

BILL FOR SENATE

A BILL

ENTITLED

AN ACT Further to Amend the Firearms Act.

[ ]

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Representatives of Jamaica, and by the authority of the same, as follows:—

1. This Act may be cited as the Firearms (Amendment) (No. 2) Act, 2008, and shall be read and construed as one with the Firearms Act (hereinafter referred to as the principal Act) and all amendments thereto.

Short title and construction.

2. Section 4 of the principal Act is amended in paragraphs (a)(ii), (b)(ii), and (c)(ii), of subsection (2) by inserting immediately after the word "life", in each case, the words "or such other term, being not less than fifteen years, as the Court considers appropriate".

Amendment of section 4 of principal Act.

Amendment of section 9 of principal Act.

3. Section 9 of the principal Act is amended in paragraphs (a)(ii) and (b)(ii) of subsection (2) by inserting immediately after the word "life", in each case, the words "or such other term, being not less than fifteen years, as the Court considers appropriate".

Amendment of section 10 of principal Act.

4. Section 10 of the principal Act is amended in paragraph (a)(ii) of subsection (7) by inserting immediately after the word "life" the words "or such other term, being not less than fifteen years, as the Court considers appropriate".

Amendment of section 20 of principal Act.

5. Section 20 of the principal Act is amended in paragraphs (a)(ii), (b)(ii) and (c)(ii) of subsection (4) by inserting immediately after the word "life", in each case, the words "or such other term, being not less than fifteen years, as the Court considers appropriate".

Amendment of section 24 of principal Act.

6. Section 24 of the principal Act is amended in paragraph (b) by inserting immediately after the word "life" the words "or such other term being not less than fifteen years, as the Court considers appropriate".

Amendment of section 25 of principal Act.

7. Section 25 of the principal Act is amended in subsection (3)(b) by inserting immediately after the word "life" the words "or such other term, being not less than fifteen years, as the Court considers appropriate".

## MEMORANDUM OF OBJECTS AND REASONS

A decision has been taken to amend the Firearms Act in order to provide for a minimum sentence of fifteen years for a person convicted before the Circuit Court of any of the following offences—

- (a) contravention of restriction on importation, exportation and transshipment of firearms and ammunition (section 4(2)(a)(ii), (b)(ii) and (c)(ii));
- (b) contravention of restriction on manufacture and dealing in prohibited firearms and ammunition (section 10(7)(a)(ii));
- (c) contravention of restrictions upon purchase, acquisition, sale or transfer of a prohibited weapon on conviction before a Circuit Court (section 10(7)(a)(ii));
- (d) possession of firearms and ammunition (section 20(4)(a)(ii), (b)(ii) and (c)(ii));
- (e) possession of firearm or ammunition with intent to injure (section 24); and
- (f) use and possession of firearm or imitation firearm in certain specified circumstances (section 25).

This Bill seeks to give effect to that decision, which is intended to emphasize the serious nature of those offences, and is a companion to other proposed legislation aimed at reducing crime.

TREVOR MACMILLAN  
Minister of National Security.

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As introduced by the Honourable Minister of National Security.

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Approved by the Senate of Jamaica on 14th March 1992.

THE HONOURABLE  
MINISTER OF NATIONAL SECURITY

This Bill seeks to give effect to the decision which is intended to

amend the Firearms Act (Section 2A)

(a) the use and possession of firearms or imitation firearms in certain

circumstances (Section 2A) and

(b) possession of firearms and ammunition (Section 2B) (Section 2B)

(c) possession of imitation firearms or imitation firearms in certain

circumstances (Section 2C) and

(d) possession of imitation firearms or imitation firearms in certain

circumstances (Section 2D) and

(e) possession of imitation firearms or imitation firearms in certain

circumstances (Section 2E)

SECTION 4 OF THE PRINCIPAL ACT WHICH  
IT IS PROPOSED TO AMEND

4.—(1) A person shall not import into, export from or tranship in Jamaica any firearm or ammunition except under” and in accordance with the terms of a Firearm Import Permit, Firearm Export Permit or Firearm Transhipment Permit, as the case may be.

(2) Every person who contravenes subsection (1) shall be guilty of an offence and shall be liable—

(a) in the case of an offence relating to a prohibited weapon—

- (i) on summary conviction before a Resident Magistrate to imprisonment with or without hard labour for a term not exceeding two years;
- (ii) on conviction before a Circuit Court to imprisonment for life with or without hard labour;

(b) in the case of an offence relating to a restricted weapon or to restricted ammunition—

- (i) on summary conviction before a Resident Magistrate to a fine not exceeding one thousand dollars or to imprisonment with or without hard labour for a term not exceeding two years; or
- (ii) on conviction before a Circuit Court to imprisonment for life with or without hard labour;

(c) in any other case—

- (i) on summary conviction before a Resident Magistrate to a fine not exceeding four hundred dollars or to imprisonment with or without hard labour for a term not exceeding twelve months; or
- (ii) on conviction before a Circuit Court to imprisonment for life with or without hard labour.

SECTION 9 OF THE PRINCIPAL ACT WHICH  
IT IS PROPOSED TO AMEND

9.—(1) A person shall not manufacture or deal in—

- (a) firearms or ammunition except under and in accordance with the terms of a Firearm Manufacturer’s Licence or a Firearm Dealer’s Licence; or

(b) any prohibited weapon.

(2) Every person who contravenes subsection (1) shall be guilty of an offence and shall be liable in the case of—

(a) an offence in relation to the manufacture of, or to dealing in, prohibited weapons—

(i) on summary conviction before a Resident Magistrate to imprisonment with or without hard labour for a term not exceeding five years; or

(ii) on conviction before a Circuit Court to imprisonment for life with or without hard labour; or

(b) an offence in relation to the manufacture of any firearm (other than a prohibited weapon) or ammunition or to dealing in restricted weapons or restricted ammunition—

(i) on summary conviction before a Resident Magistrate to a fine not exceeding two thousand dollars or to imprisonment with or without hard labour for a term not exceeding five years; or

(ii) on conviction before a Circuit Court to imprisonment for life with or without hard labour;

SECTION 10 OF THE PRINCIPAL ACT WHICH  
IT IS PROPOSED TO AMEND

10.— (1) A person shall not purchase, acquire, sell or transfer any prohibited weapon.

(7) Every person who contravenes this section shall be guilty of an offence, and shall be liable—

(a) in the case of the purchase, acquisition, sale or transfer of a prohibited weapon—

(i) on summary conviction before a Resident Magistrate to imprisonment with or without hard labour for a term not exceeding five years; or

(ii) on conviction before a Circuit Court to imprisonment for life with or without hard labour;

SECTION 20 OF THE PRINCIPAL ACT WHICH  
IT IS PROPOSED TO AMEND

- 20.— (1) ... ..  
 (2) ... ..  
 (3) ... ..

(4) Every person who contravenes this section shall be guilty of an offence, and shall be liable—

(a) if the offence relates to the possession of a prohibited weapon—

- (i) on summary conviction before a Resident Magistrate to imprisonment with or without hard labour for a term not exceeding five years;  
 (ii) on conviction before a Circuit Court to imprisonment for life with or without hard labour;

(b) if such person is a restricted person or if the offence relates to the possession of a restricted weapon or restricted ammunition—

- (i) on summary conviction before a Resident Magistrate to a fine not exceeding two thousand dollars or to imprisonment with or without hard labour for a term not exceeding five years; or  
 (ii) on conviction before a Circuit Court to imprisonment for life with or without hard labour; and

(c) in any other case—

- (i) on summary conviction before a Resident Magistrate to a fine not exceeding one thousand dollars or to imprisonment with or without hard labour for a term not exceeding three years; or  
 (ii) on conviction before a Circuit Court to imprisonment for life with or without hard labour.

SECTION 24 OF THE PRINCIPAL ACT WHICH  
IT IS PROPOSED TO AMEND

24. Every person who has in his possession any firearm penalty or ammunition with intent by means thereof to endanger life or cause serious injury to property, or to enable any other person to endanger life or cause serious injury to

property shall, whether any injury to person or property has been caused or not, be guilty of felony and shall be liable on conviction on indictment—

- (a) before a Resident Magistrate to a fine not exceeding one thousand dollars or to imprisonment with or without hard labour for a term not exceeding five years; or
- (b) before a Circuit Court to imprisonment for life with or without hard labour.

SECTION 25 OF THE PRINCIPAL ACT WHICH  
IT IS PROPOSED TO AMEND

25.—(1) Every person who makes or attempts to make any use whatever of a firearm or imitation firearm with intent to commit or to aid the commission of a felony or to resist or prevent the lawful apprehension or detention of himself or some other person, shall be guilty of an offence against this subsection.

...

(3) Any person guilty of an offence against subsection (1) or (2) shall be liable on conviction on indictment—

- (a) before a Resident Magistrate to a fine not exceeding one thousand dollars or to imprisonment with or without hard labour for a term not exceeding five years; or
- (b) before a Circuit Court to imprisonment for life with or without hard labour,

and where any person commits an offence against subsection (1) in respect of the commission of a felony or the lawful apprehension or detention of himself for any other offence committed by him, he shall be liable to the penalty provided by this subsection in addition to any penalty to which he may be sentenced for that felony or other offence.