

CAYMAN ISLANDS



FIREARMS (AMENDMENT) BILL, 2024

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A BILL FOR AN ACT TO AMEND THE FIREARMS ACT (2008 REVISION) TO AMEND THE DEFINITION OF “FIREARM”; TO PROVIDE DEFINITIONS FOR, AMONG OTHER WORDS, “PRIVATELY MADE FIREARM”, “PROHIBITED DEVICE” AND “PROHIBITED WEAPON”; TO PROVIDE FOR OFFENCES RELATING TO, AMONG OTHER THINGS, THE IMPORTATION OF PROHIBITED DEVICES AND PROHIBITED WEAPONS; TO PROVIDE FOR THE BAN ON THE MANUFACTURE OF FIREARMS AND THE ALTERATION OR CONVERSION OF FIREARMS; TO EMPOWER THE COMMISSIONER TO COLLECT BALLISTIC SIGNATURES AND INFORMATION RELATING TO FIREARMS IN THE ISLANDS; AND FOR INCIDENTAL AND CONNECTED PURPOSES

PUBLISHING DETAILS

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Memorandum of OBJECTS AND REASONS

This Bill seeks to amend the Firearms Act (2008 Revision) (“the principal Act”) to address some of the current challenges faced in enforcing the law relating to firearms. The Bill provides for amendments to the definitions of words used in the legislation and the introduction of new prohibitions and offences.

The Bill also empowers the Commissioner to collect ballistic signatures and information relating to firearms in the Islands.

Clause 1 provides the short title of the legislation.

Clause 2 amends section 2 of the principal Act to, among other things, provide a new definition of “firearm”. Included in the proposed definition of the word “firearm” are —

- (a) prohibited weapons;
- (b) privately made firearms which are created by a three-dimensional printer (“3D printer”);
- (c) firearm parts kits that are designed to be assembled to expel bullets;
- (d) any accessory to a firearm that is designed to diminish the noise or flash caused by firing it; and
- (e) any part or component of any firearm including a “privately made firearm” which is created by a 3D printer or otherwise created through the use of electronic software or downloadable files.

The inclusion of privately made firearms which are created by the use of 3D or three-dimensional printing technology is in recognition of the global challenge being faced by law enforcement where access to software facilitates the printing of firearms using easily accessed 3D printers.

The definition of “firearm” in the principal Act currently includes “ammunition”. To lend greater clarity to the definitions of “firearm” and “ammunition”, the principal Act is being amended to provide for the definition of “ammunition”. One outcome of the amendment of the definition of “firearm” is that consequential amendments have been made throughout the Bill to insert the word “ammunition” in relevant provisions.

The legislation introduces new offences in several clauses to address challenges faced by law enforcement. Thus, clause 3, among other things, amends section 3 of the principal Act to provide for offences relating to the import and export of prohibited devices and prohibited weapons.

While clause 3 also amends section 3 of the principal Act to provide for a prohibition on the importation and exportation from the Islands of prohibited devices and prohibited weapons, it empowers the Cabinet, by Order published in the Gazette, to permit the



importation of specified prohibited devices as it sees fit. The clause further provides that an offence in relation to importation is not committed where the prohibited device is a specified prohibited device permitted by Order made by the Cabinet.

Clause 4 repeals and replaces section 4 of the principal Act and deals with the requirement for a traveller to declare possession of a firearm, ammunition or a bullet-proof vest upon arrival in the Islands.

Clause 5 amends section 5 of the principal Act to provide that a traveller who intends to utilise the traveller's option shall either —

- (a) notify the Commissioner of the traveller's intention to retain the firearm, ammunition or bullet-proof vest on board the vessel or aircraft on which the traveller arrived; or
- (b) obtain the written approval of the Commissioner prior to the traveller's arrival in the Islands for the retention of firearm, ammunition or bullet-proof vest by Customs and Border Control.

Clause 6 amends section 6 of the principal Act to provide, among other things, that where a traveller fails to provide a permit or the Commissioner's written approval authorising the importation of the firearm, ammunition or bullet-proof vest in question within the prescribed period of time, the firearm, ammunition or bullet-proof vest may be forfeited to the Crown.

Clause 7 amends section 7 of the principal Act to include a reference to ammunition.

Clause 8, among other things, amends section 8 of the principal Act to include a reference to ammunition.

Clause 9 amends section 9 of the principal Act to include a reference to ammunition.

Clause 10, which inserts proposed new section 9A in the principal Act, provides for the prohibition on acquiring a firearm where the component parts are manufactured by two or more manufacturers. The only exception to this prohibition is where the addition of component parts is done during the manufacturing and assembly of the firearm by the primary manufacturer.

Clause 11 amends the principal Act by inserting a proposed new section 12A which introduces a new offence relating to the alteration of a firearm or conversion of anything into a firearm. The proposed new section prohibits anything that alters the ballistic signature of a firearm and prohibits tampering with any mark on a firearm. A person who contravenes the proposed new section 12A will be liable on conviction to a fine of one hundred thousand dollars or to imprisonment for a term of ten years, or to both.

Clause 12 amends section 15 of the principal Act to provide for, among other things, the prohibition on any person being in possession of a prohibited device or a prohibited weapon. The clause also provides that an offence in relation to possession is not committed where the prohibited device is a specified prohibited device that is in the person's possession in accordance with an Order under section 3(1B).



Clause 13 amends the principal Act by inserting proposed new section 15A which provides for the prohibition on the storing or stockpiling of specified amounts of prohibited weapons and prohibited ammunition. A person who causes to be stored or stockpiled at any premises two or more prohibited weapons or twenty or more pieces of prohibited ammunition is liable on conviction to a fine of two hundred and fifty thousand dollars or to imprisonment for a term of twenty years, or to both.

Clause 14 amends section 18 of the principal Act to provide for offences relating to possession a firearm, ammunition or imitation firearm with the intent, and by the means thereof, to commit an offence, endanger life, cause serious injury to property, to resist arrest or prevent the arrest of another person. A person who contravenes the provision is liable on conviction to a fine of two hundred and fifty thousand dollars or to imprisonment for a term of thirty-five years, or to both.

Clause 15 inserts a proposed new section 18A in the principal Act, which prohibits the assembly, manufacture or supply of any firearm, ammunition or firearm parts kits. The downloading of software with which a firearm may be printed is also prohibited. A person who contravenes the provision commits an offence and is liable on conviction to a fine of two hundred and fifty thousand dollars or to imprisonment for a term of thirty-five years, or to both.

Clause 16 amends section 19 of the principal Act to clarify that under Part 5 of the principal Act a reference to a licence or permit for a firearm includes a reference to a licence or permit for ammunition.

Clause 17 amends section 21 of the principal Act to provide that no licence or permit shall be granted in relation to any privately made firearm which is assembled from a firearm parts kit or from component parts or for any firearm not bearing a serial number or bearing a mark which has been altered.

Clause 18 provides for the insertion of proposed new section 30A in the principal Act. The new section empowers the Commissioner to collect and store physical and digital ballistic signatures and information relating to firearms in the Islands in the prescribed manner.

Clause 19 amends section 35 of the principal Act to include a reference to ammunition.

Clause 20 amends section 37 of the principal Act to include a reference to ammunition.

Clause 21 provides for the amendment of section 39 of the principal Act to include the new offences in section 3(3A) (import or export of a prohibited device or prohibited weapon) and 15(5)(c) (possession of a prohibited weapon) as offences to which section 39 applies. (Section 39 of the principal Act provides for minimum sentences for certain offences).

The clause also provides for an increase in the minimum sentence to ten years where the individual pleads guilty and, in any other case, an increase to fifteen years where there are no exceptional circumstances. Where the court is of the opinion that there are exceptional circumstances relating to the offence or the offender, the court shall impose instead a sentence of imprisonment for a term of at least eight years where the individual pleads guilty and in any other case the court shall impose a sentence of imprisonment for a term of at least twelve years. The clause also empowers the court to impose a non-custodial



sentence in respect of an offence under section 3(3) where the court is of the opinion that there are exceptional circumstances relating to the offence or the offender and the offence relates only to the importation or exportation of ammunition.

Clause 22 amends section 40 of the principal Act to repeal and substitute the provisions relating to the restriction on eligibility for release on licence —

- (a) to correct typographical errors in the cross references in the principal Act; and
- (b) to include the new offence relating to the restriction on importation and exportation of prohibited devices and prohibited weapons in the list of offences for which there is a restriction on eligibility for release on licence.

Clause 23 amends section 41 of the principal Act to include a reference to ammunition.

Clause 24 amends section 44 of the principal Act to include members of the Cayman Islands Coast Guard in the persons to whom the legislation does not apply in respect of the possession of a firearm, ammunition, bullet-proof vest, prohibited device or prohibited weapon in the course of the member's duties.

Clause 25 sets out the transitional provisions. The clause provides that the provisions in the legislation shall not affect any legal proceedings which are pending immediately before the commencement of the legislation.



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ENACTED by the Legislature of the Cayman Islands.

Short title

1. This Act may be cited as the Firearms (Amendment) Act, 2024.

Amendment of section 2 of the Firearms Act (2008 Revision) - definitions and interpretation

2. The *Firearms Act (2008 Revision)*, in this Act referred to as the “principal Act”, is amended in section 2 as follows —
 - (a) by deleting the section heading and substituting the following section heading —



“Interpretation”;

- (b) by deleting the definition of the word “**firearm**” and substituting the following definition —

“**firearm**” means —

- (a) any —
- (i) lethal barrelled weapon which discharges, is designed to discharge, or may be readily converted or adapted to discharge a shot, bullet or other projectile by the action of an explosive or any other mechanism;
 - (ii) prohibited weapon, unless the context requires otherwise; or
 - (iii) weapon under subparagraph (i) or (ii) that is a privately made firearm, that is created either by a 3D printer, a computer numerical control milling machine or through the use of electronic software or downloadable files;
- (b) a part or component part of any weapon referred to in paragraph (a);
- (c) a firearm parts kit that is designed to, or may be easily completed, assembled, restored or otherwise converted, as a firearm;
- (d) an accessory to a firearm designed or adapted to diminish the noise or flash caused by firing the firearm; or
- (e) any air gun (including any air pistol), air rifle or any other air weapon as may be prescribed,

but does not include —

- (i) an antique firearm; or
 - (ii) an airsoft weapon or flare gun used for sending signals or carried as a necessary part of safety equipment in the course of navigation at sea except where the flare gun is adapted to discharge ammunition;”;
- (c) by deleting the definition of the words “**prohibited firearm**”; and
- (d) by inserting in the appropriate alphabetical sequence, the following definitions —

“**airsoft weapon**” means a barrelled weapon of any description which is designed to discharge only a small plastic or gel-like projectile;

“**ammunition**” means a complete cartridge or round, or any component of a cartridge or round, and includes any —

- (a) cartridge case;



- (b) primer;
- (c) propellant; or
- (d) bullet, shot or projectile,
designed for use in any firearm;

“**antique firearm**” means any firearm manufactured in or before 1898 (or its replica) and which —

- (a) is not designed or redesigned for using ammunition; and
- (b) is possessed as a curiosity or an ornament;

“**automatic firearm**” means any firearm so designed or adapted that if the trigger is fully depressed, or if pressure is applied, it continuously discharges ammunition until the trigger is released or pressure is removed from the trigger or the ammunition feed system is exhausted;

“**automatic sear**” means a conversion device that is designed to convert a firearm from a semi-automatic firearm to an automatic firearm and which enables the user to fire or discharge automatically more than one shot or projectile, without manual reloading, by a single function or pull of the trigger;

“**ballistic signature**” means any unique mark left on ammunition or ammunition component that is fired or cycled through a firearm;

“**component part**”, in relation to a firearm, means any element or replacement element specifically designed for a firearm which includes —

- (a) a barrel;
- (b) a frame or receiver;
- (c) a magazine;
- (d) a firing pin;
- (e) a main spring;
- (f) a slide or cylinder;
- (g) a bolt or breech block,

and any other part deemed essential for the functional operation of the firearm;

“**customs and border control officer**” has the same meaning as in the *Customs and Border Control Act (2024)*;

“**flare gun**” includes a signal pistol;

“**frame**” or “**receiver**” includes —

- (a) a partially completed, disassembled or non-functional frame or receiver of a firearm; and

- (b) an eighty per cent frame or receiver parts kit, with or without a jig, that is designed, or may readily be assembled or restored or otherwise converted, to function as a frame or receiver;

“**jig**” means —

- (a) a metal or polymer plate used to maintain the correct positional relationship between a tool and a firearm receiver or frame casting during the build out of a firearm receiver or frame; or
- (b) a fixture that helps to locate the necessary holes and slots that must be drilled and milled into an incomplete receiver or frame casting;

“**officer of the Coast Guard**” means a commissioned officer or a non-commissioned officer of the Cayman Islands Coast Guard established under section 3 of the *Cayman Islands Coast Guard Act, 2021*;

“**privately made firearm**” means a firearm made by a person other than a licensed firearm manufacturer and without a serial number placed by a licensed firearm manufacturer;

“**prohibited ammunition**” means any —

- (a) projectile manufactured to be discharged from any artillery;
- (b) incendiary type ammunition;
- (c) armour piercing or similar ammunition;
- (d) ammunition capable of containing a noxious liquid, gas or thing, or designed or adapted to contain a noxious liquid, gas or thing;
- (e) ammunition in a quantity exceeding twenty cartridges or rounds of the same or different calibre or manufacturer;
- (f) ammunition that expands on impact or changes its components on or before impact; or
- (g) other type or calibre of ammunition as may be prescribed;

“**prohibited device**” means any —

- (a) electroshock weapon;
- (b) airsoft weapon;
- (c) jig;
- (d) tranquilizer gun;
- (e) device of any description or design that is adapted for the discharge of noxious liquid or gas; or
- (f) any other device as may be prescribed;

“**prohibited weapon**” means any —

- (a) artillery;



- (b) automatic firearm including a machine gun;
- (c) firearm converted or adapted to be a prohibited weapon;
- (d) burst-fire weapon;
- (e) automatic saw;
- (f) submachine gun;
- (g) part or component part of a prohibited weapon;
- (h) form of grenade or grenade launcher, bomb or explosive device;
- (i) missile or missile launcher;
- (j) automatic firearm or weapon of any description or design that is adapted for the discharge of noxious liquid or gas;
- (k) prohibited ammunition;
- (l) reloader;
- (m) firearm disguised or made to appear as another object;
- (n) imitation of a prohibited weapon; or
- (o) other weapon as may be prescribed;

“**reloader**” means a reloading press, a reloading machine or any mechanical device for loading ammunition; and

“**3D printed firearm**” means a lethal barrelled weapon which discharges or is designed to discharge any shot, bullet or other projectile and that is mostly produced or manufactured with a 3D printer or any type of electronic software.”.

Amendment of section 3 - restriction on importation or exportation of firearms and bullet-proof vests

3. The principal Act is amended in section 3 as follows —

- (a) by deleting the section heading and substituting the following section heading —

“Restriction on importation or exportation of firearms, ammunition, prohibited devices and bullet-proof vests”;
- (b) in subsection (1), by deleting the words “No person shall import into or export from the Islands a firearm” and substituting the words “A person shall not import into or export from the Islands a firearm or ammunition”;
- (c) by inserting after subsection (1) the following subsections —

“(1A)A person shall not import into or export from the Islands —

 - (a) subject to subsection (1B), any prohibited device; or
 - (b) any prohibited weapon.

- (1B) The Cabinet may, by Order published in the *Gazette* permit the importation of such specified prohibited devices as it sees fit and the Order may include requirements regarding possession and use of the specified prohibited devices.”;
- (d) by repealing subsection (3) and substituting the following subsections —
- “(3) A person who contravenes subsection (1) commits an offence and, subject to section 39, is liable on conviction to a fine of one hundred thousand dollars or to imprisonment for a term of twenty years, or to both, except that where the firearm is a prohibited weapon the person is liable on conviction to the penalty under subsection (3A)(b).
- (3A) Subject to subsections (3B) and (3C), a person who contravenes —
- (a) subsection (1A)(a) commits an offence and, subject to section 39, is liable on conviction to a fine of one hundred thousand dollars or to imprisonment for a term of ten years, or to both; or
- (b) subsection (1A)(b) commits an offence and, subject to section 39, is liable on conviction to a fine of two hundred and fifty thousand dollars or to imprisonment for a term of thirty-five years, or to both.
- (3B) For the purposes of subsection (3A)(a), an offence in relation to importation is not committed where the prohibited device is a specified prohibited device permitted by Order under subsection (1B).
- (3C) Where the contravention under subsection (3A)(b) is in respect of a reloader, the person is liable on conviction to a fine of one hundred thousand dollars or to imprisonment for a term of twenty years, or to both.”; and
- (e) by repealing subsection (4) and substituting the following subsection —
- “(4) A person who contravenes subsection (2) commits an offence and is liable on conviction to a fine of one hundred thousand dollars or to imprisonment for a term of twenty years, or to both.”.



Repeal and substitution of section 4 - travellers to make declaration of firearms and bullet-proof vests

4. The principal Act is amended by repealing section 4 and substituting the following section —

“Travellers to make declaration of firearms, ammunition and bullet-proof vests

4. (1) A traveller who disembarks in the Islands and has a firearm, ammunition or a bullet-proof vest in his or her possession or control shall make a declaration regarding the firearm or ammunition in the prescribed form.
- (2) A person who contravenes subsection (1) commits an offence and is liable on conviction to a fine of one hundred thousand dollars or to imprisonment for a term of twenty years, or to both.
- (3) A customs and border control officer who has reasonable cause to believe that a traveller disembarking in the Islands has in that traveller’s possession or control any firearm, ammunition or bullet-proof vest for which a declaration has not been made under subsection (1), may search the traveller and the traveller’s baggage and any firearm, ammunition or bullet-proof vest found shall be forfeited to the Crown.
- (4) The powers conferred by this section are in addition to and not in derogation from the powers of search conferred by the *Customs and Border Control Act (2024 Revision)*.”.

Repeal and substitution of section 5 - traveller’s option

5. The principal Act is amended by repealing section 5 and substituting the following section —

“Traveller’s option

5. (1) Subject to subsection (2), a traveller who declares under section 4 that there is a firearm, ammunition or a bullet-proof vest in the traveller’s possession or control shall either —
- (a) cause the firearm, ammunition or bullet-proof vest to be retained on the vessel or aircraft on which the traveller arrived into the Islands until the vessel or aircraft departs from the Islands; or
- (b) as soon as the traveller arrives in the Islands, deliver the firearm, ammunition or bullet-proof vest to a customs and border control officer in a sealed packet to be dealt with in accordance with section 6,

unless the traveller —

- (i) in respect of the firearm or ammunition, is the holder of a permit under section 19(2)(a) and a licence under section 19(2)(e); or
- (ii) in respect of the bullet-proof vest, has the written approval of the Commissioner under section 3(2) authorising the importation into the Islands,

in which event the traveller shall pay the appropriate duty and the firearm, ammunition or bullet-proof vest shall be delivered to the traveller.

- (2) A traveller who intends to utilise the traveller's option —
 - (a) under subsection (1)(a) shall notify the Commissioner in writing of the traveller's intention to utilise the option prior to arrival in the Islands; or
 - (b) under subsection (1)(b) shall obtain the written approval of the Commissioner to utilise the option prior to arrival in the Islands, and present the respective notification or approval to the customs and border control officer when required to do so.
- (3) The firearm, ammunition or bullet-proof vest under subsection (1)(a) may be retained on the vessel or aircraft for up to such period of time as may be prescribed.
- (4) A person who contravenes subsection (1) commits an offence and is liable on conviction to fine of one hundred thousand dollars or to imprisonment for a term of twenty years, or to both.”.

Repeal and substitution of section 6 - custody of firearms and bullet-proof vests by customs officer

6. The principal Act is amended by repealing section 6 and substituting the following section —

“Custody of firearms, ammunition and bullet-proof vests

6. (1) Subject to subsections (2) and (3), any firearm, ammunition or bullet-proof vest received by a customs and border control officer under section 5(1)(b) shall be retained in the sealed packet in which it is received until the traveller gives notice in writing to the Director of Customs and Border Control, within the period of time as may be prescribed, specifying —
- (a) the port at which the traveller intends to embark for a place outside of the Islands; and



(b) the date, time and vessel on which the traveller intends to embark,

in which event the sealed packet containing the firearm, ammunition or bullet-proof vest shall be delivered to the traveller immediately before embarkation.

(2) Where the traveller fails to —

(a) produce the permit or the Commissioner’s written approval authorising the importation of the firearm, ammunition or bullet-proof vest; or

(b) give notice in writing specifying the port, date, time and vessel on which the traveller intends to embark within the period of time as may be prescribed for doing so,

the firearm, ammunition or bullet-proof vest may be forfeited to the Crown.

(3) A firearm, ammunition or bullet-proof vest may be retained by Customs and Border Control under subsection (1) up to such period of time as may be prescribed.”.

Amendment of section 7 - firearms and bullet-proof vests not to be deemed to be imported into the Islands in certain circumstances

7. The principal Act is amended in section 7 as follows —

(a) by deleting the section heading and substituting the following section heading —

“Circumstances where firearms, ammunition and bullet-proof vests not considered as imported”; and

(b) by deleting the words “firearm or bullet-proof vest” wherever they appear and substituting the words “firearm, ammunition or bullet-proof vest”.

Amendment of section 8 - restrictions upon acquisition or disposal of firearms and bullet-proof vests

8. The principal Act is amended in section 8 as follows —

(a) by deleting the section heading and substituting the following section heading —

“Restrictions on acquisition or disposal of firearms, ammunition and bullet-proof vests”;

(b) by inserting after subsection (3) the following subsection —

“(3A)A person shall not sell, give away, purchase or accept the gift of ammunition unless the person is the holder of a licence or permit

which authorises that person to possess, use, import, export, transfer or dispose of that ammunition.”;

- (c) in subsection (4), by deleting the words “firearm pursuant to any sale or gift of such firearm” and substituting the words “firearm or ammunition pursuant to any sale or gift of the firearm or ammunition”;
- (d) in subsection (5), by deleting the words “firearm pursuant to any sale or gift of such firearm” and substituting the words “firearm or ammunition pursuant to any sale or gift of the firearm or ammunition”; and
- (e) by repealing subsection (7) and substituting the following subsection —
“(7) A person who contravenes this section commits an offence and is liable on conviction to a fine of one hundred thousand dollars or to imprisonment for a term of twenty years, or to both.”.

Amendment of section 9 - restrictions on delivery of firearms

9. The principal Act is amended in section 9 as follows —

- (a) by deleting the section heading and substituting the following section heading —
“**Restrictions on delivery of firearms and ammunition**”; and
- (b) by deleting the word “firearm” wherever it appears and substituting the words “firearm or ammunition”.

Insertion of new section 9A - restriction on acquisition: two or more manufacturers of component parts

10. The principal Act is amended by inserting after section 9 the following section —

“Restriction on acquisition: two or more manufacturers of component parts

- 9A.** (1) A person shall not import or acquire a firearm where the component parts are manufactured by two or more manufacturers except where the addition of the component parts is done during the manufacturing or assembling process by the primary manufacturer of the firearm.
- (2) A person who contravenes subsection (1) commits an offence and is liable on conviction to a fine of one hundred thousand dollars or to imprisonment for a term of twenty years, or to both.”.



Insertion of new section 12A - restrictions relating to alteration of ballistic signature or conversion into firearm

11. The principal Act is amended by inserting after section 12 the following section —

“Restrictions relating to alteration of ballistic signature or conversion into firearm

12A.(1) A person shall not —

- (a) do anything to a firearm which alters the ballistic signature of the firearm;
 - (b) convert into a firearm anything which is not a firearm;
 - (c) remove, alter, modify or in any other manner tamper with any mark on a firearm or ammunition.
- (2) A person who contravenes subsection (1) commits an offence and is liable on conviction to a fine of one hundred thousand dollars or to imprisonment for a term of ten years, or to both.
- (3) For the purposes of this section, “**mark**”, in relation to a firearm or ammunition, includes —
- (a) the name of the manufacturer;
 - (b) the serial number;
 - (c) the make, model or type;
 - (d) the calibre of the firearm;
 - (e) the country of manufacture;
 - (f) the date of manufacture; and
 - (g) any proof mark,
- as may be marked, etched or otherwise imprinted on the firearm or ammunition.”.

Amendment of section 15 - possession and use of firearms and bullet-proof vests

12. The principal Act is amended in section 15 as follows —

- (a) by deleting the section heading and substituting the following section heading —
“Possession of firearms, ammunition, bullet-proof vests and prohibited devices”;
- (b) by deleting the words “any firearm” wherever they appear and substituting the words “any firearm or ammunition”;
- (c) by deleting the words “such firearm” wherever they appear and substituting the words “the firearm or ammunition”;

- (d) by inserting after subsection (4) the following subsection —
- “(4A) A person shall not be in possession of —
- (a) a prohibited device; or
 - (b) a prohibited weapon.”; and
- (e) by repealing subsection (5) and substituting the following subsections—
- “(5) Subject to subsections (6) and (7), a person who contravenes —
- (a) subsection (1) or (3) commits an offence and, subject to section 39, is liable on conviction to a fine of one hundred thousand dollars or to imprisonment for a term of twenty years, or to both except that where the firearm is a prohibited weapon the person is liable on conviction to the penalty under paragraph (c);
 - (b) subsection (4A)(a) commits an offence and is liable on conviction to a fine of one hundred thousand dollars or to imprisonment for a term of ten years, or to both; and
 - (c) subsection (4A)(b) commits an offence and is liable on conviction to a fine of two hundred and fifty thousand dollars or to imprisonment for a term of thirty-five years, or to both.
- (6) For the purposes of subsection (5)(b), an offence in relation to possession is not committed where the prohibited device is a specified prohibited device that is in the person’s possession in accordance with an Order under section 3(1B).
- (7) Where the contravention under subsection (4A)(b) is in respect of a reloader, the person is liable on conviction to a fine of one hundred thousand dollars or to imprisonment for a term of twenty years, or to both.”.

Insertion of new section 15A - prohibition on storing or stockpiling prohibited weapons and prohibited ammunition

13. The principal Act is amended by inserting after section 15 the following section —

“Prohibition on storing or stockpiling prohibited weapons and prohibited ammunition

- 15A.**(1) A person shall not store or stockpile or cause to be stored or stockpiled at any premises —
- (a) two or more prohibited weapons; or
 - (b) twenty or more pieces of prohibited ammunition of the same or different calibre.



- (2) A person who contravenes subsection (1) commits an offence and is liable on conviction to a fine of two hundred and fifty thousand dollars or to imprisonment for a term of thirty-five years, or to both.”.

Amendment of section 18 - restriction relating to the discharge and carriage of firearms and the wearing of bullet-proof vests

14. The principal Act is amended in section 18 as follows —

- (a) by repealing subsection (6) and substituting the following subsection —
- “(6) A person who has in his or her possession a firearm, an imitation firearm, ammunition or a prohibited device with intent and by means of the firearm, imitation firearm, ammunition or prohibited device —
- (a) to commit an offence;
- (b) to endanger life or cause serious injury to property;
- (c) to resist arrest or prevent the arrest of another person; or
- (d) to enable another person to endanger life or cause serious injury to property,
- whether any injury to person or property has been caused or not, commits an offence and, subject to section 39, is liable on conviction to a fine of two hundred and fifty thousand dollars or to imprisonment for a term of thirty-five years, or to both.”; and
- (b) in subsection (8), by deleting the words “firearm, imitation firearm or bullet-proof vest” and substituting the words “firearm, an imitation firearm, ammunition, a prohibited device or a bullet-proof vest”.

Insertion of new section 18A - prohibition on manufacture or supply of firearms or ammunition

15. The principal Act is amended by inserting after section 18 the following section —

“Prohibition on manufacture or supply of firearms or ammunition

- 18A.**(1) A person shall not assemble, manufacture or supply any firearm, ammunition or firearm parts kit.
- (2) A person shall not download or have in the person’s possession a 3D printer or any type of electronic software with which a 3D printed firearm may be printed.
- (3) A person who contravenes this section commits an offence and is liable on conviction to a fine of two hundred and fifty thousand dollars or to imprisonment for a term of thirty-five years, or to both.”.

Amendment of section 19 - types of licences and permits

16. The principal Act is amended in section 19 by renumbering the section as subsection (2) and inserting immediately before the renumbered subsection the following subsection —

“(1) In this Part, a reference to a licence or permit for a firearm includes a reference to a licence or permit for ammunition.”.

Amendment of section 21 - general provisions as to grant and issue of licences and permits

17. The principal Act is amended in section 21 as follows —

- (a) in subsection (3), by deleting the words “prohibited firearm” and substituting the words “prohibited weapon”; and
- (b) by inserting after subsection (3) the following subsection —

“(3A)A licence or permit shall not be granted —

- (a) in relation to any privately made firearm assembled from a firearm parts kit or component parts; or
- (b) in relation to any firearm without a serial number or with any mark on the firearm altered.”.

Insertion of new section 30A - collection and storage of ballistic signatures

18. The principal Act is amended by inserting after section 30 the following section —

“Collection and storage of ballistic signatures

30A.The Commissioner shall collect and store —

- (a) physical and digital ballistic signatures; and
 - (b) information relating to firearms in the Islands,
- at such times and in such manner as may be prescribed.”.

Amendment of section 35 - search warrants

19. The principal Act is amended in section 35 by deleting the words “firearm or bullet-proof vest” wherever they appear and substituting the words “firearm, ammunition or bullet-proof vest”.

Amendment of section 37 - custody of firearms

20. The principal Act is amended in section 37 as follows —

- (a) in subsection (1) as follows —
 - (i) by deleting the words “any firearm” and substituting the words “any firearm or ammunition”; and



- (ii) by deleting the words “such firearm” wherever they appear and substituting the words “the firearm or ammunition”;
- (b) in subsection (2), by repealing paragraph (a); and
- (c) in subsection (6) as follows —
 - (i) by deleting the words “Every firearm” and substituting the words “Any firearm, ammunition”; and
 - (ii) by deleting the words “such firearm” wherever they appear and substituting the words “the firearm or ammunition”.

Amendment of section 39 - minimum sentences for certain offences

21. The principal Act is amended in section 39 as follows —

- (a) in subsection (1)(a), by deleting the words “under section 3(3), 15(5)” and substituting the words “under section 3(3), 3(3A), 15(5)(a), 15(5)(c),”;
- (b) in subsection (2) as follows —
 - (i) in paragraph (a), by deleting the words “at least seven years” and substituting the words “at least ten years”;
 - (ii) in paragraph (b), by deleting the words “at least ten years” and substituting the words “at least fifteen years”; and
- (c) by inserting after subsection (2) the following subsections —
 - “(2A) Subject to subsection (2B), where the relevant court under subsection (2) is of the opinion that there are exceptional circumstances relating to the offence or the offender, the court shall impose instead —
 - (a) in a case where the individual pleads guilty, a sentence of imprisonment for a term of at least eight years (with or without a fine); and
 - (b) in any other case, a sentence of imprisonment for a term of at least twelve years (with or without a fine).
 - (2B) Where, in respect of an offence under section 3(3) —
 - (a) the relevant court under subsection (2) is of the opinion that there are exceptional circumstances relating to the offence or the offender; and
 - (b) the offence relates only to the importation or exportation of ammunition,the court may, in its discretion, impose a non-custodial sentence.”.

Repeal and substitution of section 40 - restriction on eligibility for release on licence

22. The principal Act is amended by repealing section 40 and substituting the following section —

“Restriction on eligibility for release on licence

40. Notwithstanding the *Conditional Release Act (2019 Revision)* or any other law, a person who —

- (a) contravenes section 3(1) and is convicted and sentenced under section 3(3);
- (b) contravenes section 3(1A) and is convicted and sentenced under section 3(3A);
- (c) contravenes section 15(1) and is convicted and sentenced under section 15(5); or
- (d) contravenes section 18(6) and is convicted and sentenced under that section,

shall not be eligible to be released on licence.”.

Amendment of section 41 - forfeiture of firearms

23. The principal Act is amended in section 41 as follows —

- (a) in paragraph (a), by deleting the words “of any firearm” and substituting the words “of any firearm, ammunition”;
- (b) in paragraph (c), by deleting the words “of any firearm” and substituting the words “of any firearm or ammunition”;
- (c) in paragraph (d), by deleting the words “of any firearm” and substituting the words “of any firearm or ammunition”;
- (d) in paragraph (e), by deleting the words “under section 18(6), (8), (9) and 10” and substituting the words “under sections 15A(2), 18(6), 18(8), 18(9) and 18(10)”; and
- (e) by deleting the words “such firearm or” wherever they appear and substituting the words “the firearm, ammunition or”.

Amendment of section 44 - when provisions shall not apply

24. The principal Act is amended in section 44 as follows —

- (a) in paragraph (a), by deleting the words “firearm or bullet-proof vest” wherever they appear and substituting the words “firearm, ammunition, bullet-proof vest, prohibited device or prohibited weapon”;
- (b) in paragraph (b), by deleting the words “firearm or bullet-proof vest” and substituting the words “firearm, ammunition or bullet-proof vest”;



- (c) by repealing paragraph (d) and substituting the following paragraph —
- “(d) any member of —
- (i) the armed forces of His Majesty;
 - (ii) the Royal Cayman Islands Police Service;
 - (iii) the Cayman Islands Coast Guard;
 - (iv) the Prison Service; or
 - (v) the Customs and Border Control Service,
- in respect of any firearm, ammunition, bullet-proof vest, prohibited device or prohibited weapon in the possession of the member in the course of the member’s duties;” and
- (d) in paragraph (e), by deleting the words “firearm or bullet-proof vest” and substituting the words “firearm, ammunition or bullet-proof vest”; and
- (e) in paragraph (g), by deleting the words “firearm or bullet-proof vest” and substituting the words “firearm, ammunition or bullet-proof vest.”.

Transitional

- 25.** Nothing in any provision of this amending Act shall affect any legal proceedings which are pending immediately before the commencement of this amending Act.

Passed by the Parliament the _____ day of _____, 2024.

Speaker

Clerk of the Parliament

