

THE STATUTE OF DISARMAMENT

Law N° 10,826/03 (December, 2003)

Final wording of the Alternative Bill of the House of Representatives for Bill of Law No. 292 of 1999 of the Senate (No. 1,555 of 2003 of the House of Representatives).

Makes provisions on the registration, ownership and trading of firearms and ammunition, on the National Weapon System (“Sistema Nacional de Armas” – Sinarm), defines crimes and makes other provisions.

THE NATIONAL CONGRESS decrees:

CHAPTER I

THE NATIONAL WEAPON SYSTEM

Art. 1 The National Arms Registry (Sistema Nacional de Armas – SINARM), instituted by the Ministry of Justice and operated by the Federal Police, has jurisdiction over the whole national territory.

Art. 2 It is the responsibility of Sinarm to:

- I – identify the characteristics and owners of firearms, upon registration;
- II – register all firearms produced, imported and sold in Brazil;
- III – register all authorizations to carry firearms and the renewals issued by the Federal Police;
- IV – register all transfers of ownership, loss, theft, robbery and other events liable to alter the enrollment data, including the ones resulting from the closure of companies that render private security and armored car services;
- V – identify any modifications that may alter the characteristics or operation of firearms;
- VI – integrate existing police records into the registry;

VII – register firearms seizures, including those related to police and judicial proceedings;

VIII – register all firearms dealers operating in Brazil, as well as grant authorization for the performance of this activity;

IX – register all authorized manufacturers, wholesalers, retailers, exporters and importers of firearms, accessories and ammunitions;

X – register the identification of the barrel of the firearm, the characteristics of the bunter marks and striations of any bullet fired from it, in accordance with the markings and testing obligatorily carried out by the manufacturer.

XI – inform the Public Security Secretaries of the States and of the Federal District of all registrations and authorizations to carry firearms in the corresponding territories, and keep the file updated for consultation.

Sole Paragraph. The provisions of this article do not comprise the firearms of the Armed and Ancillary Forces, as well as any others appearing in their own records.

CHAPTER II REGISTRATION

Art. 3 The registration of firearms with the appropriate government body is mandatory.

Sole Paragraph. Pursuant to the provisions hereof, firearms for restricted use shall be registered with the Army Command.

Art. 4 To acquire a permitted use firearm, the interested party must, in addition to declaring his or her need to have a firearm, meet the following requirements:

I – Proof of good standing, by presenting a criminal clearance certificate furnished by the Federal, State, Military and Electoral Justice, and a clearance certificate stating that the interested party is not participating in any police investigation or criminal proceeding;

II – Proof of legal employment and fixed residence;

III – Proof of technical capacity and psychological ability to handle firearms, as stated in the regulation hereof.

§ 1. SINARM shall issue authorizations for the acquisition of firearms after the abovementioned requirements are met, on behalf of the applicant and for the weapon indicated, all such authorizations being non-transferable.

§ 2. The acquisition of ammunition may only be made for the caliber corresponding to the weapon acquired and quantity set forth in the regulation hereof.

§ 3. Any company that sells firearms within national territory is obligated to inform the competent authority of every sale, as well as to keep a data base with all the characteristics of the weapon and a copy of the documents provided for herein.

§ 4. Any company that markets firearms, accessories and ammunition is legally liable for these goods, which will be registered as property of such dealer until they are sold.

§ 5. The purchase or sale of firearms, accessories and ammunition between individuals shall be subject to authorization to be granted by SINARM.

§ 6. The authorization referred to in §1 above shall be duly granted, or denied where justified, within thirty (30) business days from the date of the application made by the interested party.

§ 7. The automatic registration mentioned in paragraph 4 does not require the compliance with items I, II and III of this article.

Art. 5 The Certificate of Registration of Firearms, valid throughout national territory, authorizes its holder to keep the firearm exclusively inside his or her residence or domicile, or any facility thereof, provided that he or she is the holder or legal representative of the establishment or company.

§ 1. The certificate of registration of the firearm shall be issued by the Federal Police, with previous authorization by SINARM.

§ 2. For the renewal of the Certificate of Registration of Firearms, the requirements addressed in items I, II and III of article 4 shall be periodically proven, within a period of not less than three (3) years, in accordance with the provisions of the regulation of this law.

§ 3. The registrations of ownership issued by the state bodies until the date of publication of this Law shall be renewed in the corresponding federal registration within no more than (3) years.

CHAPTER III RIGHT TO CARRY

Art. 6 Carrying firearms in the national territory is forbidden, except for the cases provided for in the applicable legislation and for:

I – members of the Armed Forces;

II – members of the bodies mentioned in the items of the main section of article 144 of the Federal Constitution;

III – members of the municipal guards of the capitals of the States and Municipalities whose populations are greater than five hundred thousand (500,000) people, with due regard for the conditions set forth in the regulation hereof;

IV – members of the municipal guards of Municipalities whose population is in excess of two hundred fifty thousand (250,000) people and smaller than five hundred thousand (500,000) people, when on duty;

V – operational agents of the Brazilian Intelligence Agency and agents of the Security Department of the Institutional Security Office of the Presidency of the Republic;

VI – members of the police bodies mentioned in article 51, IV, and in article 52, XIII, of the Federal Constitution;

VII – members of active duty staff and guards of prisons, prisoner escorts, and port guards;

VIII – private security companies and companies that transport valuables, organized pursuant to this Law;

IX – members of legally organized sport entities, whose activities require the use of firearms as set forth herein, with due regard, as applicable, for environmental legislation.

§ 1. The persons provided for in items I, II, III, V and VI hereof shall be entitled to carry firearms furnished by the corresponding corporation or institution, even when not on duty, the provisions of the eventual regulation of this law to apply in case of privately-owned firearms.

§ 2. Authorization for the members of the institutions described in items V, VI and VII to carry firearms is subject to proof of the requirement referred to in item III of article 4, pursuant to the conditions set forth in the regulation of this law.

§ 3. The authorization for the municipal guards to carry firearms is subject to the professional training of its members in establishments where proper police conduct is taught, and to the existence of inspection and internal control mechanisms, in accordance with the conditions to be set forth in the regulation of this law.

§ 4. The members of the Armed Forces, of the federal and state police forces, as well as of the Federal District and military force of the States and of the Federal District, when exercising the right described in article 4, are released from complying with the provisions of items I, II and III of the same article, as set forth in the regulation of this law.

§ 5. As provided for in the regulation, dwellers of rural areas who demonstrate their reliance on the use of a fire arm to provide for the subsistence of his families shall be authorized to carry a firearm in the category “hunters”.

Art. 7. The firearms used by employees of private security companies, or of companies engaged in the business of transportation of valuables organized

pursuant to the law shall be owned by, the responsibility of, and be kept by, such companies, and may be used only while on duty, the abovementioned companies to observe the conditions of use and storage set forth by the competent body. The certificate of registration and instrument of authorization to carry the firearm shall be issued by the Federal Police in the name of the company.

§ 1. The owners or managing director of a private security company or a company engaged in the activity of transportation of valuables shall be held liable for any of the crimes listed in the sole paragraph of article 13 of this law, without affecting other administrative and civil sanctions, if he or she fails to file a police report and inform the Federal Police, within twenty-four (24) hours, of any loss, theft, robbery or other forms of losing firearms, accessories and ammunition occasionally kept by them.

§ 2. Security companies and companies that transport valuables shall present documentation proving that the requirements listed in article 4 hereof have been met as regards the employees who will carry firearms.

§ 3. The list of employees of the companies mentioned in this article shall be updated with SINARM on a semi-annual basis.

Art. 8 The firearms used by legally organized sport entities must obey the usage and safekeeping conditions set forth by the competent body, the owner or holder of the license to carry the firearm to be held responsible for keeping it, as set forth in the regulation of this Law.

Art. 9 The Ministry of Justice is responsible for granting authorizations to those responsible for the security of foreign citizens visiting or domiciled in Brazil to carry a firearm and, to the Army Command, pursuant to the terms hereof, the registration and granting of authorization to transport firearms for collectors, shooters and hunters, as well as foreign competitors of any international shooting official competition carried out in Brazilian.

Art. 10. The authorization to carry firearms of permitted usage throughout national territory falls to the Federal Police and shall be granted only after being authorized by SINARM.

§ 1. The authorization provided for herein may be limited to specific time periods or specific regions, in accordance with the regulation of this Law, and will depend on compliance, by the applicant, with the following requirements:

I – proof of the need for a firearm due to the exercise of a risky professional activity, or a professional activity that threatens his or her physical integrity;

II – meet the requirements provided for in article 4 hereof;

III – present the documentation proving ownership of the firearm, as well as its proper registration with the competent body.

§ 2. Authorization to carry fire weapons as provided for herein will be automatically voided if the bearer of the authorization is found to be drunk or under the effect of chemical or hallucinogenic drugs when detained or approached.

Art. 11. Fees, the values of which are listed in the attached Annex, will be instituted for the rendering of services related to:

I – the registration of firearms;

II – the renewal of the registration of a firearms;

III – the issuance of a second copy of the registration of a firearm;

IV – the issuance of the federal authorization to carry a firearm;

V – the renewal of the instrument of authorization to carry a firearm;

VI – the issuance of the second copy of the federal instrument of authorization to carry a firearm.

§ 1. The amounts collected are assigned to fund and maintain the activities of SINARM, the Federal Police and the Army Command, within the scope of their own responsibilities.

§ 2. The fees foreseen in this articles shall not be charged to the owners mentioned in paragraph 5 of article 6 and the members in items I, II, III, IV, V, VI and VII of article 6, within the scope of the regulation of this Law.

CHAPTER IV
CRIMES AND PENALTIES

Irregular ownership of authorized fire weapons

Art. 12. Owning or maintaining firearms, accessories or ammunition of permitted use at home or any facility thereof, or even at the work place, provided that he or she is the owner or legal representative of the establishment or company, in violation of legal or regulatory norms:

Penalty – imprisonment, from one (1) to three (3) years, plus a fine.

Careless Handling or Storage of a Firearm

Art. 13. Failure to observe the attention necessary to prevent an individual under the age of eighteen (18) years old, or a mentally incapacitated individual, to get hold of a firearm in his or her possession or pertaining to him or her:

Penalty – imprisonment, from one (1) to two (2) years, plus a fine.

Sole Paragraph. The owners or persons responsible for security companies or companies engaged in the transportation of valuables who fail to make a police record and inform the Federal Police about the loss, theft, robbery or other forms of losing a firearm, fitting or ammunition being kept by him or her, within the first twenty-four (24) hours following the occurrence shall be subject to the same penalty.

Illegally carrying of firearms of permitted usage

Art. 14. Carrying, holding, acquiring, furnishing, receiving, storing, transporting, furnishing – even if free of charge, lending, remitting, employing, keeping in custody or concealing firearms, accessories or ammunition of permitted usage without authorization and in violation of legal or regulatory norms:

Penalty – confinement from two (2) to four (4) years, plus a fine.

Sole paragraph. The crime described in this article is not subject to bail, unless the firearm is registered in the name of the agent.

Shooting firearms

Art. 15. Shooting firearms or handling ammunition in inhabited places or adjacent areas, on public streets or towards them, provided that the purpose of such conduct is not to perpetrate another crime:

Penalty – confinement, from two (2) to four (4) years, plus a fine.

Sole paragraph. The crime provided for in this article is not subject to bail.

Illegally possessing or carrying firearms of restricted use

Art. 16. Possessing, holding, acquiring, furnishing, receiving, storing, transporting, furnishing – even if free of charge --, lending, remitting, employing, keeping in custody or concealing firearms, accessories or ammunition of restricted or prohibited usage, without authorization and in violation of the legal or regulatory norms:

Penalty – confinement from three (3) to six (6) years, and fine.

Sole paragraph. The same penalties will be imposed on anyone who:

I – removes or alters the marking, numbering or any identification mark of a firearm or artifact;

II – modifies the characteristics of a firearm with a view to making it equivalent to a firearm of prohibited or restricted usage, or for the purpose of hampering or, by any means, inducing error on the part of police authorities, experts, or judges;

III – possesses, holds, manufactures or uses explosive or incendiary artifacts without authorization or in violation of the legal or regulatory norms;

IV – carries, possesses, acquires, transports or furnishes firearms with its numbering, mark or any other identification mark scratched, removed or adulterated;

V – sells, delivers or furnishes, even if free of charge, firearms, accessories and ammunitions or explosives to children or adolescents; and

VI – produces, reloads or recycles, without legal authorization, or adulterates, by any means, ammunition or explosives.

Illegal Trading of Firearms

Art. 17. Acquiring, renting, receiving, transporting, carrying, concealing, storing, disassembling, assembling, reassembling, adulterating, displaying for sale or, by any other means, utilizing for their own benefit or for the benefit of others, when exercising either a commercial or industrial activity, firearms, accessories and ammunition without authorization, or in violation of the legal or regulatory norms: Penalty – confinement, from four (4) to eight (8) years, plus fine.

Sole paragraph. For the purposes of this article, any forms of service rendering, manufacture or irregular or clandestine trading, including that performed at home, is held equivalent to commercial or industrial activity.

International Traffic of Firearms

Art. 18. Importing, exporting, facilitating the entrance or exit, on any account, of firearms, accessories and ammunition without the authorization of the competent authority:

Penalty – confinement, from four (4) to eight (8) years, plus fine.

Art. 19. In the crimes provided for in articles 17 and 18, the penalty is increased by half if the firearm, fitting or ammunition is of restricted or prohibited usage.

Art. 20. In the crimes provided for in articles 14, 15, 16, 17 and 18, the penalty is increased by half if perpetrated by members of the bodies and companies referred to in articles 6, 7 and 8 herein.

Art. 21. The crimes provided for by articles 16, 17 and 18 are not subject to release on one's own recognizance.

CHAPTER V

GENERAL PROVISIONS

Art. 22. The Ministry of Justice may enter into conventions with the States and with the Federal District in order to comply with the provisions hereof.

Art. 23. The legal, technical and general classification, as well as the definition of firearms and other controlled products of prohibited, restricted or permitted usage

shall be governed by an act of the Head of the Federal Executive Branch, upon the recommendation of the Army Command.

§ 1. All ammunition commercialized in the Country should be placed in packages containing a bar code engraved on the box, in order to enable the identification of the manufacturer and purchaser, as well as other information defined by the regulations of this law.

§ 2. Pursuant to the provisions herein, the bodies referred to in article 6 herein shall only be granted authorization to purchase ammunition containing identification of the lot and of the acquirer on the butt of each round of ammunition.

§ 3. Firearms manufactured one (1) year or more after the publication of this Law shall contain an intrinsic safety and identification device engraved on the body of the firearm, as defined in the regulations of this law, this provision not to include the bodies provided for in article 6.

Art. 24. Except for the attributions referred to in article 2 of this Law, it is the responsibility of the Army Command to authorize and inspect the production, export, import, customs clearance and trading of firearms and other controlled products, as well as the registration and authorization to transport firearms to be granted to collectors, shooters and hunters.

Art. 25. After the elaboration of the applicable expert report and the attachment thereof to the case records and if they are no longer of interest to the criminal case, seized firearms, accessories and ammunition will be forwarded by the competent judge to the Army Command for destruction, which shall take place within forty-eight (48) hours.

Sole Paragraph. Any firearms seized or found that do not constitute proof in any police or criminal investigation should be forwarded by the competent authority for destruction within the same period, under penalty of being held responsible, the assignment of the firearm to any person or institution being hereby forbidden.

Art. 26. The manufacture, sale, commercialization and import of toy, replicas and counterfeits of firearms that may be confused for real firearms are hereby forbidden.

Sole Paragraph. Replicas and counterfeits intended for use in the instruction, training or collection of authorized users are excluded from this prohibition under the conditions established by the Army Command.

Art. 27. It is the responsibility of the Army Command to authorize, in extraordinary cases, the acquisition of firearms of restricted usage.

Sole paragraph. The provisions herein do not apply to the acquisitions of the Military Commands.

Art. 28. Individuals under the age of twenty-five (25) years old are forbidden to acquire firearms, except for the members of the entities listed in items I, II and III of article 6 of this Law.

Art. 29. The authorizations to carry firearms already granted shall expire within ninety (90) days after the publication of this Law.

Sole Paragraph. The holder of an authorization valid for a period longer than ninety (90) days may renew it at the Federal Police, with due regard for the conditions contained in articles 4, 6 and 10 herein, within ninety (90) days after its publication, without any charges to the applicant.

Art. 30. Under penalty of law, the holders and owners of unregistered firearms should apply for registration, within one hundred and eighty (180) days after the publication of this Law, by presenting the invoice reflecting the acquisition, or proof of legal origin of ownership, through the means of proof acceptable by Law.

Art. 31. The holders and owners of firearms regularly acquired may, at any time, surrender them to the Federal Police, in exchange for a receipt and a reimbursement, as provided for in the regulation of this Law.

Art. 32. The holders and owners of unregistered firearms may, within one hundred and eighty (180) days after the publication of this law, surrender them to the

Federal Police, in exchange for a receipt, and may, assuming their good faith, receive a reimbursement, as provided for in the regulation of this Law.

Sole Paragraph. In the hypothesis provided for in this article and in article 31, the arms received shall be registered in a specific file and, after the making of an expert examination, forwarded to the Army Command, within forty-eight (48) hours, for destruction, their use or re-use for any purpose being hereby forbidden.

Art. 33. A fine ranging from one hundred thousand reais (R\$ 100,000.00) to three hundred thousand reais (R\$300,000.00), as specified by the regulation of this Law, shall be imposed on:

I – air, road, railway, maritime, fluvial or lacustrine transportation companies that deliberately makes, promotes, facilitates or permits, by any means, the transportation of weapons or ammunition without the proper authorization or without regard for the safety rules;

II – producers or manufacturers of weapons that make advertisements aiming at the sale thereof, thus stimulating the indiscriminate use of firearms, except in specialized publications.

Art. 34. Under penalty of being deemed liable, the promoters of indoor events with more than one thousand (1,000) people shall take all steps necessary to prevent the entrance of armed persons, except for the events covered by item IV, article 5 of the Federal Constitution.

Sole Paragraph. Companies responsible for the rendering of the services of international and interstate transportation of passengers shall take the steps necessary to prevent armed passengers from checking in.

CHAPTER VI

FINAL PROVISIONS

Art. 35. The trading of firearms and ammunition is forbidden throughout Brazilian territory, except for the entities provided for in article 6 hereof.

§ 1. To become effective, this provision shall depend on the people's approval by means of a referendum to be carried out in October 2005.

§ 2. In case of approval of the referendum, the provisions herein shall come into force on the date of publication of the result thereof by the Superior Federal Court.

Art. 36. Law No. 9,437, of February 20th, 1997 is hereby revoked.

Art. 37. This Law becomes effective on the date of its publication.

EXHIBIT
TABLE OF FEES

CASE	R\$
I - Registration of firearms	300.00
II – Renewal of registration of firearms	300.00
III – Issuance of authorization to carry firearms	1,000.00
IV – Renewal of the authorization to carry firearms	1,000.00
V – Issuance of a second copy of the registration of the firearm	300.00
VI – Issuance of a second copy of the authorization to carry firearms	1,000.00