

PUBLIC CONSULTATION ON THE FIREARMS (AMENDMENT) BILL 2023

BACKGROUND

1. The Firearms (Amendment) Bill 2023 (“the Bill”) would amend the Firearms Act, Chapter 386 of the Law of Saint Vincent and the Grenadines 2009 Edition, by –
 - (a) creating three (3) new offences, namely –
 - (i) the contravention of terms or conditions of licence or permit;
 - (ii) possession of ghost gun or a firearm produced by a 3D printing process
 - (iii) trafficking in firearms or prohibited weapons; and
 - (b) increasing the penalties for certain offences in the Act.
2. The Bill was introduced in the House of Assembly by the Prime Minister, Dr. the Honourable Ralph E. Gonsalves, on Thursday 23rd November 2023 and was placed before a Select Committee of the House.
3. Comments on the Bill may be submitted to the Clerk of the House of Assembly.
4. The Bill has eleven (11) clauses.

KEY PROVISIONS OF THE BILL

5. **Clause 2** of the Bill would insert a new section 11A in the Act. By the new section 11A, the holder of a licence or permit who contravenes a term or condition of the licence or permit would commit an offence. The person would be liable on summary conviction to a fine not exceeding two thousand dollars or to imprisonment for a term not exceeding six months.
6. **Clause 3** would increase the penalties for the offence of possession of firearm or ammunition in contravention of section 14.

Clause	Section amended	Existing Penalty	Increased Penalty
Clause 3	Section 14 (4) (a)	<p>Ten years on summary conviction twenty years on conviction on indictment</p>	<p>Fifteen years on summary conviction twenty-five years on conviction on indictment</p>
	Section 14 (4) (b)	<p>Ten thousand dollars or imprisonment for five years on summary conviction Twenty-five thousand dollars or imprisonment for fifteen years on indictment</p>	<p>Fifty thousand dollars or imprisonment for ten years on summary conviction Seventy-five thousand dollars or imprisonment for twenty years on indictment</p>
	Section 14 (4) (c)	<p>On summary conviction twenty thousand dollars or imprisonment for seven years On indictment, twenty thousand dollars or imprisonment for ten years</p>	<p>On summary conviction twenty-five thousand dollars or imprisonment for ten years On indictment, fifty thousand dollars or imprisonment for fifteen years</p>

7. **Clause 4** would amend section 18 (possessing firearm with intent to injure).

Clause	Section amended	Existing Penalty	Increased Penalty
Clause 4	Section 18	On summary conviction, ten thousand dollars or imprisonment for five years On indictment, thirty thousand dollars or imprisonment for twenty years	On summary conviction, fifteen thousand dollars or imprisonment for seven years On indictment, thirty-five thousand dollars or imprisonment for twenty-two years

8. **Clause 5** would amend section 19 (possession of firearm of imitation with intent to commit offence).

Clause	Section amended	Existing Penalty	Increased Penalty
Clause 5	Section 19	On summary conviction, imprisonment for five years On indictment, imprisonment for twenty-five years	On summary conviction, imprisonment for seven years On indictment, imprisonment for thirty years

9. **Clause 6** would insert in the Act sections 19A (Possession of ghost gun or 3D printed firearm) and 19B (trafficking in firearms). A person in possession of two or more firearms or prohibited weapons would commit the offence of trafficking. A burden would be placed on the accused to prove the contrary.

10. **Clause 7** would amend section 20 (Restriction on sale of firearms).

Clause	Section amended	Existing Penalty	Increased Penalty
---------------	------------------------	-------------------------	--------------------------

Clause 7	Section 20	seven thousand dollars or imprisonment for three years	ten thousand dollars or imprisonment for five years
----------	------------	--	---

11. **Clause 8** would amend section 22 (prohibited weapon).

Clause	Section amended	Existing Penalty	Increased Penalty
Clause 8	Section 22	On summary conviction, imprisonment for five years On indictment, imprisonment for twenty years	On summary conviction, imprisonment for seven years On indictment, imprisonment for twenty-five years

12. **Clause 9** would amend section 23 (converting firearms).

Clause	Section amended	Existing Penalty	Increased Penalty
Clause 9	Section 23	On summary conviction, imprisonment for five years On indictment, imprisonment for fifteen years	On summary conviction, imprisonment for seven years On indictment, imprisonment for seventeen years

13. Clause 10 would amend section 24 (import and export permit).

Clause	Section amended	Existing Penalty	Increased Penalty
Clause 10	<p>Section 24 (2) (a)</p> <p>Section 24 (2) (b)</p> <p>Section 24 (2) (c)</p>	<p>Ten years on summary conviction</p> <p>twenty years on conviction on indictment</p> <p>Ten thousand dollars or imprisonment for five yearson summary conviction</p> <p>Twenty-five thousand dollars or imprisonment for fifteen yearson indictment</p> <p>On summary conviction seven thousand dollars or imprisonment for threeyears</p> <p>On indictment, twenty thousand dollars or imprisonment for tenyears</p>	<p>Fifteen years on summary conviction</p> <p>twenty-five years on conviction on indictment</p> <p>Fifty thousand dollars or imprisonment for ten yearson summary conviction</p> <p>Seventy-five thousand dollars or imprisonment for twenty yearson indictment</p> <p>On summary conviction fifty thousand dollars or imprisonment for fiveyears</p> <p>On indictment, fifty thousand dollars or imprisonment for fifteenyears</p>

--	--	--	--

14. Clause 11 would amend section 44 (general penalty).

Clause	Section amended	Existing Penalty	Increased Penalty
Clause 11	Section 44	two thousand dollars imprisonment for twelve months	five thousand dollars imprisonment for three years