



EXTRAORDINARY
OFFICIAL GAZETTE
THE BAHAMAS
PUBLISHED BY AUTHORITY

NASSAU

6th May, 2014

TABLE OF CONTENTS

<u>Act No.</u>	<u>Title</u>	<u>Page</u>
10	The Firearms (Amendment) Act, 2014	2
11	The Evidence (Amendment) Act, 2014	11
12	The Child Protection (Amendment) Act, 2014	14

FIREARMS (AMENDMENT) ACT, 2014

Arrangement of Sections

Section

1.	Short title and commencement.....	2
2.	Amendment of section 2 of the principal Act.....	2
3.	Amendment of section 3A of the principal Act.....	4
4.	Insertion of new sections 3B and 3C into the principal Act.....	4
5.	Insertion of a new section 4A into the principal Act.....	5
6.	Amendment of section 5 of the principal Act.....	6
7.	Amendment of section 9 of the principal Act.....	6
8.	Amendment of section 15 of the principal Act.....	6
9.	Insertion of new section 21A into the principal Act.....	6
10.	Amendment of section 22 of the principal Act.....	7
11.	Amendment of section 23 of the principal Act.....	7
12.	Amendment of section 25 of the principal Act.....	7
13.	Amendment of section 26 of the principal Act.....	8
14.	Amendment of section 28 of the principal Act.....	8
15.	Amendment of section 29 of the principal Act.....	8
16.	Amendment of section 30 of the principal Act.....	8
17.	Insertion of new section 30A into the principal Act.	8
18.	Amendment of section 31 of the principal Act.....	8
19.	Amendment of section 32 of the principal Act.....	8
20.	Amendment of section 33 of the principal Act.....	9
21.	Amendment of section 34 of the principal Act.....	9
22.	Amendment of section 35 of the principal Act.....	9
23.	Amendment of section 36 of the principal Act.....	9
24.	Amendment of section 37A of the principal Act.....	10
25.	Amendment of section 37B of the principal Act.....	10



No. 10 of 2014

FIREARMS (AMENDMENT) ACT, 2014

AN ACT TO AMEND THE FIREARMS ACT TO INCLUDE OFFENCES RELATING TO HIGH POWERED FIREARMS, ILLICIT MANUFACTURE, TRAFFICKING AND EXPORT OF FIREARMS PURSUANT THE UNITED NATIONS CONVENTION AGAINST TRANSNATIONAL ORGANIZED CRIME AND FOR CONNECTED PURPOSES

[Date of Assent-6th May, 2014]

Enacted by the Parliament of The Bahamas

1. Short title and commencement.

- (1) This Act, which amends the Firearms Act (*Ch. 213*), may be cited as the Firearms (Amendment) Act, 2014.
- (2) This Act shall come into force on such date as the Minister may appoint by Notice, published in the *Gazette*.

2. Amendment of section 2 of the principal Act.

Section 2 of the principal Act is amended —

- (a) by the deletion of the definition and expression for “ammunition”;
- (b) by the insertion, in the appropriate alphabetical position, of the following —

“ammunition” means the complete round or its components, including cartridge cases, primers, propellant powder, bullets or projectiles, that are used in a firearm, provided that those components are themselves subject to authorization and includes grenades, bombs and other missiles whether capable of use with a firearm or not and prohibited ammunition;

“body armour” means a bullet proof vest, protective jacket or other article of apparel designed to resist the penetration of ammunition discharged from a firearm;

“export” means to take or cause to be taken out of The Bahamas by land, air or sea;

“export licence” means a permit authorizing the taking of firearms and ammunition outside of The Bahamas by land, air or sea;

“exporter” means any person engaged in the business of exporting or sending firearms, their parts and components and ammunition from The Bahamas;

“high powered firearm” means any rifle designed or chambered to discharge any rifle cartridge of .22 caliber or greater and with a muzzle energy of 900 foot/pounds or higher;

“illicit trafficking” means the import, export, acquisition, sale, delivery, movement, or transfer of firearms, their parts and components and ammunition from or across the borders of one country to that of another country without legal authorization issued by the Licensing Authority;

“in-transit” means imported into The Bahamas for the sole purpose of being exported from The Bahamas to another country;

“in-transit licence” means a permit granted by the Licensing Authority;

“marking” means a unique brand, heading, label ticket, name, signature, word, letter, numeral or any combination thereof which—

- (a) identifies the country of manufacture; and
- (b) provides information that enables the Licensing Authority of that country to identify the manufacturer and serial number;

“illicit manufacturing” means the development, production, or assembly of firearms, their parts and components or ammunition, and the conversion or transformation of something that is not a firearm into a firearm —

- (a) from parts and components illicitly trafficked;
- (b) without a licence or authorization from the Licensing Authority; or
- (c) without marking the firearms at the time of manufacture;

“parts and components” means any element or replacement element specifically designed for a firearm and essential to its operation, including a barrel, frame or receiver, slide or cylinder, bolt or breech block and any device designed or adapted to diminish the sound caused by firing a firearm;

“readily convertible firearm” means an object which can be converted into an imitation firearm without any special skill on the part of the person converting it and the work involved in converting it does not require equipment or tools other than such as are in common use;

“trafficking” means the import, export, acquisition, sale, delivery, movement or transfer of firearms, their parts and components and ammunition into, from or throughout The Bahamas without legal authorization issued by the Licensing Authority;

“tracing” means the systematic tracking of firearms and where possible, their parts and components and ammunition across Countries including The Bahamas;

“United Nations Convention Against Transnational Organized Crime” means the United Nations Convention Against Transnational Organized Crime adopted by the United Nations General Assembly on the 15th November 2000; signed in December, 2000 at Palermo, Italy; entered into force on the 29th September, 2003; deposited with the Secretary General of the United Nations; and signed by The Commonwealth of The Bahamas on the 9th April, 2001;”;

(c) by the insertion, immediately after subsection (3), of the following as a new subsection (4) —

“(4) This Act applies to —

- (a) an offence committed wholly or partly within the territory of The Bahamas;
- (b) an offence committed wholly or partly on board a vessel or aircraft that is registered under the laws of The Bahamas;
- (c) an offence committed wholly or partly by a national of The Bahamas whose extradition is refused on the grounds of nationality.”.

3. Amendment of section 3A of the principal Act.

Section 3A of the principal Act is amended in subsection (2)(b) by the deletion of the words “four to seven years” and the substitution therefor of the words “two years to ten years”.

4. Insertion of new sections 3B and 3C into the principal Act.

The principal Act is amended by the insertion, immediately after section 3A of the following as new sections 3B and 3C —

“3B. Exportation of firearms and ammunition without a licence.

- (1) No person shall, except in pursuance of and in accordance with the provisions of this Act —
 - (a) export or transport, cause to be exported or take any steps preparatory to exporting any firearm, its parts and components or ammunition from The Bahamas without an export licence issued by the Licensing Authority;

- (b) carry in-transit any firearm, its parts and components or ammunition from The Bahamas without an in-transit licence issued by the Licensing Authority;
 - (c) conduct a transnational transfer of any firearm, its parts and components or ammunition from or across the territory of The Bahamas to another country without legal authorization or a licence issued in accordance with this Act.
- (2) A person who contravenes subsection (1) commits an offence and is liable —
- (a) on conviction on information, to a term of imprisonment in the range of ten to fifteen years;
 - (b) on summary conviction, to a term of imprisonment in the range of two to twelve years,
- and in addition to such term of imprisonment every such firearm or ammunition shall be forfeited to the Crown.”.

“3C. Offence of transnational transfers without legal authorization.

- (1) Every person who knowingly imports, exports or otherwise acquires, sells, delivers, moves or transfers any firearm or its parts and components or ammunition from or across the territory of The Bahamas to another country without legal authorization or licence issued in accordance with this Act commits an offence.”.
- (2) Any person who contravenes the provisions of subsection (1) commits an offence and is liable

5. Insertion of a new section 4A into the principal Act.

The principal Act is amended by the insertion, immediately after section 4, of the following new section 4A —

“4A. Grant or refusal of valid export licence or in-transit licence.

- (1) The grant or refusal of an export or in-transit licence shall be at the discretion of the Licensing Authority and shall be issued subject to such conditions and restrictions as he may deem fit.
- (2) The Licensing Authority may, prior to issue of an export licence or in-transit licence, require the applicant to provide —
 - (a) the original or certified copy of any documentation in support of the application;
 - (b) a copy of the import licence stating the —
 - (i) country of issuance,
 - (ii) date of issuance and expiration,
 - (iii) identification of authoritative agency,

- (iv) the final recipient and a description and the quantity of the firearms or their parts and components or ammunition, or
 - (v) a copy of documentation demonstrating that an application for an import licence has been made; and
 - (c) authenticated copies of in-transit licences from the countries through which the firearms has been transported.
- (3) A licence shall cease and be of no effect at midnight on the thirty-first day of December in the year in which it was issued but may be renewed at the discretion of the Licensing Authority:
- Provided that an application for the renewal of an export licence or in-transit licence shall be made within fourteen days prior to the expiration of the special licence concerned.
- (4) There shall be payable upon issuance of a licence under this section such fee as may be prescribed.”.

6. Amendment of section 5 of the principal Act.

Section 5 of the principal Act is amended in paragraph (b) by the deletion of the words “four years to seven years” and the substitution therefor of the words “twelve months to ten years”.

7. Amendment of section 9 of the principal Act.

Section 9 of the principal Act is amended in subsection (2)(b)(ii) by the deletion of the words “four years to seven years” and the substitution therefor of the words “twelve months to ten years”.

8. Amendment of section 15 of the principal Act.

Section 15 of the principal Act is amended in subsection (2)(b) by the deletion of the words “four years to seven years” and the substitution therefor of the words “twelve months to ten years”.

9. Insertion of new section 21A into the principal Act.

The principal Act is amended by the insertion, immediately after section 21, of the following as a new section 21A —

“21A. Offence of transnational transfers of unmarked or improperly marked firearms.

- (1) Any person who knowingly —
- (a) marks a complete firearm, or a firearm that is complete yet unassembled, with false markings at the time of manufacture;
 - (b) marks imported firearms with false markings,

commits an offence and is liable —

- (i) on conviction on information to a term of imprisonment in the range of ten to fifteen years;
 - (ii) on summary conviction to a term of imprisonment in the range of two to ten years.
- (2) Any person who knowingly exports or otherwise acquires, sells, delivers, moves or transfers any unmarked firearm from or across The Bahamas to another country commits an offence and is liable —
- (a) on conviction on information to a term of imprisonment in the range of ten to fifteen years;
 - (b) on summary conviction to a term of imprisonment in the range of two to ten years.

10. Amendment of section 22 of the principal Act.

Section 22 of the principal Act is amended —

- (a) in subsection (1) —
 - (i) by the deletion of the word “manufacture” immediately after the letter (a), and the substitution therefor of the words “illicitly manufacturing, traffick”;
 - (ii) by the insertion before the proviso of the following words “any firearm (other than a revolver), its parts or components or ammunition unless he is registered as a firearms dealer”;
- (b) in subsection (2), by the deletion of the words “five years to seven years” and the substitution therefor of the words “two years to ten years”.

11. Amendment of section 23 of the principal Act.

Section 23 of the principal Act is amended in subsection (8) by the deletion of the words “five years to seven years” and the substitution therefor of the words “twelve months to ten years”.

12. Amendment of section 25 of the principal Act.

Section 25 of the principal Act is amended in subsection (5) by the deletion of the words “five years to seven years” and the substitution therefor of the words “twelve months to ten years”.

13. Amendment of section 26 of the principal Act.

Section 26 of the principal Act is amended in subsection (5) by the deletion of the words "five years to seven years" and the substitution therefor of the words "twelve months to ten years".

14. Amendment of section 28 of the principal Act.

Section 28 of the principal Act is amended in subsection (4) by the deletion of the words "five years to seven years" and the substitution therefor of the words "twelve months to ten years".

15. Amendment of section 29 of the principal Act.

Section 29 of the principal Act is amended in subsection (2) by the deletion of the words "five years to seven years" and the substitution therefor of the words "twelve months to ten years".

16. Amendment of section 30 of the principal Act.

Section 30 of the principal Act is amended in paragraph (b) of subsection (2) by the deletion of the words "four years to seven years" and the substitution therefor of the words "two years to ten years".

17. Insertion of new section 30A into the principal Act.

The principal Act is amended by the insertion, immediately after section 30, of the following as a new section 30A —

"30A. Prohibited high powered firearm.

A person who, without the express permission of the Licensing Authority, manufactures, sells, transfers, purchases, exports, imports, transits, acquires or has in his possession any high powered firearm as defined in this Act, commits an offence and is liable on conviction to a term of imprisonment of twenty-five years to life imprisonment."

18. Amendment of section 31 of the principal Act.

Section 31 of the principal Act is amended in subsection (2) by the deletion of the words "five years to seven years" and the substitution therefor of the words "two years to ten years".

19. Amendment of section 32 of the principal Act.

Section 32 of the principal Act is amended in paragraph (b) of subsection (5) by the deletion of the words "four years to seven years" and the substitution therefor of the words "twelve months to ten years".

20. Amendment of section 33 of the principal Act.

Section 33 of the principal Act is amended by the deletion of the words "a felony, and on conviction on information shall be liable to imprisonment for a term in the range of fourteen years to twenty years." and the substitution therefor of the words "an offence, and shall be liable —

- (a) on conviction on information to a term of imprisonment in the range of ten years to fifteen years;
- (b) on summary conviction to a term of imprisonment in the range of two years to ten years."

21. Amendment of section 34 of the principal Act.

Section 34 of the principal Act is amended —

- (i) in subsection (1) by the deletion of the words "liable on conviction on information to imprisonment for a term in the range of fourteen years to twenty years" and the substitution therefor of the words "liable —
 - (a) on conviction on information to a term of imprisonment in the range of ten years to fifteen years;
 - (b) on summary conviction to a term of imprisonment in the range of two years to ten years."
- (ii) in subsection (4) by the deletion of the words "liable on conviction thereof on information shall be liable to imprisonment for a term in the range of five years to seven years in addition to any penalty to which he may be sentenced for the first mentioned offence." and the substitution therefor of the words "liable —
 - (a) on conviction on information to a term of imprisonment in the range of four years to seven years;
 - (b) on summary conviction to imprisonment for a term in the range of two years to five years."

22. Amendment of section 35 of the principal Act.

Section 35 of the principal Act is amended by the deletion of the words "conviction on information to imprisonment for a term in the range of five years to seven years" and the substitution therefor of the words "summary conviction to imprisonment for a term in the range of two years to seven years."

23. Amendment of section 36 of the principal Act.

Section 36 of the principal Act is amended —

- (a) in subsection (3), by the deletion of the words "five years" and "three years" and the substitution therefor respectively of the words "four years" and "five years";

- (b) in subsection (4)—
 - (i) in paragraph (a), by the deletion of the words “fifteen years to twenty-five years” and the substitution therefor of the words “ten years to fifteen years”;
 - (ii) in paragraph (b), by the deletion of the words “five years to seven years” and the substitution therefor of the words “twelve months to ten years”.

24. Amendment of section 37A of the principal Act.

Section 37A of the principal Act is amended —

- (a) in subsection (1) —
 - (i) in paragraph (a), by the deletion of the words “twenty years to twenty-five years” and the substitution therefor of the words “fifteen years to twenty years”;
 - (ii) in paragraph (b), by the deletion of the words “four years to seven years” and the substitution therefor of the words “twelve months to ten years”;
- (b) in paragraph (b) of subsection (4), by the deletion of the words “four years to seven years” and the substitution therefor of the words “twelve months to ten years”;
- (c) in paragraph (b) of subsection (5), by the deletion of the words “four years to seven years” and the substitution therefor of the words “twelve months to ten years”.

25. Amendment of section 37B of the principal Act.

Section 37B of the principal Act is amended in paragraph (b) of subsection (2) by the deletion of the words “liable on conviction on information to a term of imprisonment in the range of ten years to fifteen years” and the substitution therefor of the words “liable —

- (i) on conviction on information to imprisonment for a term in the range of ten years to fifteen years;
- (ii) on summary conviction to imprisonment for a term in the range of six months to ten years.”