four legally binding agreements are: the European Weapons Directive (Council of the European Union, 1991), the Firearms Protocol of the Southern African Development Community (SADC, 2001), the Nairobi Protocol (2004), and the Convention of the Economic Community of West African States (ECOWAS, 2006).
- 7 The Bamako Declaration was agreed among the member states of the Organization of African Unity (OAU) in 2000. In 2002, the African Union was formed as a successor to the OAU. The member states of the African Union are listed on the organization's website (AU, n.d.).
- 8 The following countries are member states of the Southern African Development Community (SADC): Angola, Botswana, the Democratic Republic of the Congo, Lesotho, Madagascar, Malawi, Mauritius, Mozambique, Namibia, Seychelles, South Africa, Swaziland, Tanzania, Zambia, and Zimbabwe. The Standard Operating Procedures for the Implementation of the SADC Protocol on the Control of Firearms, Ammunition and Other Related Materials further elaborate on the implementation of the provisions regarding civilian possession (SADC, 2008).
- 9 The following countries are states parties to the Nairobi Protocol: Burundi, the Democratic Republic of the Congo, Djibouti, Eritrea, Ethiopia, Kenya, Rwanda, Seychelles, Sudan, Tanzania, and Uganda.
- 10 The following countries are members of the Economic Community of West African States (ECOWAS): Benin, Burkina Faso, Cape Verde, Gambia, Ghana, Guinea-Bissau, Liberia, Mali, Nigeria, Senegal, Sierra Leone, and Togo. Côte d'Ivoire, Guinea, and Niger have all been suspended from the regional group since the adoption of the ECOWAS Convention in 2006.
- 11 The main regional agreement in the Americas—the Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Materials, or CIFTA—does not include provisions regarding civilian possession. It explicitly notes in the preamble that: 'this Convention does not commit States Parties to enact legislation or regulations pertaining to firearms ownership, possession, or trade of a wholly domestic character' (OAS, 1997).
- 12 The following countries are members of the Andean Community: Bolivia, Colombia, Ecuador, and Peru.
- 13 The Directive binds all European Union (EU) member states. At the time of writing, EU member states included: Austria, Belgium, Bulgaria, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, and the United Kingdom.
- 14 The following are members of the League of Arab States: Algeria, Bahrain, Comoros, Djibouti, Egypt, Iraq, Jordan, Kuwait, Lebanon, Libya, Mauritania, Morocco, Oman, Palestine (which is a Permanent Observer to the United Nations), Qatar, Saudi Arabia, Somalia, Sudan, Syria, Tunisia, United Arab Emirates, and Yemen.
- 15 The Nadi Framework was signed by representatives from the following countries: Australia, Cook Islands, Fiji, New Zealand, Samoa, Tonga, and Vanuatu.
- 16 In August 1987 seven people were shot in Melbourne in the Hoddle Street killings; in December 1987, eight people were killed in Melbourne in the Queen Street massacre.
- 17 For more information, see UK (2010a).
- 18 Some of the deadliest US school shootings in recent years occurred at the Westlake Middle School (1998), Columbine High School (1999), Red Lake Senior High School (2005), and Virginia Tech (2007).
- 19 In Annexe 9.2, see Texas and New Jersey (columns on 'safe storage' and 'penalties for unsafe storage'). Child access prevention laws are discussed further in the section on 'safe storage'.
- 20 See Kopel (2009, pp. 517–18).
- 21 The US Gun-Free Schools Act (1994) required the expulsion for at least one year of any student who brought a weapon to school (US, 1994a, para. (b)(1)). Earlier legislation that sought to regulate guns in school zones—the Gun-Free School Zones Act (1990)—was struck down by the Supreme Court as unconstitutional in the case of *United States v. Lopez*, and an amended version of the legislation was introduced as the Gun-Free School Zones Act of 1995, as an amendment to title 18 of the United States Code (US, n.d.a, s. 922(q)).
- 22 The massacre took place on 16 April 2007 on the campus of the Virginia Polytechnic Institute and State University in Blacksburg, Virginia. Thirty-two people, and the shooter himself, were killed during the incident.



- 23 This chapter uses the term 'mass shooting' to refer to events in which more than five firearm-related homicides are committed by one or two perpetrators in proximate events in a civilian setting, not counting any perpetrators killed by their own hand or otherwise. This definition is taken from Chapman et al. (2006, table 1, p. 367).
- 24 The term 'handgun' is generally used to define a firearm that is designed to be held and discharged with one hand, such as pistols and revolvers. Many states do not use the term 'handgun' in their legislation, but rather prohibit or restrict firearms under a certain barrel length or overall length.
- 25 Short firearms are defined as 'a firearm with a barrel not exceeding 30 cm or whose overall length does not exceed 60 cm' (Lithuania, 2002, art. 2).
- 26 As of March 2011, the Egyptian government had not responded to requests for copies of the annexes to Law No. 394/1945, thus precluding Egypt's inclusion in Table 9.2. The Egyptian Ministry of Interior presumably keeps record of licences granted.
- 27 States were included in this category if they explicitly used the term 'semi-automatic' or 'self-loading'.
- 28 All of Australia's states and territories prohibit the possession of fully automatic weapons. Certain exceptions are made for the purposes of collection or historical re-enactments, but in many cases the firearm must be deactivated. For example, in Victoria automatic long guns may be possessed for historical re-enactments or public ceremonial events, but they must have been modified to be incapable of firing cartridge ammunition first (Victoria, 2008, reg. 24(3)).
- 29 Australia: penalties vary depending on the state or territory (see below).
- 30 ACT (1996, schedule 1, item 1, s. 42).
- 31 ACT: some semi-automatic firearms are prohibited, including self-loading rimfire rifles, self-loading centre-fire rifles, self-loading or pump-action shotguns, self-loading centre-fire rifles if designed or adapted for military purposes, and self-loading shotguns if designed or adapted for military purposes (ACT, 1996, schedule 1, items 2–6). Others are restricted and the 'genuine reasons' that apply to this category are more limited than those concerning other long guns; for example, recreational hunting does not constitute a 'genuine reason' for owning such firearms (ss. 64, 65).
- 32 ACT: different restrictions apply to handgun licensing and the 'genuine reasons' that apply to this category are more limited than those concerning long guns (other than semi-automatic long guns); for example, recreational hunting does not constitute a 'genuine reason' for owning handguns (ACT, 1996, s. 66).
- 33 ACT (1996, s. 42).
- 34 ACT (1996, ss. 156, 157, 193).
- 35 NSW (1996, schedule 1).
- 36 New South Wales: self-loading pistols with a barrel length of less than 120 mm are prohibited, but licences may be issued for sport/target shooting purposes (NSW, 1996, ss. 4C(1)(b), 16B(1)(a)); self-loading rimfire rifles with a magazine capacity of no more than ten rounds and self-loading shotguns with a magazine capacity of no more than five rounds are prohibited (except for limited purposes, including collection, primary production, and target shooting) (ss. 8(1), 14(a), 17A, 20); self-loading centre-fire rifles, self-loading rimfire rifles with a magazine capacity of more than ten rounds, and self-loading shotguns with a magazine capacity of more than five rounds are prohibited except for official purposes (s. 8(1)).
- 37 New South Wales: self-loading pistols with a barrel length of less than 120 mm are prohibited, but licences may be issued for sport/target shooting purposes (NSW, 1996, ss. 4C(1)(b), 16B(1)(a)); self-loading rimfire rifles with a magazine capacity of no more than ten rounds and self-loading shotguns with a magazine capacity of no more than five rounds are prohibited (except for limited purposes, including collection, primary production, and target shooting) (ss. 8(1), 14(a), 17A, 20); self-loading centre-fire rifles, self-loading rimfire rifles with a magazine capacity of more than ten rounds, and self-loading shotguns with a magazine capacity of more than five rounds are prohibited except for official purposes (s. 8(1)).
- 38 NSW (1996, s. 7(1))
- 39 NSW (1996, ss. 33, 45; 2006, cl. 36).
- 40 NT (n.d.b, schedule 1, item 1).
- 41 Northern Territory: some semi-automatic firearms are prohibited, including self-loading rimfire rifles, self-loading centre-fire rifles, self-loading or pump-action shotguns, self-loading centre-fire rifles if designed or adapted for military purposes, and self-loading shotguns if designed or adapted for military purposes (NT, n.d.b, schedule 1, items 2–6). Others are restricted and the 'genuine reasons' that apply to this category are more limited than those concerning other long guns; for example, recreational hunting does not constitute a 'genuine reason' for owning such firearms (NT, n.d.a, s. 12(1)(a)).
- 42 Northern Territory: different restrictions apply to handgun licensing and the 'genuine reasons' that apply to this category are more limited than those concerning long guns (other than semi-automatic long guns); for example, recreational hunting does not constitute a 'genuine reason' for owning handguns (NT, n.d.a, s. 14(a)).
- 43 NT (n.d.b, s. 58(6); 2010, s. 3).
- 44 NT (n.d.b, ss. 7, 18).
- 45 Queensland (1990, s. 4(a); 1997, s. 8(a)).
- 46 Queensland: for example, in order to obtain a licence with an endorsement for a semi-automatic shotgun (with a magazine capacity no greater than 5 rounds) for clay target shooting, an applicant must be a member of an approved shooting club that takes part in, or is affiliated with a body that takes part in, national and international clay target shooting competitions, and must, because of a lack of strength or dexterity, have a physical need for such a shotgun to enable the applicant to take part in clay target shooting, which must be supported by a doctor's statement (Queensland, 1996, s. 20; 1997, ss. 4, 5).

- 47 Queensland: certain handguns are 'prohibited handguns', including firearms with a calibre of more than .38 inches, semi-automatic weapons with a barrel length of less than 120 mm (unless they have an overall length of at least 250 mm measured parallel to the barrel), weapons that are not semi-automatic and have a barrel length of less than 100 mm (unless they have an overall length of at least 250 mm measured parallel to the barrel), weapons with a magazine with a maximum capacity of more than ten rounds, and weapons designed to be used without a magazine that have a maximum capacity of more than 10 rounds (Queensland, 1990, ss. 132, 174).
- 48 Queensland (1990, s. 50(1)(c)(i)).
- 49 Queensland (1990, s. 49).
- 50 South Australia (2008, reg. 4(1)(a)).
- 51 South Australia: semi-automatic firearms can only be possessed for farming purposes and clay target shooting (South Australia, 1977, s. 15A(3)).
- 52 South Australia: handguns are generally only permitted for sport shooting and collection purposes (South Australia, 1977, ss. 15A(4a)–(4e)).
- 53 South Australia (1977, s. 11(7)(a)).
- 54 South Australia (1977, s. 6A; 2008, reg. 17).
- 55 Tasmania (1996, schedule 1).
- 56 Tasmania: certain semi-automatic weapons may only be possessed for animal population control and collection purposes (Tasmania, 1996, s. 32(1)(a)) and others are prohibited entirely (schedule 1).
- 57 Tasmania: different restrictions apply according to the type of handgun sought, and whether the intended use is sport or target shooting, security guarding, or other purposes (Tasmania, 1996, s. 18); certain types of handguns are prohibited, including pistols with a calibre exceeding .38 inches (Tasmania, 1996, schedule 1; 2006, reg. 5).
- 58 Tasmania (1987, s. 4A; 1996, s. 9(1)).
- 59 Tasmania (1996, ss. 83, 89).
- 60 Victoria (2008, reg. 24(3)).
- 61 Victoria: semi-automatic long guns can only be possessed for certain activities, such as primary production, professional hunting, and clay target shooting (Victoria, 1996, s. 11(1)(a)), and certain types of semi-automatic weapons (such as semi-automatic centre-fire rifles) can only be possessed for professional hunting (s. 12 (1)(a)(i)).
- 62 Victoria: automatic handguns can only be possessed by collectors, and specific storage requirements and penalties apply. Other types of handguns (including semi-automatic firearms with a barrel length of less than 120 mm) can be possessed for historical re-enactments, for public ceremonial events, for starting or finishing sporting events, or for the purposes of the training and trialling of dogs (Victoria, 1996, ss. 3 (definitions), 15(1); 2008, reg. 24(4)).
- 63 Victoria (1996, ss. 6, 7).
- 64 Victoria (1996, ss. 87, 113).
- 65 Western Australia (1974, reg. 26, table).
- 66 Western Australia: certain semi-automatic long guns can only be possessed for training for international sport shooting contests, others can only be possessed for farming purposes (Western Australia, 1974, schedule 3, items 3, 6).
- 67 Western Australia: there are restrictions on the reasons for which a handgun can be possessed. For example, hunting, recreational shooting, and pest control are not considered 'genuine reasons' for obtaining a licence for a handgun (Western Australia, 1974, schedule 3, item 11(2)).
- 68 Western Australia (1973, s. 19(1ac)(b)).
- 69 Western Australia (1973, s. 31).
- 70 Belize (2003, s. 35(1), second schedule), as amended by Belize (2008, item 13).
- 71 Belize: schedule 2 of the act also indicates 'all assault rifles' are prohibited. The term 'assault rifles' is not defined in the act but presumably includes semi-automatic rifles (Belize, 2003, s. 35(1), second schedule), as amended by Belize (2008, item 13).
- 72 Belize (2003, s. 35(1), second schedule), as amended by Belize (2008, item 9).
- 73 Belize (2003, s. 35(3)).
- 74 Belize (2003, s. 10 (1)).
- 75 Brazil (2000, art. 16(V)); Dreyfus and Perez (2007).
- 76 Brazil (2000, art. 16(III)); Dreyfus and Perez (2007).
- 77 Brazil (2000, art. 16); Dreyfus and Perez (2007).
- 78 SINARM is Brazil's National Firearms System (Sistema nacional de armas).
- 79 Brazil (2000, art. 17(2)); Dreyfus and Perez (2007).
- 80 Canada (1995, s. 12). Grandfathered status allows an individual to possess a prohibited firearm. Generally, it applies in situations where a person legally owned a machine gun or other prohibited firearm before such firearms were banned or prohibited. Additional restrictions on the transfer of such firearms, restrictions on where such firearms may be possessed, and registration requirements often apply in jurisdictions that allow grandfathered firearms.
- 81 Canada: certain semi-automatic firearms are restricted, that is, firearms that have a barrel length of less than 470 mm and are capable of discharging centre-fire ammunition in a semi-automatic manner (Canada, n.d.a, s. 84(1), interpretation).
- 82 In Canada certain handguns are prohibited (handguns with a barrel length of 105 mm or less and handguns designed or adapted to discharge .25 or .32 calibre ammunition)—other than handguns used in international sporting competitions—and all other handguns are restricted (Canada, n.d.a, s. 84(1)).

- 83 Canada (n.d.a, ss. 91(3), 92(3)).
- 84 Canada (1995, s. 83).
- 85 Nowak (2010a).
- 86 Colombia: automatic and semi-automatic long rifles with a calibre of more than .22 (.22 L.R.) are prohibited for civilian use (Nowak, 2010a).
- 87 Colombia: semi-automatic weapons (rifles and handguns) other than .22 L.R. are allowed if they are defined as firearms for personal defence (though there are limitations to this; for example, the maximum calibre is 9.652 mm and the maximum length of canon is 15.24 cm) (Nowak, 2010a; Colombia, 1993, arts. 8, 9).
- 88 Colombia: handguns may be acquired for personal defence, sporting, and collection purposes (Colombia, 1993, arts. 10–13).
- 89 Colombia: the penalty doubles if the firearm possession is aggravated, such as if i) the firearm was used in a motorized vehicle; ii) the firearm was used in a previous felony; iii) the owner resisted authorities; and iv) the owner used firearms while hiding his or her face or identity (such as by wearing a mask) (Nowak, 2010a).
- 90 Nowak (2010a).
- 91 Croatia (1992, art. 11).
- 92 Croatia: semi-automatic firearms are generally prohibited (Croatia, 1992, art.11), but certain semi-automatic firearms can be possessed and used for hunting and sport shooting purposes, such as long semi-automatic firearms whose magazine cannot be loaded, or is blocked so it is impossible to load, with more than three rounds can be used for hunting (art. 12(1)).
- 93 Croatia: semi-automatic firearms, including handguns, are generally prohibited. But semi-automatic 'short firearms' (those with a barrel length of less than 30 cm and an overall length of less than 60 cm (Croatia, 1992, art. 4) may be permitted for target shooting (art. 12(2)).
- 94 Croatia (1992, art. 74), as amended by Croatia (1999, art. 6).
- 95 Croatia (1992, arts. 12(4), 26, 71).
- 96 Inoa (2010).
- 97 Estonia (2002a, s. 20(5)).
- 98 Estonia: the Weapons Act lists all the weapons and ammunition prohibited for civilian purposes and includes 'particularly powerful firearms which are generally used as military weapons' (Estonia, 2002a, s. 20(7)). The provision goes on to state that the list of models of particularly powerful firearms generally used as military weapons and prohibited for civilian purposes shall be established by a regulation of the minister of Internal Affairs. At the time of writing, the existence and content of such regulations could not be confirmed, and it is possible that Estonia prohibits or restricts all or some semi-automatic weapons as 'military weapons'.
- 99 Estonia bans civilian possession of 'smoothbore guns with an overall length of less than 840 mm or where the length of each barrel is less than 450 mm' (Estonia, 2002a, s. 20(1)(2)), but does allow 'guns with a smoothbore barrel; guns with a rifled barrel; pistols; revolvers' owned or possessed for the provision of security services or for internal guarding (s. 31(3)).
- 100 Estonia (2002b, s. 418<sup>(superscript 1)</sup>(1)).
- 101 Estonia (2002a, ss. 24(1); 33(1); 33(5)–(7)).
- 102 Finland: a permit for an automatic firearm will only be granted for performance purposes, or for museums or collections. If there is a 'special reason', it may also be granted for work in which a weapon is necessary (Finland, 1998, s. 44).
- 103 Finland: semi-automatic firearms are not categorically prohibited; however, an acquisition permit will only be granted for a firearm that 'on the basis of the number of cartridges in the magazine, the calibre or other properties, and with regard to the purpose of use notified by the applicant, is not unnecessarily powerful or efficient, and which is suitable for the purpose of use notified by the applicant' (Finland, 1998, s. 44).
- 104 See endnote 103. An inquiry commission created following shootings at two Finnish schools in 2007 and 2008 had recommended the banning of semi-automatic handguns, but the proposal was rejected (*Helsinki Times*, 2010).
- 105 Finland (1998, s. 102).
- 106 Finland (1998, s. 113).
- 107 India (1959, s. 7(a)).
- 108 India: semi-automatic firearms (other than semi-automatic revolvers and pistols) as well as smoothbore guns with a barrel of less than 20 inches in length are classified as Category I firearms, to which slightly different regulations apply (India, 1962, schedule I). For example, a licence to acquire or possess ammunition for such firearms will only be granted if the arms are for sporting purposes and the amount of ammunition the licensee may possess is entered on the licence (India, 1962, r. 8(b)).
- 109 India (1962, schedule I).
- 110 India (1959, s. 25(1A)).
- 111 India (2010).
- 112 Author interview with a representative of the Israeli government, Geneva, 11 March 2011; Israel (2008).
- 113 Japan (1958, art. 3); author correspondence with the Japanese Ministry of Foreign Affairs.
- 114 Japan: possession of automatic or semi-automatic firearms is generally prohibited, together with other firearms (Japan, 1958, art. 3). Although a licence for possessing semi-automatic firearms for civil use can theoretically be obtained for hunting purposes, obtaining such a licence is extremely difficult in Japan for security reasons (author correspondence with the Japanese Ministry of Foreign Affairs).
- 115 Japan: there is a total ban on handguns, except for legitimate antique gun collectors and licensed shooting teams (Japan, 1958, art. 3-2).
- 116 Japan: the term 'firearms' is defined to include machine guns; the penalties that apply to unlawful possession of firearms other than machine guns thus also apply to machine guns (Japan, 1958, art. 2).

- 117 Japan (1958, arts. 31-3, 31-16).
- 118 Author correspondence with the Japanese Ministry of Foreign Affairs; Japan (1958, art. 14).
- 119 Karimova (2010).
- 120 Kazakhstan: the regulations prohibit civilian ownership of firearms with barrels shorter than 500 mm and with an overall length of less than 800 mm. This excludes handguns (Karimova, 2010).
- 121 Kenya (1954, ss. 2, definition of 'prohibited weapon', subsection (b); 26(1)).
- 122 Kenya: the possession of semi-automatic self-loading military assault rifle of 7.62 mm or 5.56 mm calibre is prohibited (Kenya, 1954, ss. 2, definition of 'prohibited weapon', subsection (b); 26(1)).
- 123 Kenya (1954, ss. 4(3)(a), 26(2)(a)-(aa)).
- 124 Kenya (n.d.b, para. 2.4(b)(1)(ii); 1954, s. 17). In its 2010 national report on PoA implementation, Kenya notes that the Central Firearms Bureau maintains a register of all small arms in licensed civilian possession and that this will be upgraded under the new national policy to include information on transfers (Kenya, 2010, p. 19).
- 125 Lithuania (2002, art. 7(2)(1)); however, employees of the Bank of Lithuania may carry automatic weapons acquired and possessed by the Bank of Lithuania, provided they are at least 21 years of age, have passed an examination, and have obtained a permit (Lithuania, 2002, art. 13(7)).
- 126 Lithuania: there are 'restrictions' on semi-automatic weapons in the sense that certain firearms do not require a permit or registration to be owned, while semi-automatic firearms do (Lithuania, 2002, arts. 12(2), 13).
- 127 Lithuania (2000, art. 253; 2010, p. 7).
- 128 Lithuania (2002, art. 8).
- 129 New Zealand (1984, schedule, item 4; 1983, s. 30). Automatic firearms are classified as 'restricted weapons' and can only be possessed for specific purposes and under certain conditions (see Annexes 9.1 and 9.2).
- 130 New Zealand: MSSA firearms are subject to certain restrictions and a person must have a special endorsement on his or her firearm licence to possess an MSSA (New Zealand, 1983, ss. 29, 30A, 32). The term MSSA does not include pistols (handguns) or semi-automatic firearms that are maintained at all times in a sporting configuration (New Zealand, 1983, s. 2).
- 131 New Zealand: pistols are defined as 'any firearm that is designed or adapted to be held and fired with 1 hand; and includes any firearm that is less than 762 millimetres in length' (New Zealand, 1983, s. 2); they are subject to similar restrictions that apply to 'restricted weapons' and a person must have a special endorsement on his or her firearm licence to possess a pistol (s. 29).
- 132 New Zealand (1983, s. 50(1)).
- 133 New Zealand (1992a, reg. 26; 1983, s. 12).
- 134 PNG (1978, s. 62).
- 135 Papua New Guinea: a special pistol licence is required to own a pistol in Papua New Guinea (PNG, 1978, part VII).
- 136 PNG (1978, s. 62).
- 137 PNG (1978, s. 8).
- 138 Pyadushkin (2008).
- 139 Russian Federation: the only exception is honorary handguns that can be owned and carried (in a holster, with general limits for carrying a firearm), but cannot be sold, gifted, or inherited, as stipulated in section 20.1 of the Arms Law of 1996 (Pyadushkin, 2008).
- 140 Russian Federation (1996, art. 222). This penalty can be increased to up to eight years if committed by an organized group.
- 141 Singapore (n.d.a, paras. A, B).
- 142 Singapore (1973, s. 3(1)).
- 143 Singapore (2006, r. 6).
- 144 Singapore (2006, r. 15).
- 145 South Africa: automatic firearms may only be possessed by collectors or for theatrical purposes (South Africa, 2000, ss. 4(1)(a), 17(1), 20(1)(b), 20(2)(c)).
- 146 South Africa: 'restricted firearms' (semi-automatic rifles and shotguns) cannot be legally owned under a licence to possess a firearm for self-defence, unless the applicant proves he or she needs such a weapon (South Africa, 2000, ss. 13, 14). In addition, restricted firearms may not be possessed by occasional hunters or sport shooters, though semi-automatic shotguns manufactured to fire no more than five shots in succession without having to be reloaded may be possessed by dedicated hunters and sport shooters under certain circumstances (ss. 15, 16).
- 147 South Africa: handguns that are not fully automatic may be possessed for self-defence, by occasional hunters, and by sport shooters, as well as by dedicated hunters and sport shooters (South Africa, 2000, ss. 13(1)(b), 15(1)(a), 16(1)(a)).
- 148 South Africa (2000, s. 4, schedule 4).
- 149 South Africa: other information recorded in the Central Firearms Registry includes: competency certificates, renewals, cancellations, refusals, fingerprints of applicants, imports, exports, loss and theft or destruction, seizures, all original documentation, a record of all licensed dealers, manufacturers, gunsmiths, importers, exporters, and a record of all firearms held by official institutions (South Africa, 2000, s. 125).
- 150 Switzerland (1997, art. 5.2a). Exceptional authorizations permitting the possession of prohibited firearms (including automatic weapons) can be granted for 'good reasons', including requirements inherent to the profession; use for industrial purposes; offsetting of a physical handicap; and for collection purposes (art. 28b).
- 151 Switzerland: the acquisition of automatic firearms that have been transformed into semi-automatic firearms is prohibited (Switzerland, 1997, art. 5.1a); however, Swiss military automatic firearms that have been transformed into semi-automatic firearms do not fall into this category (art. 5.6).

Conversely, certain manual repetition rifles (such as semi-automatic firearms) can be acquired without a licence to acquire, including '(a) military repetition rifles; b) sports rifles functioning with military calibre ammunition generally used in Switzerland or with sport-calibre ammunitions, such as standard rifles with repetition breech system; c) hunting arms that are accepted for hunting as defined under federal legislation on hunting; d) sports rifles that are accepted at national and international sport hunting shooting competitions' (Switzerland, 2008, art. 19).

- 152 Switzerland (1997, art. 33.1a).
- 153 Switzerland (1997, arts. 11.3, 31b, 31c, 32a, 32b).
- 154 Pehlevan (2010).
- 155 Uganda (1970, s. 25(1)).
- 156 Uganda (1970, s. 25(2)).
- 157 Uganda (1970, s. 4(2); n.d., form FA 3).
- 158 UK: a person may be authorized to possess an automatic firearm in certain circumstances, such as for the purpose of keeping or exhibiting it as part of a collection (UK, 1968, s. 5A(1)) or for use in a film or theatrical production (s. 12).
- 159 In the UK, the following semi-automatic firearms are prohibited: any self-loading or pump-action rifled gun other than one which is chambered for .22 rimfire cartridges; any self-loading or pump-action smoothbore gun that is not an air weapon or chambered for .22 rimfire cartridges and either has a barrel of less than 24 inches in length or is less than 40 inches in length overall (UK, 1968, ss. 5(1)(ab)–(ac)).
- 160 UK (1968, s. 5(1)(aba)).
- 161 UK (1968, s. 51A).
- 162 UK (1968, ss. 33(1), 40).
- 163 US (n.d.a, s. 922(o)(1)). Short-barrelled shotguns and short-barrelled rifles are also prohibited; however, there are exceptions: machine guns and other prohibited weapons may be specifically authorized by the attorney general in a manner consistent with public safety and necessity (US, n.d.a, s. 922(b)(4)). In addition, machine guns possessed before the introduction of the ban may be kept (so-called 'grandfathered' weapons) (US, n.d.a, s. 922(o)(2)(B)). See LCAV (2008, pp. 20–23) for more information on, and examples of the types of restrictions that apply to, grandfathered firearms in the United States.
- 164 United States: the Violent Crime Control and Law Enforcement Act of 1994 introduced a federal prohibition on the manufacture for civilian use, transfer, and possession of certain semi-automatic firearms—so-called 'assault weapons' (known as the 'Federal Assault Weapons Ban') (US, 1994b, subtitle A). The ban was put in place for ten years on 13 September 1994 and expired on 13 September 2004, as part of the law's sunset provision (s. 110105). So far, attempts to renew the ban have been unsuccessful. Accordingly, there are no federal restrictions on the possession of semi-automatic firearms in the United States.
- 165 US (n.d.c, s. 5841).
- 166 Arizona (n.d., s. 13-3101(8)(a)(iii)).
- 167 Arizona (n.d., ss. 13-3102(A)(3), 13-3102(K), 13-702, 13-703).
- 168 Arizona: in fact, the Criminal Code prohibits any political subdivision of the state from requiring the licensing or registration of firearms or ammunition (Arizona, n.d., s. 13-3108(B)).
- 169 California: the California Penal Code specifies that the Department of Justice may issue a permit for the possession of a machine gun upon a satisfactory showing that 'good cause' exists and provided the applicant is at least 18 years old. In practice, however, such permits are rarely issued and generally only law enforcement personnel can possess machine guns (California, n.d.a, s. 12230).
- 170 California: certain semi-automatic firearms designated as 'assault weapons' are banned, unless they are grandfathered. A detailed list of assault weapons banned in California is available in the state Penal Code (California, n.d.a, s. 12276).
- 171 California: the conditions include that the person lawfully possessed firearm(s) prior to them being classified as 'assault weapons' and that he or she has no prior convictions for unlawful possession (California, n.d.a, s. 12280(b)).
- 172 California (n.d.a, s.12220).
- 173 California (n.d.a, ss. 12285(a), 12053). As noted in the 'semi-automatic firearms' column, California has banned assault weapons but allows continued possession of such weapons if they were owned before a certain date and are registered. In addition, California bans .50 calibre rifles but allows anyone who owned one before 1 January 2005 to retain the weapon provided it was registered by 30 April 2006 (s. 12285(a)).
- 174 California: the Penal Code prohibits the retention or compilation of information by the attorney general on firearms that are not handguns, unless the records are required for criminal prosecution or investigations (California, n.d.a, s. 11106(b)).
- 175 Florida (n.d., s. 790.221(1)).
- 176 Florida (n.d., s. 790.0655(1)(a)).
- 177 Florida (n.d., ss. 790.221(2), 775.082(3)(c), 775.083(1)(b)).
- 178 Massachusetts (n.d., ch. 140, s. 131(o)).
- 179 Massachusetts: only law enforcement officers or retired officers can legally possess assault weapons, defined to include certain semi-automatic firearms, unless they have been grandfathered (Massachusetts, n.d., ch. 140, ss. 121; 131M).
- 180 Massachusetts: large-capacity weapons, including other semi-automatic weapons, are restricted; exceptions for grandfathered weapons apply (Massachusetts, n.d., ch. 140, ss. 121; 131M, 131(a)).
- 181 Massachusetts (n.d., ch. 140, s. 131M; ch. 269, ss. 10(c), 10(n)).
- 182 New Jersey (n.d.a, s. 2C:58-5).

- 183 New Jersey: certain semi-automatic firearms designated as ‘assault weapons’ are restricted, unless grandfathered (New Jersey, n.d.a, ss. 2C:39-1(w), (x); 2C:58-5).
- 184 New Jersey (n.d.a, s. 2C:58-3(a)).
- 185 New Jersey (n.d.a, ss. 2C:39-5, 2C:43-6(a)(2), 2C:43-3(a)(2)).
- 186 New Jersey (n.d.a, ss. 2C:58-12, 2C:58-2(a)(4), 2C:58-2(b)).
- 187 Texas (n.d.a, s. 46.05).
- 188 Texas (n.d.a, ss. 46.02, 46.035).
- 189 Venezuela (1939, art. 3).
- 190 Nowak (2010b).
- 191 Nowak (2010b).
- 192 Yemen (1992, art. 2(5)).
- 193 Yemen, (1992, arts. 14, 28, 29, 51).
- 194 In 1994, the Canadian Department of Justice estimated that the net cost of the new programme would be about CAD 2 million (USD 1.5 million) on the basis that expenditures of about CAD 119 million (USD 89.6 million) were expected to be offset by licensing and registration fees of approximately CAD 117 million (USD 88.1 million) (Canada, 2002, para. 10.27). However, implementation is estimated to have cost more than CAD 1 billion (USD 750 million) (para. 10.3).
- 195 That said, the website of the Royal Canadian Mounted Police indicates: ‘The Government has announced its intention to simplify licence requirements for firearm owners and to remove the requirement to register non-restricted firearms’ (RCMP, 2011). In addition, following the defeat of the private member’s bill to abolish the long-gun registry in September 2010 (CBC News, 2010), the prime minister indicated that the government remained committed to its repeal, although, at the time of writing, there was no bill before Parliament and no indication that one would be introduced soon.
- 196 In Canada, ‘[l]ong guns [rifles and shotguns] had been used in 72% of the firearm deaths in 2001. This decreased to 69% of deaths by 2004. Handguns by comparison were used in 25% of the deaths in 2001. This increased to 26% in 2004’ (RCMP, 2010, p. 21).
- 197 Retired judge Sir Thomas Thorp was appointed to conduct the independent inquiry (hence the report is often referred to as the ‘Thorp Report’). The report’s recommendation 14 concerns reintroducing registration. In addition, the report notes that: ‘Police support the view that all firearms of every type should be registered in a central database for tracking and control of use and ownership’ (New Zealand, 1997, p. 50).
- 198 In Florida, records can only be kept for up to ten days after firearms are recovered and official documents recording the theft of a recovered weapon can only be maintained for the remainder of the year they are recovered, plus two more years (Florida, n.d., ss. 790.335(3)(a)–(c)).
- 199 Nevertheless, US federal law does impose restrictions on the *sales* of long guns—as well as handguns—to minors. For example, federally licensed firearm dealers may not sell shotguns or rifles to those under the age of 18, or handguns or handgun ammunition to those under the age of 21 (US, n.d.a, s. 922(b)(1)). Private sales of handguns can be made to persons who are under the age of 21, provided they are over 18 years of age (ss. 922(x)(1)(a), 922(x)(5)).
- 200 See Annexe 9.1 for details and sources.
- 201 See, in particular, UK (1998, schedules 1–2, forms 101, 103, part A).
- 202 These requirements have not prevented authorities from permitting a legally blind man from owning and collecting firearms; indeed, the firing of these weapons is permitted in the presence of an adult trained in the use of firearms (despite evidence suggesting the blind man also had alcoholic tendencies) (Horowitz, 2010).
- 203 Croatia (Croatia, 1992, art. 17(4)); South Africa (South Africa, 2000, s. 9(2)(e)); Turkey (Pehlevan, 2010); United States (US, n.d.a, s. 922(d)(3)); and Yemen (Yemen, 1992, art. 21(4)). In Yemen, such a refusal would relate only to a licence to carry. Yemen does not place any restrictions on buying a weapon; there are restrictions on obtaining a licence to carry a weapon, however.
- 204 See, in particular, UK (1998, schedules 1–2, forms 101, 103, part A, question 15(a)).
- 205 The NICS was introduced under the Brady Handgun Violence Prevention Act of 1993 (US, 1993). For more information on the NICS, see FBI (n.d.).
- 206 Author interview with a representative of the Israeli government, Geneva, 11 March 2011.
- 207 See, for example, NT (n.d.b, ss. 35(3)(a), 35(4)); Queensland (1990, ss. 39(2), 42(1); 1996, s. 56(2)); Victoria (1996, ss. 103, 107(1)).
- 208 The specific provisions within each Australian state and territory are: NSW (1996, s. 51A); NT (n.d.b, s. 63); ACT (1996, s. 226); Queensland (1990, s. 36); South Australia (1977, s. 15B); Tasmania (1996, ss. 24, 25); Victoria (1996, ss. 95, 96); Western Australia (1973, ss. 16(1)(d), 19(1)).
- 209 For example, licensed dealers and collectors may not sell shotguns or rifles or associated ammunition to anyone under 18 years of age, and may not sell other firearms (including handguns) or associated ammunition to anyone under 21 years of age (US, n.d.a, s. 922(b)(1)).
- 210 The 16 states are Belize, Canada, Colombia, Croatia, Dominican Republic, Estonia, India, Israel, Kenya, Lithuania, Papua New Guinea, Singapore, South Africa, Switzerland, Venezuela, and Yemen.
- 211 See, for example, European Convention on Human Rights (Council of Europe, 1950, art. 2), and subsequent case law.
- 212 At the time of writing, there were two bills before Congress of relevance to civilian possession for self-defence purposes. In April 2010 Senator John McCain introduced a bill that seeks to prohibit the District of Columbia from enacting legislation to curtail civilian gun ownership and use (US, 2010). The second bill, entitled the Citizens’ Self-Defense Act of 2009, aims to enshrine the use of firearms for self-defence in national law (US, 2009).

- 213 Exceptions apply if, for example, the firearm is needed to fend off predators and other animals (Canada, 1998b, reg. 5(2)).
- 214 For more information on the doctrine of excessive defence, see the Law Commission (2003, p. 52).
- 215 A 'straw purchaser' is a person who buys firearms on behalf of a criminal, a minor, or other purchaser not eligible to buy a gun.
- 216 Kenya (1954, ss. 5(2), 18(3)); New Zealand (2010, p. 40); South Australia (2008, reg. 21(1)(d)); Uganda (1970, ss. 4, 30).

## ANNEXE ENDNOTES

### Annexe 9.1

- 1 ACT (1996, s. 58(2)(a)).
- 2 ACT (2008, s. 28; 1996, ss. 85, 91).
- 3 ACT (1996, ss. 18(1)(a), 56(3)).
- 4 Australia, ACT: the legislation does not stipulate that drug dependence disqualifies a person from obtaining a licence; however, it is an offence to be in possession of a firearm while under the influence of drugs or alcohol, or to sell or give possession to someone under the influence of drugs or alcohol (ACT, 1996, s. 242).
- 5 ACT (1996, s. 18(1)(b)).
- 6 ACT (1996, ss. 58(2)(e), 18(1)(c)).
- 7 ACT (1996, s. 58(2)(c)).
- 8 ACT (1996, s. 58(1)(c)).
- 9 ACT (1996, s. 61, table 61, item 2, s. 66).
- 10 ACT (1996, s. 61, table 61, item 1).
- 11 ACT (1996, s. 61, table 61, items 3–7).
- 12 ACT (1996, s. 141(a); 2008, s. 70).
- 13 ACT (1996, s. 61, table 1, item 8).
- 14 ACT (1996, s. 62).
- 15 NSW (1996, ss. 10(2)(a), 11(5)(a)).
- 16 NSW (1996, s. 32; 2006, cl. 45).
- 17 NSW (1996, ss. 11(4)(b), (c)).
- 18 Australia, New South Wales: it is an offence to handle or use a firearm while under the influence of drugs or alcohol, or to sell or give possession of a firearm to someone who is under the influence of drugs or alcohol (NSW, 1996, s. 64).
- 19 NSW (1996, s. 11(5)(b)).
- 20 NSW (1996, ss. 11(3)(a), 11(5A)(a), 11(5B)(7)).
- 21 NSW (1996, s. 11(3A)).
- 22 NSW (1996, s. 12(1)).
- 23 NSW (1996, s. 12, table).
- 24 NSW (1996, s. 12, table).
- 25 NSW (1996, s. 12, table).
- 26 NSW (2006, cl. 52).
- 27 NSW (1996, s. 12, table).
- 28 NSW (1996, s. 12(2)).
- 29 NT (n.d.b, s. 10(3)(a)).
- 30 NT (n.d.b, ss. 33(1)(a), (f)).
- 31 NT (n.d.b, ss. 10(4)(b), (c)).
- 32 NT (n.d.b, ss. 10(3)(f)–(g)).
- 33 NT (n.d.b, s. 10(8A)).
- 34 NT (n.d.b, s. 10(3)(c)).
- 35 NT (n.d.b, s. 11(1)(a)).
- 36 NT (n.d.b, s. 11(2)(d)).
- 37 NT (n.d.b, s. 11(2)(a)).
- 38 NT (n.d.b, ss. 11(2)(c)–(g), (m), (n)).
- 39 NT (n.d.b, ss. 11(2)(h), (j)).
- 40 Queensland (1990, s. 10(2)(a)(i)).

- 41 Queensland (1990, s. 10(2)(a)(ii)).
- 42 Queensland (1990, ss. 10(2)(e), 10B(1)(a)).
- 43 Australia, Queensland: an applicant will not be considered a 'fit and proper person' to hold a licence if the person has been convicted of an offence relating to the misuse of drugs (Queensland, 1990, s. 10B).
- 44 Queensland (1990, s. 10B(2)).
- 45 Queensland (1990, ss. 10B(1)(ca), (d)).
- 46 Queensland (1990, s. 10(2)(b)).
- 47 Queensland (1990, s. 10(2)(f)).
- 48 Queensland (1990, s. 11(b)).
- 49 Queensland (1990, s. 11(a)).
- 50 Queensland (1990, s. 11(c)).
- 51 Queensland (1990, s. 11(e); 1996, s. 4(c)).
- 52 Queensland (1990, s. 11(d)).
- 53 Australia, Queensland: the legislation stipulates that it is not a reasonable excuse to carry a loaded weapon in a public place for self-defence purposes (Queensland, 1990, s. 57(6)). Furthermore, self-defence is not listed as a 'genuine reason' for possessing a weapon (s. 11).
- 54 South Australia (1977, s. 12(3)).
- 55 Australia, South Australia: while a person as young as 15 may apply for a firearms permit, the regulations provide that 14–18-year-olds may possess or use a firearm if under the supervision of a parent, guardian, or coach (or someone as young as 10 with respect to class A weapons—air rifles, air guns, and paint-ball firearms; .22 rim fire rifles (not being self-loading rifles); and single- or double-barrel shotguns (not being self-loading or pump-action shotguns)); and a person as young as 12 who is a member of a recognized firearms club and needs to hold a licence to compete in competitions is exempt from the licensing provisions in the Act (South Australia, 1977, s. 12(4); 2008, regs. 23, 24).
- 56 South Australia (1977, s. 5(10)).
- 57 South Australia (1977, s. 5(11)).
- 58 South Australia (1977, s. 12(6)(a)(vi)).
- 59 South Australia (2008, reg. 19(1)).
- 60 South Australia (1977, s. 15A(2)(a)).
- 61 South Australia (2008, reg. 11(2)(c)).
- 62 South Australia (2008, reg. 11(2)(b)).
- 63 South Australia (2008, regs. 11(2)(e), (f)).
- 64 South Australia (2008, reg. 12).
- 65 South Australia (2008, reg. 11(2)(g)).
- 66 Tasmania (1996, s. 29(1)(a)).
- 67 Tasmania (1996, s. 70).
- 68 Tasmania (1996, s. 29(2)(b)).
- 69 Tasmania (1996, ss. 29(2)(c), (f), (3)).
- 70 Tasmania (1996, s. 36(1)).
- 71 Tasmania (1996, s. 29(1)(d)).
- 72 Tasmania (1996, s. 29(5)(a)).
- 73 Tasmania (1996, s. 37(1)(b)).
- 74 Tasmania (1996, s. 37(1)(a)); handgun: Tasmania (1996, s. 33(1)(a)(i)).
- 75 Tasmania (1996, ss. 37(1)(c)–(f)); handgun: Tasmania (1996, ss. 33(1)(a)(ii), (iv)).
- 76 Tasmania (1996, s. 37(1)(g)); handgun: Tasmania (1996, s. 33(1)(a)(iii)).
- 77 Tasmania (1996, s. 37(2)).
- 78 Victoria (1996, s. 17(b)).
- 79 Victoria (1996, s. 18(1)).
- 80 Victoria (1996, ss. 3, definition of 'prohibited person', (c)(iii); 5).
- 81 Australia, Victoria: it is an offence to carry or use a firearm while under the influence of drugs or alcohol, or to dispose of a firearm to someone who is under the influence of drugs or alcohol (Victoria, 1996, ss. 132, 133).
- 82 Victoria (1996, s. 3, definition of 'prohibited person').
- 83 Victoria (1996, s. 17(c)(ii), (v)).
- 84 Victoria (1996, s. 17(c)(iii)).
- 85 Victoria (1996, s. 10(1)(b)).
- 86 Victoria (1996, s. 10(1)(a)); handguns: Victoria (1996, s. 15(1)(b)).
- 87 Victoria (1996, s. 10(1)(c)(d)); handguns: Victoria (1996, s. 15(1)(a), (ab)).



- 88 Victoria (1996, s. 92A).
- 89 Victoria (1996, s. 21(1)(a)); handguns: Victoria (1996, ss. 21, 21A).
- 90 Victoria (1996, s. 1(a)(i)).
- 91 Western Australia (1973, s. 10).
- 92 Western Australia (1973, s. 8(1)(n)).
- 93 Western Australia (1973, s. 11(3)(b)).
- 94 Western Australia (1973, s. 11(3)(a)).
- 95 Western Australia (1973, ss. 11(1)(b), 11(3)(c)).
- 96 Western Australia (1973, s. 10A).
- 97 Australia, Western Australia: commissioner must be satisfied of the reason for the acquisition but also 'that the kind of firearm or ammunition can be reasonably justified' (Western Australia, 1973, ss. 11A(1), (3)).
- 98 Western Australia (1973, s. 11A(2)(c); 1974, cl. 11(2)(a)).
- 99 Western Australia (1973, s. 11A(2)(a)).
- 100 Western Australia (1973, s. 11A(2)(d)).
- 101 Western Australia (1973, s. 11A(2)(e)).
- 102 Western Australia (1973, s. 11A(5)).
- 103 Belize (2003, ss. 7(2)(a), 34(2)).
- 104 Belize: although it is not listed as a consideration to be taken into account when granting a licence, a firearm licence may be revoked if the licensee is of 'intemperate habits or of unsound mind' (Belize, 2003, s. 26(b)). It is also an offence to sell a firearm to someone who is intoxicated or not of sound mind (s. 30).
- 105 Belize (2003, s. 7(2)(b)).
- 106 Belize: application form includes space to insert details of certification in gun handling course (Belize, n.d., p. 2).
- 107 Belize (2003, s. 7(2)(e)).
- 108 Belize (2003, s. 3(4)(c)) includes a table of licence fees that lists 'sport hunters' licence'.
- 109 Belize (2003, s. 3(4)(c)) includes a table of licence fees that lists 'sport hunters' licence'.
- 110 Belize (2003, s. 3(4)(d)) includes a table of licence fees that lists 'farmers' gun licence'.
- 111 Belize: the table of licence fees lists 'special protection licence' (Belize, 2003, s. 3(4)(a)); it is an offence to discharge a firearm in public unless in the lawful protection of the licensee's person or property or of the person or property of someone else (s. 40(1)(a)).
- 112 Brazil (2003, ch. II; 2004, ch. II, ss. II, III); Dreyfus and Perez (2007).
- 113 Brazil: Article 13 of the Statute on Disarmament states that a failure to observe the necessary precautions to prevent a person under 18 or a mentally disabled person from accessing a firearm is an offence, indicating persons aged 18 to 25 can access firearms under certain conditions (Brazil, 2003, art. 13).
- 114 Brazil (2003, ch. II, art 12; 2004, ch. II, ss. II, III); Dreyfus and Perez (2007).
- 115 Brazil (2003, ch. II; 2004, ch. II, ss. II, III); Dreyfus and Perez (2007).
- 116 Brazil (2000, art. 239(I)); Dreyfus and Perez (2007).
- 117 Dreyfus and Perez (2007).
- 118 Dreyfus and Perez (2007).
- 119 Brazil (2004, art. 51); Dreyfus and Perez (2007).
- 120 Brazil (2004, art. 51); Dreyfus and Perez (2007).
- 121 Brazil (2004, art. 51); Dreyfus and Perez (2007).
- 122 Canada (1995, s. 8(1)).
- 123 Canada (1995, s. 8).
- 124 Canada (1995, s. 5(2)(b)).
- 125 Canada: drug dependency or addiction is not listed as a criterion for consideration when granting a firearm licence, but it is unlawful to sell a firearm to someone impaired by alcohol or drugs (Canada, 1995, s. 22(b)).
- 126 Canada (1995, s. 5(2)(a)).
- 127 Canada (1995, s. 5(1)).
- 128 Canada (1995, s. 7(1)(a)).
- 129 Canada: applicants are not required to give a 'reason' or 'purpose' for owning a firearm, hence the law does not state that a firearm can be possessed only for specific reasons (such as hunting or sport shooting), though it is implicit that firearms can be used for such purposes.
- 130 Canada (1995, s. 8(4)).
- 131 Canada (1995, s. 7(2)).
- 132 Canada (1995, s. 28, permitted purposes).

- 133 Canada: although not listed as adequate 'reasons' for acquiring a licence to possess a restricted firearm or handgun, target shooting and collection are listed as 'purposes' for which the chief firearms officer may approve the transfer to an individual of a restricted firearm or handgun (Canada, 1995, s. 28(b)).
- 134 Canada (1995, ss. 20(b), 28(a)(ii); 1998a, s. 22(j); 1998c, s. 3).
- 135 Canada (1995, s. 28(b)(ii)).
- 136 Canada (1995, ss. 20(a), 28(a)(i); 1998c, s. 2).
- 137 Unless otherwise indicated, the information in this row is sourced from Nowak (2010a).
- 138 Colombia (1993, art. 27).
- 139 Croatia: Croatia adopted a new Weapons Law on 6 June 2007. As a translation of the new legislation was not available at the time of researching this chapter, references throughout the chapter are to the 1992 Weapons Law.
- 140 Croatia (1992, art. 17(1)), as amended by Article 3 of the Laws on Amendments and Supplements to the Weapons Law.
- 141 Croatia (1992, arts. 17, 34), as amended by Article 3 of the Laws on Amendments and Supplements to the Weapons Law.
- 142 Croatia (1992, arts. 17(6), 18).
- 143 Croatia (1992, art. 17(4)).
- 144 Croatia (1992, art. 17(2)).
- 145 Croatia: an applicant is required to prove that he or she is equipped with technical knowledge for the adequate use of the weapon and that he or she is familiar with the regulations related to holding and carrying a weapon when purchasing a hunting weapon, sporting weapon, or handgun for self-defence (Croatia, 1992, art. 17, last para.).
- 146 Croatia (1992, art. 17(5)).
- 147 Croatia (1992, art. 14, para. 1).
- 148 Croatia (1992, art. 14, para. 1).
- 149 Croatia (1992, art. 16).
- 150 Croatia (1992, art. 33).
- 151 Croatia (1992, arts. 30, 31).
- 152 Croatia (1992, art. 14, para. 1).
- 153 The information in this row is sourced from Inoa (2010).
- 154 The information in this row is sourced from Sahouri (2010a).
- 155 Estonia (2002a, s. 29(1)(2)).
- 156 Estonia (2002a, s. 29(1)(1)).
- 157 Estonia (2002a, s. 36(1)(2)).
- 158 Estonia (2002a, s. 36(1)(1)).
- 159 Estonia (2002a, s. 36(1)(6)).
- 160 Estonia (2002a, s. 35(5)).
- 161 Estonia (2002a, s. 35(2)(1)).
- 162 Estonia (2002a, s. 28(1)(1)).
- 163 Estonia (2002a, s. 28(1)(2)).
- 164 Estonia (2002a, s. 28(1)(4)).
- 165 Estonia (2002a, s. 4).
- 166 Estonia (2002a, s. 28(1)(5)).
- 167 Estonia (2002a, s. 28(1)(3)).
- 168 Finland (1998, s. 45). Finland is in the process of amending its legislation, including increasing the age requirement to 20 years (Finland, 2009b; People's Daily Online, 2010).
- 169 Finland (1998, s. 45).
- 170 Finland (1998, s. 45).
- 171 Finland: although not expressly listed as a reason for refusing a licence, conviction of a violent or other offence that makes someone unsuitable to hold a firearm is grounds for revoking a licence in Finland (Finland, 1998, s. 29(1)).
- 172 Finland (1998, s. 45(para. 2(2))). The draft law under consideration introduces a prerequisite of an aptitude test for all permit holders and applicants (Finland, 2009a, s. 45c).
- 173 Finland (1998, s. 43).
- 174 Finland (1998, s. 43(1)).
- 175 Finland (1998, s. 43(2)).
- 176 Finland (1998, ss. 43(3), 44 (automatic firearms)).
- 177 Finland (1998, ss. 43(4), 44 (automatic firearms)).

- 178 Finland (1998, ss. 43(5)–(6), 44 (automatic firearms)).
- 179 India (1959, s. 9(1)(a)(i)).
- 180 India (1962, r. 16).
- 181 India (1959, s. 14(2)).
- 182 India (1959, s. 9(1)(a)(ii)).
- 183 India (1959, s. 14(3)(ii)).
- 184 India (1959, s. 13(3)(b)).
- 185 India (1959, s. 13(3)(a)(ii); 1962, r. 15).
- 186 India (1962, r. 14(1)).
- 187 India (1962, r. 10(1)(a)).
- 188 India: the legislation indicates a licence shall be granted where the licence is required for a 'smooth bore gun having a barrel of not less than twenty inches in length' to be used for 'protection' or sport (India, 1959, s. 13(3)(a)(i)). In addition, the licence application form requires applicants to describe the purpose for which the licence is required and gives 'self protection' as an example (India, 1962, form A, part C).
- 189 Author interview with a representative of the Israeli Ministry of Foreign Affairs, Geneva, Switzerland, 11 March 2011.
- 190 Author interview with a representative of the Israeli Ministry of Foreign Affairs, Geneva, Switzerland, 11 March 2011.
- 191 Laist (2007).
- 192 Author interview with a representative of the Israeli Ministry of Foreign Affairs, Geneva, Switzerland, 11 March 2011.
- 193 Israel: licence renewals are subject to police assessment regarding the legal past and criminal information of the applicant (Israel, 2008); a licence will be revoked upon conviction of a crime involving violence (Laist, 2007).
- 194 Laist (2007); author interview with a representative of the Israeli Ministry of Foreign Affairs, Geneva, Switzerland, 11 March 2011.
- 195 Laist (2007); author interview with a representative of the Israeli Ministry of Foreign Affairs, Geneva, Switzerland, 11 March 2011.
- 196 Israel (2008); author interview with a representative of the Israeli Ministry of Foreign Affairs, Geneva, Switzerland, 11 March 2011.
- 197 Israel (2008); author interview with a representative of the Israeli Ministry of Foreign Affairs, Geneva, Switzerland, 11 March 2011.
- 198 Laist (2007); author interview with a representative of the Israeli Ministry of Foreign Affairs, Geneva, Switzerland, 11 March 2011.
- 199 Author interview with a representative of the Israeli Ministry of Foreign Affairs, Geneva, Switzerland, 11 March 2011.
- 200 Israel (2008); author interview with a representative of the Israeli Ministry of Foreign Affairs, Geneva, Switzerland, 11 March 2011.
- 201 Japan (1958, arts. 5(1), 5-2, para. 2(1)).
- 202 Japan (1958, art. 5(1)).
- 203 Japan (1958, art. 5(2)).
- 204 Japan (1958, art. 5(2)).
- 205 Japan (1958, art. 5).
- 206 Japan (1958, art. 5(6)).
- 207 Japan (1958, art. 5-2(1)).
- 208 Japan (1958, arts. 4, 4-2(3)).
- 209 Japan (1958, art. 4(1)).
- 210 Japan (1958, art. 4(4)).
- 211 Japan (1958, art. 4(2)).
- 212 Japan (1958, art. 4(8)).
- 213 Japan (1958, arts. 4(9)–(10)).
- 214 The information in this row is sourced from Karimova (2010).
- 215 Kenya (1954, s. 32(1)).
- 216 Kenya: the miniature rifle must not exceed .22 calibre and the bore of the shotgun must not be larger than 20 gauge (unless it is for sporting purposes or target practice) (Kenya, 1954, ss. 7(9)–(10), 32(1)).
- 217 Kenya (1954, s. 7(13)(c)).
- 218 Kenya: a court may order that a convicted person cannot possess a firearm for more than 10 years as part of a sentence and may cancel a firearm certificate (Kenya, 1954, s. 36(1)).
- 219 Kenya (1954, ss. 5(2), 7(13)(c)).
- 220 Kenya (1954, s. 5(2)).
- 221 Kenya (1954, s. 25; n.d.a, 1st schedule).
- 222 Kenya (1954, ss. 7(8)–(10)).
- 223 Kenya (1954, s. 6(3)(c)).
- 224 Kenya: the legislation does not specify what qualifies as a 'good reason' for acquiring a firearm; however, in its response to the questionnaire issued as part of the 1999 United Nations International Study on Firearm Regulation, Kenya indicated that it does permit possession of a firearm for 'personal/property protection' (UN Crime Prevention and Criminal Justice Division, 1999).

- 225 Lithuania: certain weapons do not require a permit in Lithuania, nor are they subject to registration (Lithuania, 2002, s. 13(10)). These are classified as Category D weapons and include: 1) single-shot weapons with smooth-bore barrels; 2) signal guns, pistols (revolvers); 3) pneumatic weapons, whose projectiles' kinetic energy is 2.5–7.5 joules; 4) gas weapons (pistols (revolvers), aerosol devices, equipment); 5) firearms that meet the criteria of other categories but that are not classified in those categories because of their small fighting power and whose projectiles' kinetic energy is 2.5–7.5 joules; 6) blank weapons not attributed to prohibited weapons; 7) ancient firearms; 8) electroshock weapons for self-defence; 9) weapons that are completely unfit for use; 10) models of weapons whose weight and design is the same (Lithuania, 2002, s. 6). The information provided in Annexe 9.1 relates to firearms other than those falling in Category D.
- 226 Lithuania: the minimum age for gun ownership in Lithuania is 23 (handguns for self-defence and weapons for collection), 21 (hunting rifles and any firearm for professional activities), 18 (long firearms with smooth-bore barrels for hunting and self-defence), 16 (firearms for sports-shooting) (Lithuania, 2002, art. 13).
- 227 Lithuania (2002, art. 13(4)).
- 228 Lithuania (2002, art. 17(1), (3), (4)).
- 229 Lithuania (2002, art. 17(1)(3)).
- 230 Lithuania (2002, art. 18(2)).
- 231 Lithuania: the legislation indicates an applicant must have passed an examination, but does not specify the nature of the examination (Lithuania, 2002, art. 17(1)(7)).
- 232 Lithuania (2002, art. 11(1)).
- 233 Lithuania (2002, art. 11(1)(1)).
- 234 Lithuania (2002, art. 11(1)(2)).
- 235 Lithuania (2002, art. 11(1)(4), (6), (7)).
- 236 Lithuania (2002, art. 11(1)(5)).
- 237 Lithuania (2002, art. 11(1)(3)).
- 238 New Zealand: a person must be at least 16 to hold a licence to possess a common shotgun or rifle (New Zealand, 1983, s. 20(1)), but must be at least 18 to apply for a licence endorsement allowing the possession of a military-style semi-automatic firearm (s. 30A).
- 239 New Zealand (2010, p. 42).
- 240 New Zealand: the legislation does not state that a licence application will be denied on the basis of mental or physical health; however, the police arms manual indicates that an applicant who has exhibited signs of mental ill health or attempted to commit suicide or other self-injurious behaviour will not necessarily be considered a fit and proper person (New Zealand, 2002, s. 2.29(2)). In addition, the police may seize a firearm if they have reasonable grounds to suspect that a person is incapable of having proper control of the firearm by reason of physical or mental condition (New Zealand, 1983, s. 60(2)).
- 241 New Zealand: the legislation does not state that a licence application will be denied on the basis of a history of drug use or dependence; however, the police arms manual indicates that an applicant who has been involved in substance abuse will not necessarily be considered a fit and proper person (New Zealand, 2002, s. 2.29(2)). The Arms Code indicates that people who have a history of repeated involvement with drugs 'may find it difficult to satisfy the Police that they are fit and proper to have a firearm' (New Zealand, 2010, p. 40).
- 242 New Zealand: the legislation does not expressly state that a licence application will be denied if a person has prior criminal convictions; however, the existence of previous convictions must be stated on the licence application form (New Zealand, 1992a, reg. 15(2)(h)).
- 243 New Zealand (1992a, reg. 14).
- 244 New Zealand: applicants are not required to give a 'reason' or 'purpose' for owning a firearm; hence the law does not state that a firearm can be possessed only for specific reasons (such as hunting or sport shooting).
- 245 New Zealand (2010, pp. 37–39).
- 246 New Zealand (2010, pp. 37–39).
- 247 New Zealand (2010, pp. 37–39).
- 248 New Zealand: applicants are not required to give reasons or explain the purpose for which they want or need a firearm when applying for a licence; however, the Arms Code does note that, 'Self-defence is not a valid reason to possess firearms. The law does not permit the possession of firearms "in anticipation" that a firearm may need to be used in self-defence' (New Zealand, 2010, p. 41).
- 249 New Zealand (1983, s. 29(2)(a)).
- 250 New Zealand (1983, s. 29(2)(f)).
- 251 New Zealand (1983, s. 29(2)(e)).
- 252 New Zealand (1983, s. 29(2)(b)).
- 253 New Zealand (1983, s. 30A(1)).
- 254 New Zealand (2010, p. 39).
- 255 New Zealand (2010, p. 39).
- 256 New Zealand (2010, p. 39).
- 257 PNG (1978, s. 9(1)(a)).

- 258 Papua New Guinea: the legislation specifies that, in granting a firearm licence, the licensing authority must be satisfied that the applicant has not been convicted of an offence against the Firearms Act and sentenced to a term of imprisonment, and has not been convicted of an offence other than under the Firearms Act arising out of or in connection with the possession or use of a firearm and sentenced to a term of imprisonment (PNG, 1978, ss. 9(1)(b)–(c)). However, it does not mention the need to consider criminal offences or convictions unrelated to firearm possession or use, although it does provide that the applicant must be a ‘fit and proper’ person to possess a firearm, and not be a danger to public safety, which may include consideration of other criminal charges and convictions.
- 259 PNG (1978, s. 9(1)(e)).
- 260 PNG (1978, s. 9(1)(f)).
- 261 PNG (1978, s. 2, definition of ‘substantial reason’, paras. (f), (i)).
- 262 PNG (1978, s. 2, definition of ‘substantial reason’, para. (h)).
- 263 PNG (1978, s. 2, definition of ‘substantial reason’, paras. (d), (e), (g)).
- 264 Papua New Guinea: the legislation refers to ‘protection of life and property’ as a ‘substantial reason’ for acquiring a firearm (PNG, 1978, s. 2, definition of ‘substantial reason’, para. (b)). However, the legislation also stipulates that it is an offence to discharge a firearm ‘without lawful excuse’ (s. 59) or to threaten to use a firearm against another person (s. 60) or even point a firearm at another person (s. 65B). In addition, under the Criminal Code it is a misdemeanour to discharge a loaded firearm within a dwelling with the intent to alarm a person (s. 76(b)). Accordingly, it is not clear when (or if) the use of a firearm in self-defence would be lawful.
- 265 The information in this row is sourced from Pyadushkin (2008).
- 266 Singapore (n.d.a, parts A(1)(a), B(1)(a)).
- 267 Singapore: although not specified in the legislation as a ground for refusing a licence, evidence of a prior conviction is given as an example on the police website of a circumstance under which a licence may not be refused (Singapore, n.d.a, parts A(1)(b), B(1)(b)).
- 268 Singapore (1913, s. 21F(b)).
- 269 Singapore (n.d.a, part B (1)(d)).
- 270 Singapore: under Singapore law, you can possess a gun only for target practice or self-protection; no other ‘reason’ is authorized.
- 271 Singapore (n.d.a, part A; n.d.c).
- 272 Singapore (n.d.b, item 4).
- 273 Singapore: as above, under Singapore law, a person may possess a gun only for target practice or self-protection; no other ‘reason’ is authorized.
- 274 Singapore: although it is not specified that collecting firearms is not permitted, it is implicit, since the Guidelines on Application for a Licence to Possess Arm contemplate the granting of a licence to possess only a firearm for target practice and self-protection (Singapore, n.d.a). Furthermore, in response to the question ‘Can I apply for a licence to possess an antique gun in Singapore?’, the Singapore Police Licensing Computerised System notes that: ‘[I]n Singapore, we do not allow anyone to possess an antique gun other than a musket gun. No licence is required for a musket gun if the barrel is sealed and the firing mechanism deactivated’ (Singapore, n.d.e).
- 275 Singapore (n.d.a, part B).
- 276 South Africa (2000, s. 9(2)(a)).
- 277 South Africa (2000, s. 9(5)).
- 278 South Africa (2000, ss. 9(2)(d), 102(1)(c)).
- 279 South Africa (2000, s. 9(2)(e)).
- 280 South Africa (2000, ss. 9(2)(f)–(o)).
- 281 South Africa (2000, s. 9(2)(q)–(r)).
- 282 South Africa (2000, ss. 15, 16).
- 283 South Africa (2000, ss. 15, 16).
- 284 South Africa (2000, s. 20).
- 285 South Africa (2000, s. 20(2)(c)).
- 286 South Africa (2000, ss. 17, 19).
- 287 South Africa (2000, s. 13).
- 288 Switzerland: acquisition of the following types of firearm in Switzerland does not require a licence: 1) single-shot arms and arms with several barrels and copies of single-shot arms with muzzle loading; 2) manual repetition rifles designated by the Federal Council, used habitually for off-duty shooting and sport shooting organized by recognized shooting clubs; 3) single-shot rabbit hunting guns; 4) compressed-air or CO<sub>2</sub> guns that develop an energy at the muzzle of at least 7.5 joules or can be confused with real firearms by their appearance; 5) dummy guns, alarm guns, and soft air guns when they can be confused with real firearms due to their appearance (Switzerland, 1997, art. 10). Accordingly, Annex 9.1 refers to the criteria applicable for the acquisition of a licence to acquire firearms other than those listed here.
- 289 Switzerland (1997, art. 8, para. 2, let. a).
- 290 Switzerland (1997, art. 11a, para. 1).
- 291 Switzerland (2008, art. 52, para. 1, let. c).
- 292 Switzerland (1997, art. 8, para. 2, let. d).

- 293 Switzerland (1997, art. 8, para. 2, let. c).
- 294 Switzerland: any person who requests a licence to acquire a firearm for a purpose other than sport, hunting, or collection must give reasons for the request (Switzerland, 1997, art. 8, para. 1b). Other qualifying reasons are not specified in the legislation.
- 295 Switzerland (1997, art. 8, para. 1b).
- 296 Switzerland (1997, art. 8, para. 1b).
- 297 Switzerland (1997, art. 8, para. 1b).
- 298 Switzerland (1997, art. 27, para. 2, let. b).
- 299 Switzerland (1997, art. 28b, para. a).
- 300 Switzerland (1997, art. 28b, para. a, item 1).
- 301 Switzerland (1997, art. 28b, para. a, item 4).
- 302 Unless otherwise indicated, the information in this row is sourced from Pehlevan (2010).
- 303 Turkey: at the time of writing, Turkish parliamentarians were considering a bill that would lower the minimum age for civilian possession to 18 (Hürriyet Daily News, 2010).
- 304 Turkey: shotguns (16 years old); air guns and firearms (12 years old) (Pehlevan, 2010).
- 305 Turkey: A licence to carry a firearm may be granted to citizens whose lives may be in danger because of their social, cultural, or professional activities (Turkey, 1953, art. 7(a)).
- 306 Uganda (1970, s. 4(4)(d)).
- 307 Uganda (1970, s. 4(4)(e)).
- 308 Uganda (1970, s. 4(4)(c)).
- 309 Uganda (1970, s. 4(4)(b)).
- 310 Uganda: a firearm certificate for a weapon to be used for sporting purposes is subject to the holder's obtaining a bird licence (in the case of a shotgun or .22 rifle) and a game licence (in the case of any other rifle or combined rifle/shotgun (Uganda, 1970, s. 4(5))). Accordingly, it is implicit that firearms may be acquired for hunting purposes.
- 311 Uganda: no fee is payable for the issue of a firearm certificate for any firearm or ammunition intended to be used solely for target practice or drill by the members of a rifle club (Uganda, 1970, s. 6(2)). Accordingly, it is implicit that firearms may be acquired for target shooting.
- 312 Uganda (1970, s. 7(1)(c)).
- 313 Uganda: no firearms certificate is required to use a firearm or imitation firearm in a film or theatrical performance, subject to conditions the chief licensing officer may impose (Uganda, 1970, s. 7(1)(l)).
- 314 UK (1968, s. 22), as amended by UK (2010b, s. 2(3)).
- 315 UK (1968, s. 27(1A)); Council of the European Union (1991, art. 5(a)).
- 316 UK: a firearm certificate can be revoked if the chief officer of police has reason to believe the holder is of intemperate habits or unsound mind (UK, 1968, s. 30A(2)(a)). In addition, it is an offence to sell or transfer a firearm to someone who is drunk or of unsound mind (UK, 1968, s. 25).
- 317 UK (1998, schedule 1, Firearm Certificates: Forms of Application and Certificate, q. 15a).
- 318 UK (1968, s. 21).
- 319 UK (1968, s. 27(1)(c)).
- 320 UK (1968, s. 27(1)(b)). The legislation does not specify what constitutes a 'good reason' for possessing a firearm; however, the Home Office published guidelines for the police to assist in determining whether an applicant has a 'good reason', and included: for the shooting of vermin, for humane killing of animals, for target shooting, collection and theatrical use (UK, 2002, ch. 13).
- 321 UK (2002, ch. 13, paras. 13.8, 13.16).
- 322 UK (2002, ch. 13, para. 13.41).
- 323 UK (1968, ss. 9, 10).
- 324 UK (1968, s. 12; 2002, ch. 13, para. 13.66).
- 325 UK (2002, ch. 13, para. 13.51).
- 326 UK: although not stipulated in the legislation, the Home Office guidelines to police for assessing whether an applicant has a 'good reason' for possessing a weapon states: 'Applications for the grant of a firearm certificate for the applicant's, or another's, protection, or that of premises, should be refused on the grounds that firearms are not an acceptable means of protection in Great Britain' (UK, 2002, ch. 13, para. 13.72).
- 327 UK (1968, s. 22(3)).
- 328 UK (1968, s. 28(1)).
- 329 UK (1968, s. 28(1A)(b)).
- 330 UK (1968, s. 28(1B)).
- 331 UK (1968, s. 28(1B)).
- 332 United States: US federal law prohibits the possession of handguns by those under 18 (US, n.d.a, s. 922(x)(2)) but places no minimum age limit on the possession of long guns. Nevertheless, US federal law does impose restrictions on the sales of long guns—as well as handguns—to

minors. For example, federally licensed firearm dealers may not sell shotguns or rifles to those under 18, or handguns or handgun ammunition to those under 21 (US, n.d.a, s. 922(b)(1)). Private sales of handguns can be made to persons who are under 21, provided they are over 18 (ss. 922(x)(1)(A), 922(x)(5)).

333 US (n.d.a, s. 922(d)(4)).

334 US (n.d.a, s. 922(d)(3)).

335 US (n.d.a, s. 922(d)(1), (9)).

336 Arizona (n.d., s. 13-3111(A)).

337 Arizona (n.d., ss. 13-3111(B)(1)–(4)).

338 Arizona (n.d., ss. 13-3101(A)(7)(b)–(d)).

339 Arizona: a 'prohibited possessor' includes someone found to be a danger to himself or others by court order (Arizona, n.d., s. 13-3101(A)(7)(a)).

340 Arizona: applicants are not required to give a 'reason' or 'purpose' for owning a firearm; hence the law does not state that a firearm can be possessed only for specific reasons (such as hunting or sport shooting), though it is implicit that firearms can be used for such purposes.

341 Arizona (n.d., s. 13-3112(E)(2)).

342 Arizona (n.d., s. 13-3112(E)(4)).

343 Arizona (n.d., s. 13-3112(E)(3)).

344 Arizona (n.d., s. 13-3112(E)(3)).

345 Arizona (n.d., s. 13-3112(E)(6)). In 2010 Arizona introduced changes to the law regarding the carrying of concealed weapons that eliminated the specific requirements for the content of firearms safety training courses (Arizona, 2010). Prior to this, Arizona law required the training course to address, among other things, legal issues relating to the use of deadly force, and the safe handling and storage of weapons (LCAV, 2010). An applicant for a concealed weapons permit may now demonstrate competence with a firearm through other means, including a current or expired permit from another state that has a training requirement. At the time of writing this chapter, there was a bill under consideration by the Arizona House of Representatives proposing to dilute the requirement even further (Arizona, 2011).

346 Arizona: applicants are not required to give a 'reason' or 'purpose' for owning a firearm; hence the law does not state that a firearm can be possessed only for specific reasons (such as hunting or sport shooting), though it is implicit that firearms can be used for such purposes.

347 California (n.d.a, s. 12072(a)(3)).

348 California (n.d.a, s. 12078(p)).

349 California (n.d.b, s. 8100).

350 California (n.d.a, s. 12021(a)(1)).

351 California (n.d.a, s. 12021(a)(1)).

352 California: applicants are not required to give a 'reason' or 'purpose' for owning a firearm; hence the law does not state that a firearm can be possessed only for specific reasons (such as hunting or sport shooting), though it is implicit that firearms can be used for such purposes.

353 California (n.d.a, s. 12072(a)(3)).

354 California (n.d.a, s. 12078(p)).

355 California: effective 1 January 2003, any person who wishes to receive a handgun through a sale or transfer must have a valid Handgun Safety Certificate (California, n.d.a, s. 12071(b)(8)(B)).

356 California: the Penal Code indicates that the licensing authority may issue a licence to carry a concealed handgun ('pistol, revolver or other firearm capable of being concealed upon the person') upon proof that the applicant 'is of good moral character, that good cause exists for the issuance' and that the person fulfils certain conditions (California, n.d.a, s. 12050(a)(1)(A)). If the population of the county where the applicant lives is less than 200,000 people, the applicant may be granted a licence to carry a handgun 'loaded and exposed' in that county (s. 12050(a)(1)(A)(ii)).

357 Florida (n.d., s. 790.22(3)).

358 Florida (n.d., ss. 790.22(3)(a)–(b)).

359 Florida (n.d., s. 790.23(1)).

360 Florida: there is no general provision under the Florida legislation requiring applicants to have fulfilled certain training requirements prior to being eligible to purchase a firearm; however, in Florida's Miami-Dade County, applicants must have passed a written examination regarding their knowledge of the relevant laws and safety instructions, and they must demonstrate their ability to handle a handgun safely before they can acquire a handgun (from a licensed dealer) (Miami-Dade County, n.d., ch. 21, art. III, div. 2, s. 21-20.16). These provisions do not apply to gun shows (s. 21-20.16(e)(5)).

361 Florida: applicants are not required to give a 'reason' or 'purpose' for owning a firearm, hence the law does not state that a firearm can only be possessed for specific reasons (such as hunting or sport shooting), though it is implicit that firearms can be used for such purposes.

362 Massachusetts (n.d., ch. 140, ss. 129B(1)(vi), 130).

363 Massachusetts (n.d., ch. 140, ss. 129B(1)(vi), 130).

364 Massachusetts (n.d., ch. 140, s. 129B(1)(iii)).

- 365 Massachusetts (n.d., ch. 140, s. 129B(1)(iv)).
- 366 Massachusetts (n.d., ch. 140, ss. 129B(1)(i)–(ii)).
- 367 Massachusetts (n.d., ch. 140, s. 131P(a)).
- 368 Massachusetts: applicants are not required to give a ‘reason’ or ‘purpose’ for owning a firearm; hence the law does not state that a firearm can be possessed only for specific reasons (such as hunting or sport shooting), though it is implicit that firearms can be used for such purposes.
- 369 New Jersey (n.d.a, ss. 2C:58-3(c)(4), 2C:58-6.1(14)(b)).
- 370 New Jersey: a minor must have a hunter’s licence and have completed a hunter’s safety course in order to possess a firearm for hunting (New Jersey, n.d.a, s. 2C:58-6.1(14)(b)(4)).
- 371 New Jersey (n.d.a, s. 2C:58-3(c)(3)).
- 372 New Jersey (n.d.a, s. 2C:58-3(c)(2)).
- 373 New Jersey (n.d.a, s. 2C:58-3(c)(1)).
- 374 New Jersey (n.d.a, s. 2C:58-3(c)(5)).
- 375 New Jersey: applicants are not required to give a ‘reason’ or ‘purpose’ for owning a firearm; hence the law does not state that a firearm can be possessed only for specific reasons (such as hunting or sport shooting), though it is implicit that firearms can be used for such purposes.
- 376 New Jersey (n.d.a, ss. 2C:58-3(c)(4), 2C:58-6.1(14)(b)).
- 377 New Jersey (n.d.a, s. 2C:58-6.1(14)(b)).
- 378 New Jersey (n.d.a, s. 2C:58-4(c), para. 2).
- 379 New Jersey (n.d.a, s. 2C:58-4(c), para. 2).
- 380 Texas (n.d.a, s. 46.06(a)(2)).
- 381 Texas (n.d.a, s. 46.06(c)).
- 382 Texas (n.d.a, s. 46.06(a)(3)).
- 383 Texas (n.d.a, ss. 46.04, 46.06(a)(4)).
- 384 Texas (n.d.b, s. 411.174(a)(7)).
- 385 Texas: applicants are not required to give a ‘reason’ or ‘purpose’ for owning a firearm; hence the law does not state that a firearm can be possessed only for specific reasons (such as hunting or sport shooting), though it is implicit that firearms can be used for such purposes.
- 386 Texas (n.d.a, s. 46.06(a)(2)). The age requirement for a concealed handgun is 21, though there are exceptions, such as for individuals serving in the armed forces (Texas, n.d.b, s. 411.172(a)(2)).
- 387 Texas (n.d.b, s. 411.172(a)(6)).
- 388 Texas (n.d.a, ss. 46.04; 46.06(4)).
- 389 Texas (n.d.b, ss. 411.174(a)(7), 411.188).
- 390 Texas: applicants are not required to give a ‘reason’ or ‘purpose’ for owning a firearm; hence the law does not state that a firearm can be possessed only for specific reasons (such as hunting or sport shooting), though it is implicit that firearms can be used for such purposes.
- 391 Unless otherwise indicated, the information in this row is sourced from Nowak (2010b).
- 392 Venezuela (1940, art. 9).
- 393 Venezuela (1940, art. 4).
- 394 Venezuela (1939, art. 24).
- 395 Yemen: citizens of Yemen have the right to hold rifles, machine guns, revolvers, and hunting rifles for their personal use, plus ammunition for the purpose of legitimate defence. They do not require a licence to own a weapon (Yemen, 1992, art. 9); however, they require a licence to carry a firearm in certain cities in Yemen, and the information provided in Annexes 9.1 and 9.2 relates to licences to carry firearms only.
- 396 Yemen (1992, art. 21(1)).
- 397 Yemen (1992, art. 21(5)).
- 398 Yemen (1992, art. 21(4)).
- 399 Yemen (1992, art. 21(2)).
- 400 Yemen (1992, art. 6).
- 401 Yemen (1992, art. 6).
- 402 Yemen (1992, art. 9).

## Annexe 9.2

- 1 ACT (1996, s. 78).
- 2 ACT (1996, s. 148).
- 3 ACT (1996, s. 43).
- 4 ACT (1996, s. 257).
- 5 ACT (1996, s. 257).



- 6 ACT (1996, ss. 73(1)(a), 181, 182).
- 7 ACT (1996, s. 180(1)).
- 8 ACT (1996, ss. 221(1)(a), 223).
- 9 NSW(2006, cl. 8).
- 10 Australia, New South Wales: amendments to the legislation that came into force on 4 February 2011 increase the period from 30 to 90 days (NSW, 1996, s. 31(5); 2010, schedule 1, s. 3).
- 11 NSW (1996, s. 7A(1)).
- 12 NSW (1996, s. 37(1)(b)).
- 13 NSW (1996, s. 37).
- 14 NSW (1996, ss. 39–40).
- 15 NSW (1996, s. 39).
- 16 NSW (2006, s. 76(1)).
- 17 NSW (2006, s. 76).
- 18 NT (n.d.b, s. 14(1)(a)).
- 19 NT (n.d.b, s. 34(2)).
- 20 NT (n.d.b, s. 58(1)).
- 21 NT (n.d.b, s. 90(2)).
- 22 NT (n.d.b, s. 90(2)).
- 23 NT (n.d.a, regs. 21–22).
- 24 NT (n.d.b, s. 46(1)).
- 25 NT (n.d.b, ss. 78(2), (3)).
- 26 Queensland (1990, s. 20(1); 1996, s. 21(4)).
- 27 Queensland (1990, s. 45(1)).
- 28 Queensland (1990, s. 50(c)). The sentence may be increased to 10–13 years if 10 or more firearms are involved (Queensland, 1990, s. 50).
- 29 Queensland (1990, s. 60A).
- 30 Queensland (1990, s. 60A).
- 31 Queensland (1990, s. 60(1); 1996, s. 60).
- 32 Queensland (1990, s. 60(1)).
- 33 Australia, Queensland: the legislation indicates that self-defence is not considered a 'reasonable excuse' for carrying a loaded firearm in a public place (Queensland, 1990, s. 57(6)).
- 34 Queensland (1990, s. 57(3)).
- 35 Queensland (1990, s. 57(3)).
- 36 South Australia (1977, s. 19(1)).
- 37 Australia, South Australia: the term of the acquisition permit is to be set out in the permit and is not specified in the Act; however, the permit can be granted only after the expiration of 28 days after the application for the permit was made (South Australia, 1977, s. 15(3)(a)).
- 38 South Australia (1977, ss. 11(7)(b)–(c)).
- 39 South Australia (2008, reg. 21(1)(e)).
- 40 South Australia (1977, s. 21). Section 21 of the Act stipulates that a breach of any licence condition is penalized by AUS 5,000–10,000 (USD 5,400–10,700) or 1–2 years' imprisonment. However, many of the licensing conditions are set out in the regulations (including the obligation to report the loss or theft of a firearm, and storage obligations), which stipulate that any breach of the regulations is subject to a maximum penalty of AUS 2,500 (USD 2,700) (South Australia, 2008, reg. 61).
- 41 South Australia (2008, regs. 38, 41(1)).
- 42 South Australia (1977, s. 21).
- 43 South Australia (1977, s. 15).
- 44 South Australia (1977, ss. 15(1), 15(1ba)).
- 45 Tasmania (1996, s. 49(a); 2006, reg. 11).
- 46 Tasmania (1996, s. 65).
- 47 Tasmania (1996, s. 9(1)).
- 48 Tasmania (1996, s. 80(2)).
- 49 Tasmania (1996, s. 80(2)).
- 50 Tasmania (1996, ss. 46(b), 84–86).
- 51 Tasmania (1996, ss. 85–86).
- 52 Tasmania (1996, s. 111(2)).
- 53 Tasmania (1996, s. 111).

- 54 Victoria (1996, ss. 39(1)–(2)).
- 55 Victoria (1996, s. 110(a)).
- 56 Victoria (1996, ss. 6, 7).
- 57 Victoria (1996, s. 140).
- 58 Victoria (1996, s. 140).
- 59 Victoria (1996, schedule 4).
- 60 Victoria (1996, s. 121).
- 61 Victoria (1996, ss. 130(1), 131(1), 132(1), 132(2)).
- 62 Victoria (1996, ss. 130(1), 131(1), 132(1), 132(2)).
- 63 Western Australia (1973, ss. 9A(2a), (3)).
- 64 Western Australia (1973, ss. 19(1ad), 19(1ac)(b)).
- 65 Western Australia (1973, s. 30B).
- 66 Western Australia (1973, s. 30B).
- 67 Western Australia (1974, reg. 11A).
- 68 Western Australia (1973, s. 23(9)(d)).
- 69 Western Australia (1973, s. 16(1)(a); 1974, schedule 1, Form 9).
- 70 Western Australia (1973, s. 23(3)).
- 71 Belize (2003, s. 8).
- 72 Belize (2003, s. 32(1)), as amended by Belize (2008b, s. 3).
- 73 Belize: the licence application form asks for details of secure storage arrangements, but there is no requirement under the Act to store firearms in a particular (or safe) manner (Belize, n.d., p. 2).
- 74 Belize (2003, s. 17(1)).
- 75 Belize (2003, ss. 17(1)–(2), 32(1)).
- 76 Unless otherwise indicated, the information in this row is sourced from Dreyfus and Perez (2007).
- 77 Dreyfus and Perez (2007); Brazil (2004, arts. 17, 25).
- 78 Canada (1995, s. 64(1)).
- 79 Canada (n.d.a, ss. 91(3), 92(3)).
- 80 Canada (n.d.a, s. 105(1)(a)).
- 81 Canada (n.d.a, s. 105(2)(a)).
- 82 Canada (1998b, ss. 5–7).
- 83 Canada (n.d.a, s. 86(3)).
- 84 Canada (1998c, ss. 4, 6).
- 85 Canada (n.d.a, ss. 86(3), 89, 90).
- 86 Colombia (1993, arts. 22–24). For diplomatic missions and foreign staff, permits are of a four-year duration (art. 24).
- 87 Nowak (2010a).
- 88 Colombia (1993, art. 87).
- 89 Colombia (1993, art. 87).
- 90 Colombia (1994, art. 3).
- 91 Nowak (2010a).
- 92 Colombia (1993, art. 23).
- 93 Nowak (2010a).
- 94 Croatia (1992, art. 27a), as inserted by Article 5 of the Laws on Amendments and Supplements to the Weapons Law.
- 95 Croatia (1992, art. 22).
- 96 Croatia (1992, art. 75(1)). The dinar (HRD) was the currency of Croatia when this legislation was passed; at this writing, the currency was the kunar (HRK).
- 97 Croatia (1992, art. 43, para. 1).
- 98 Croatia (1992, art. 76(10)).
- 99 Croatia (1992, art. 36). Article 36 of the Weapons Law also suggests there may be a requirement to store firearms and ammunition separately: 'The weapons and ammunition shall be kept in such a manner so as to be inaccessible to persons not authorised to own them, locked and isolated, unless they are kept in a metal cabinet, safe box, or similar storing place that may not be opened by a tool in common use.' But it is not clearly stated that the weapons should be kept apart from the ammunition.
- 100 Croatia (1992, art. 75(9)).
- 101 Croatia: a weapon licence for hunting and sporting weapons entitles the licensee to hold and carry the weapon, whereas a weapon licence for a self-defence weapon entitles the licensee only to hold the firearm. In other words, the weapon must be kept on the licensee's property unless,

- for professional or 'other justifiable reasons', the licensee needs to hold and carry arms outside the business or residential facilities on which he or she has property rights or rights of use (Croatia, 1992, art. 14). Self-defence firearms that are carried in public must not be visible to the public; outside the hunting grounds or shooting ranges, hunting and sporting weapons must be carried unloaded and in suitable holsters (art. 39). In addition, security guards must hold a separate 'licence to carry' (art. 28).
- 102 Croatia (1992, arts. 76(6)–(9)).
- 103 The information in this row is sourced from Inoa (2010).
- 104 Dominican Republic: piston shotguns, revolvers, pistols or air or gas rifles: imprisonment from six months to two years and a fine of USD 30–60; shotgun cartridges, built to shoot only pellets: imprisonment from 1 to 2 correctional years and a fine of USD 150–300; certain higher-calibre pistols or revolvers: 3–10 years and a fine of USD 300–550 (Inoa, 2010).
- 105 The information in this row is sourced from Sahouri (2010a).
- 106 Estonia (2002a, s. 34(7)).
- 107 Estonia (2002a, s. 32(7)).
- 108 Estonia (2002b, s. 418(1)).
- 109 Estonia (2002a, s. 45(6)).
- 110 Estonia (2002a, s. 89<sup>(superscript 1)</sup>(1)).
- 111 Estonia (2002a, ss. 45(3), 46(5)).
- 112 Estonia (2002a, s. 89<sup>(superscript 1)</sup>(1); 2002b, s. 419).
- 113 Estonia (2002a, ss. 50(2), 50(3)(2), 55(2)).
- 114 Estonia (2002a, ss. 50(3), 89<sup>(superscript 1)</sup>(1)).
- 115 Finland (1998, s. 53).
- 116 Finland (1998, s. 46).
- 117 Finland (1998, s. 101).
- 118 Finland (1998, s. 111).
- 119 Finland (1998, s. 103(1)).
- 120 Finland (1998, s. 106).
- 121 Finland (1889, ch. 44, s. 12).
- 122 Finland (1998, ss. 56, 106).
- 123 Finland (1889, ch. 44, s. 12).
- 124 India (1959, s. 15(1)).
- 125 India (1959, s. 25(1B)(a)).
- 126 India (1962, schedule III, form III, Condition of licence 9(c)).
- 127 India (1959, s. 30).
- 128 India (1962, schedule III, form III, Condition of licence 5).
- 129 India (1962, schedule III, form III, n. 1).
- 130 Laist (2007); Israel (2008).
- 131 Author interview with a representative of the Israeli Ministry of Foreign Affairs, Geneva, 11 March 2011.
- 132 Laist (2007); author interview with a representative of the Israeli Ministry of Foreign Affairs, Geneva, Switzerland, 11 March 2011.
- 133 Laist (2007); author interview with a representative of the Israeli Ministry of Foreign Affairs, Geneva, Switzerland, 11 March 2011.
- 134 Author interview with a representative of the Israeli Ministry of Foreign Affairs, Geneva, Switzerland, 11 March 2011.
- 135 Laist (2007); author interview with a representative of the Israeli Ministry of Foreign Affairs, Geneva, Switzerland, 11 March 2011.
- 136 Author interview with a representative of the Israeli Ministry of Foreign Affairs, Geneva, Switzerland, 11 March 2011.
- 137 Laist (2007); author interview with a representative of the Israeli Ministry of Foreign Affairs, Geneva, Switzerland, 11 March 2011.
- 138 Author interview with a representative of the Israeli Ministry of Foreign Affairs, Geneva, Switzerland, 11 March 2011.
- 139 Japan (1958, art. 7-2).
- 140 Japan (1958, art. 8(1)).
- 141 Japan (1958, arts. 31-3, 31-11, 31-16(1)).
- 142 Japan (1958, arts. 10-4, 10-5); author correspondence with Japanese Ministry of Foreign Affairs, October–November 2010.
- 143 Japan (1958, art. 35(2)).
- 144 Japan (1958, arts. 10, para. 1, 10(4)).
- 145 Japan (1958, art. 31-18(2)).
- 146 The information in this row is sourced from Karimova (2010).
- 147 Kenya (1954, s. 5(4)).
- 148 Kenya (1954, s. 4(3)(b)).
- 149 Kenya (1954, s. 22).

- 150 Kenya (1954, s. 22).
- 151 Kenya (1954, s. 18(3)).
- 152 Kenya (1954, s.18(4)).
- 153 Kenya (1954, s. 33).
- 154 Kenya (1954, s. 33).
- 155 Lithuania (2002, art. 32(2)).
- 156 Lithuania (2002, art. 12(6)).
- 157 Lithuania (2000, art. 253; 2010, p. 7).
- 158 Lithuania (2002, art. 30(1)(6)).
- 159 Lithuania: there is no specific provision requiring a licensee to report the loss or theft of a firearm, only a permit to hold or carry a firearm. However, Article 17(1)(8) indicates that a licence may be revoked if a firearm is lost, as it indicates that a permit to acquire should not be granted to a person 'to whom a permit to hold or carry a weapon has been revoked because of the loss of the weapon, and less than three years have passed since the revocation' (Lithuania, 2002, art. 17(1)(8)).
- 160 Lithuania (2002, arts. 30(1)(2), 32(3)).
- 161 Lithuania (1985, art. 196).
- 162 Lithuania (2002, arts. 12(10), 30(1)(1)). The legislation also notes that laws may be made to prohibit the carrying of firearms in certain public places if it may cause a threat to the security of the individual or the population (art. 33(5)).
- 163 Lithuania (1985, art. 196).
- 164 New Zealand (1983, s. 25(1)).
- 165 New Zealand (1983, s. 35(3)).
- 166 New Zealand (1983, s. 20(3)).
- 167 New Zealand (1983, s. 39(1)).
- 168 New Zealand (1983, s. 39(2)).
- 169 New Zealand (1992a, regs. 19, 28). The Arms Code also recommends storing firearms unloaded (New Zealand, 2010, p. 11), but this is not a requirement under the legislation.
- 170 New Zealand (1983, ss. 33(1), 33B(1)).
- 171 New Zealand (1983, s. 36(1)).
- 172 New Zealand (1983, s. 51(1)). The law also carries the following offences and penalties: 1) carrying firearm without lawful, proper, or sufficient purpose: NZD 5,000 (USD 4,000), 4 years, or both (s. 45); 2) carrying of a pistol or restricted firearm beyond licensee's dwelling without appropriate endorsement or authorization: NZD 1,000 (USD 800), 3 months, or both (s. 36).
- 173 PNG (1978, s. 9(5)(a)).
- 174 PNG (1978, s. 15(1)).
- 175 PNG (1978, ss. 7, 27A(3)).
- 176 There is a requirement to report the loss of a firearms certificate or licence, but not a firearm (PNG, 1978, s. 67).
- 177 PNG (1978, s. 51(1)).
- 178 PNG (1978, s. 51(1)).
- 179 PNG (1978, ss. 20–21).
- 180 PNG (1978, s. 7(c)).
- 181 PNG (1978, ss. 7, 58). If a person carries a pistol or high-powered firearm without a licence: 'A fine not exceeding PGK1,000.00 (USD 410) or imprisonment for a term not exceeding six months or, where the offence is committed between the hours of 7 p.m. and 7 a.m. on the following day, a fine not exceeding PGK1,500.00 (USD 620) or imprisonment for a term not exceeding two years' (PNG, 1978, s. 27(2)).
- 182 Information in this row is sourced from Pyadushkin (2008).
- 183 Singapore (2006, r. 4(3)). The rules also provide that if a person who already owns a firearm acquires another firearm, the term of any licence to possess the other firearm(s) shall be concurrent with the term of the licence to possess the first-mentioned firearm (Singapore, 2006, r. 4(4)).
- 184 Singapore (1913, s. 13(3)).
- 185 Singapore (n.d.b, item 2).
- 186 Singapore (1973, s. 3(2)).
- 187 South Africa requires a competency certificate (valid for five years) confirming the holder is 'competent' to possess a firearm. Then a licence must be obtained for each firearm, which is valid for 10 years unless it is a licence to possess a firearm for self-defence (valid for five years) or a licence to possess a restricted firearm for self-defence (valid for two years) (South Africa, 2000, s. 27).
- 188 South Africa (2000, s. 3, schedule 4).
- 189 South Africa (2000, s. 120(11)).
- 190 South Africa (2000, s. 120(11), schedule 4).
- 191 South Africa (2004, regs. 67, 86(11)(a)).

- 192 South Africa (2004, reg. 110(3)).
- 193 South Africa (2000, s. 84).
- 194 South Africa (2000, s. 84, schedule 4).
- 195 Switzerland (1997, art. 27, para. 3).
- 196 Switzerland (1997, art. 9b, para. 3).
- 197 Switzerland (1997, art. 33, para. 1, let. a).
- 198 Switzerland (1997, art. 26, para. 2).
- 199 Switzerland (1997, art. 34, para. 1, let. g).
- 200 Switzerland (1997, art. 26, para. 1). Firearms and ammunition must be stored with caution and must not be accessible to unauthorized third parties. In addition, the breech of an automatic firearm or an automatic firearm transformed into a semi-automatic firearm must be stored separately from the rest of the arm, under lock and key (Switzerland, 2008, art. 47, para. 1).
- 201 Switzerland (1997, art. 34, para. 1, let. e).
- 202 Switzerland (1997, art. 27, paras. 1, 4, let. a). The legislation stipulates that in order to obtain a licence to carry, a person must plausibly establish that he or she needs an arm to protect him- or herself or third parties or objects against a tangible danger (art. 27(2)(b)), and must have passed a relevant examination (hunters and sportspersons are exempt) (arts. 27(2)(c), (4)).
- 203 Switzerland (1997, art. 34, para. 1, let. h).
- 204 Pehlevan (2010); Turkey (1991, art. 3).
- 205 Pehlevan (2010).
- 206 Pehlevan (2010).
- 207 Turkey (1991, art. 5).
- 208 Turkey (1953, art. 13).
- 209 Uganda (1970, s. 4(8)(d)).
- 210 Uganda (1970, s. 3(2)).
- 211 Uganda (1970, s. 30(2)).
- 212 Uganda (1970, s. 30(3)).
- 213 Uganda (1970, s. 30(1)).
- 214 Uganda (1970, s. 30(3)).
- 215 Uganda (1970, ss. 31, 32(2)).
- 216 Uganda (1970, ss. 31, 32(2)).
- 217 UK (1968, s. 28A(1)).
- 218 UK (1968, schedule 6, part I).
- 219 UK (1998, schedule 1, Firearm Certificates: Forms of Application and Certificate, Part II 'Firearm Certificate', Condition 2).
- 220 UK (1968, schedule 6, part I).
- 221 UK (1998, s. 3(4)(iv)(a), schedule 1, Firearm Certificates: Forms of Application and Certificate, Part II, 'Firearm Certificate', Condition 4a); UK (2005, part 2, para. 2.2). The application form asks for details of the address where the firearm will be stored; the 2005 Handbook has extensive advisory provisions on storage options.
- 222 UK (1968, schedule 6, part I; 1982, s. 37).
- 223 UK (1968, s. 19).
- 224 UK (1968, schedule 6, part I).
- 225 UK (1968, s. 28A(1)).
- 226 UK (1968, schedule 6, part I).
- 227 UK (1998, schedule 2, Shotgun Certificates: Forms of Application and Certificate, Part II, 'Shotgun Certificate', Condition 2).
- 228 UK (1968, schedule 6, part I).
- 229 UK (1998, s. 5(4)(iv)(a), schedule 2, Shotgun Certificates: Forms of Application and Certificate, Part II, 'Shotgun Certificate', Condition 4(a)).
- 230 UK (1968, schedule 6, part I).
- 231 Arizona (n.d., s. 13-3112(I)).
- 232 Arizona (n.d.) covers misconduct involving weapons, which is a Class 4 felony (ss. 13-3102(A)(4), 13-3102(K)) and sentencing (s. 13-702). For a Class 4 felony, a first offence carries 1–3.75 years; a second offence carries 2.25–7.5 years; and a person who has 2 or more prior felony convictions faces 6–15 years (ss. 13-702, 3). The court also has discretion to impose a fine for felonies. The statutory maximum is up to USD 150,000 (s. 13-801).
- 233 Arizona: in fact, provision 13-3118 restricts the ability of any political subdivision of the state to regulate storage (Arizona, n.d., s. 13-3118).
- 234 ICAV (2008, pp. 206–15); Arizona (n.d., s. 13-3112(A)).
- 235 Arizona (n.d., ss. 13-3119(A), (C), 13-3102(A)(10)–(12), (K)). A Class 1 misdemeanour carries a sentence (s. 13-707(A)(1)) or fine (s. 13-802(A)).
- 236 Arizona (n.d.) covers misconduct involving weapons (ss. 13-3102(A)(2), 13-3102(K)), a Class 3 misdemeanour, sentencing (s. 13-707(A)(3)), and fines (s. 13-802(C)).

- 237 California (n.d.a, s. 12050(a)(2)(A)(i)).
- 238 California (n.d.a, s. 12021(a)(1)). Since California does not require a licence to own a gun, but rather a licence or permit to carry a concealed handgun, legislation does not stipulate penalties for 'unlawful possession' as such. Instead, offences relate to use or attempted use of a firearm to commit a crime, or possession of a firearm by individuals such as convicted felons or in breach of a court order.
- 239 California: there is no requirement in California to report lost or stolen firearms; however, if a person's handgun has been lost or stolen and he or she has reported it, the person may be able to waive the 'one handgun every 30 days' rule and buy a replacement handgun (California, n.d.a, s. 12072(a)(9)(B)(xi)).
- 240 California (n.d.a, ss. 12035–12036).
- 241 California (n.d.a, ss. 12035(b)(1)–(2), 12035(d), 12036(c)).
- 242 California (n.d.a, s. 12050(a)(1)(A)–(B)); ICAV (2008, pp. 206–15).
- 243 California (n.d.a, s. 12025(b)(7)).
- 244 Florida (n.d., s. 790.06(1)).
- 245 Florida: for example, a convicted felon found in possession of a firearm (felony of the 2<sup>nd</sup> degree) faces up to 15 years imprisonment and/or a fine of up to USD 10,000; a person under a domestic violence restraining order found in possession of a firearm (misdemeanour of 1<sup>st</sup> degree) faces up to 1 year imprisonment and/or a fine of up to USD 1,000 (Florida, n.d., ss. 790.23, 790.233, 790.235).
- 246 Florida (n.d., s. 790.174(1)).
- 247 Florida (n.d., ss. 790.174(2) (2<sup>nd</sup>-degree misdemeanor), 775.082(4)(b), 775.083(1)(e)).
- 248 Florida (n.d., ss. 790.053(1), 790.06(12)).
- 249 Florida (n.d., ss. 790.053(3) (2<sup>nd</sup>-degree misdemeanor), 775.082(4)(b), 775.083(1)(e)).
- 250 Florida (n.d., ss. 790.115(1) (3<sup>rd</sup>-degree felony), 775.082(3)(d), 775.083(1)(e)).
- 251 Florida (n.d., ss. 790.01(2) (3<sup>rd</sup>-degree felony), 775.082(3)(d), 775.083(1)(c)).
- 252 Massachusetts (n.d., ch. 140, ss. 129B(9), 131(i)).
- 253 Massachusetts (n.d., ch. 269, s. 10 (h)(1)).
- 254 Massachusetts (n.d., ch. 140, ss. 123(17th), 129C, para. 3).
- 255 Massachusetts (n.d., ch. 140, s. 129C, para. 3).
- 256 Massachusetts (n.d., ch. 140, ss. 131I(b)–(e)).
- 257 Massachusetts (n.d., ch. 140, ss. 131(a)–(d)); ICAV (2008, pp. 206–15).
- 258 Massachusetts: an officer or faculty member who fails to report someone carrying a firearm can be fined up to USD 500 (Massachusetts, n.d., ch. 269, s. 10(j)).
- 259 Massachusetts (n.d., ch. 269, ss. 10(a), (j), (m), (n), 12D(a)–(b)).
- 260 New Jersey (n.d.a, ss. 2C:58-5(g), 2C:58-4(a), 2C:58-3(f)).
- 261 New Jersey (n.d.a, s. 2C:58-3(f)).
- 262 New Jersey: unlawful possession of shotguns and rifles (crime of the 3<sup>rd</sup> degree); handguns (crime of the 2<sup>nd</sup> or 3<sup>rd</sup> degree, depending on type); machine guns and assault rifles (crime of the 2<sup>nd</sup> degree) (New Jersey, n.d.a, ss. 2C:39-5, 2C:43-6, 2C: 43-3).
- 263 New Jersey (n.d.a, ss. 2C:58-19, 2C:58-12(g)). The theft or loss of a registered assault weapon must be reported within 24 hours. If unreported, the owner is civilly liable for any damages resulting from any crime committed with the assault weapon.
- 264 New Jersey (n.d.a, s. 2C:58-19).
- 265 New Jersey (n.d.a, s. 2C:58-15(1)(a)).
- 266 New Jersey (n.d.a, ss. 2C:43-8, 2C:43-3(c)). Section 2C:58-15(1)(a) stipulates that a person who fails to prevent access to children commits a disorderly persons offence; section 2C:43-8 establishes the sentence for 'disorderly persons offences'.
- 267 New Jersey (n.d.a, ss. 2C:58-3, 2C:58-4, 2C:58-5).
- 268 New Jersey (n.d.a, s. 2C:39-5(e)(1)).
- 269 Texas (n.d.b, s. 411.183(a)).
- 270 Texas (n.d.a, s. 46.04(e)).
- 271 Texas (n.d.a, s. 46.13).
- 272 Texas: a person commits an offence (Class C misdemeanor) if a child gains access to a readily dischargeable firearm and the person failed to secure the firearm or left the firearm in a place to which the person knew or should have known the child would gain access (offence: Texas, n.d.a, s. 46.13(d)); applicable sentence for Class C misdemeanor: Texas, n.d.a, s. 12.23). If the child discharges the firearm and causes death or serious bodily injury to himself or another person, the offence becomes a Class A misdemeanor (offence: Texas, n.d.a, s. 46.13(e); applicable sentence for a Class A misdemeanor: Texas, n.d.a, s. 12.21).
- 273 Texas: 'open carry' refers to the act of carrying a firearm in plain sight.
- 274 Texas (n.d.a, s. 46.02(a)).
- 275 Texas (n.d.b, s. 411.177(a); n.d.a, s. 46.035).
- 276 Texas: it is an offence for a person to carry a handgun if the person is not on the person's own premises or premises under the person's control;

- or inside of or directly en route to a motor vehicle that is owned by the person or under the person's control. It is also an offence to carry a handgun in a motor vehicle with the handgun in plain view (Texas, n.d.a, s. 46.02(a). Such an offence is a Class A misdemeanour (offence: Texas, n.d.a, s. 46.02(b); applicable sentence: Texas, n.d.a, s. 12.21).
- 277 Texas: it is an offence to carry a handgun (concealed or otherwise) in certain public places, including premises where a high school, collegiate, or professional sporting event or interscholastic event is taking place (unless the license holder is a participant in the event and a handgun is used in the event), hospitals or nursing homes, amusement parks or churches or other places of worship (Texas, n.d.a, s. 46.035(b)). Such an offence is a Class A misdemeanour punishable by up to USD 4,000 and/or up to 1 year's imprisonment (Texas, n.d.a, s. 12.21). However, if a person carries a handgun at premises licensed to serve alcohol or a correctional facility, this is a 3<sup>rd</sup>-degree felony punishable by 2–10 years' imprisonment and up to USD 10,000 (offence: Texas, n.d.a, s. 46.035(g); applicable sentence: Texas, n.d.a, s. 12.34).
- 278 Texas: it is an offence (3<sup>rd</sup>-degree felony) to possess any type of firearm in certain public places, including schools, educational institutions, polling stations on election day, court houses, racetracks and airports (offence: Texas, n.d.a, s. 46.03(a); applicable sentence: Texas, n.d.a, s. 12.34).
- 279 Unless indicated otherwise, the information in this row is sourced from Nowak (2010b).
- 280 Venezuela (1940, art. 4, s. 4); Nowak (2010b).
- 281 Venezuela: there are no specific requirements, although the legislation alludes generally to the responsibility of the owner to store the firearm adequately (Venezuela, 2002, art. 7).
- 282 Venezuela: it is an offence under the penal code to carry 'insidious' weapons, easily hidden (knives, pistols, and short canon revolvers), and to carry them hidden (Venezuela, 2000, art. 518). However, there is no difference between carrying and possession in the Venezuelan firearms control legislation. An authorization to possess a firearm implies the authorization to carry it. As a matter of fact, small arms possession licences are known as *portes* (carrying). In summary, the law authorizes carrying for personal protection, but restricts the ways in which and the places where these weapons may be carried.
- 283 Yemen (1992, art. 17).
- 284 Yemen (1992, art. 48(A)).
- 285 Yemen (1992, art. 20).
- 286 Yemen (1992, art. 48(A)).
- 287 Yemen: a licence is required to carry in certain designated cities, and a person can be licensed to carry only one firearm; it is also prohibited to carry a firearm (even with a licence) during meetings of the presidential council, secret balloting, referendums, demonstrations, parades, official celebrations, and sports and youth festivals (Yemen, 1992, arts. 10, 23(A)).
- 288 Yemen (1992, art. 48(A)).

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## ACKNOWLEDGEMENTS

### Principal author

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### Contributors

Pablo Dreyfus, Orlydy Inoa, Takhmina Karimova, Paavo Kotiaho, Elkana Laist, Matthias Nowak, Halim Ozatan, Berna Çapçioğlu Pehlevan, Rebecca Perez, Maxim Pyadushkin, and Nadine Sahouri