

AS AMENDED IN THE SENATE

No. 5 of 2019

Fourth Session Eleventh Parliament Republic of
Trinidad and Tobago

SENATE

BILL

AN ACT to amend the Firearms Act, Chap. 16:01

THE FIREARMS (AMENDMENT) BILL, 2019

Explanatory Note

(These notes form no part of the Bill but are intended only to indicate its general purport)

The purpose of the Firearms (Amendment) Bill, 2019 is to create the offence of trafficking in firearms or prohibited weapons, to increase the penalties throughout the Act and in some instances to provide increased penalties for first, second and third convictions, and to provide that penalties for summary conviction or conviction on indictment may be imposed, pursuant to section 68(3) of the Interpretation Act, Chap. 3:01, alternatively or cumulatively. The Bill contains 28 clauses, and requires a simple majority vote.

Clause 1 provides the short title of the Act, for which this is the Bill.

Clause 2 provides the interpretation provision.

Clauses 3 to 5 seek to provide for increased penalties for summary conviction and conviction on indictment.

Clause 6 seeks to insert a new section after section 9 of the Act to create the offence of trafficking in firearms or prohibited weapons, and imposes a reverse burden of proof on an accused.

Clauses 7 to 28 seek to provide for increased penalties for summary conviction and conviction on indictment.

THE FIREARMS (AMENDMENT) BILL, 2019

Arrangement of Clauses

Clause

1. Short title
2. Interpretation
3. Section 6 amended
4. Section 8 amended
5. Section 9 amended
6. Section 9A inserted
7. Section 10 amended
8. Section 11 amended
9. Section 12 amended
10. Section 13 amended
11. Section 13A amended
12. Section 13B amended
13. Section 14 amended
14. Section 15 amended
15. Section 22 amended
16. Section 23 amended
17. Section 24 amended
18. Section 25 amended
19. Section 26 amended
20. Section 27 amended
21. Section 28 amended
22. Section 29 amended
23. Section 30 amended

24. Section 31 amended
25. Section 32 amended
26. Section 33 amended
27. Section 34 amended
28. Section 40 amended

BILL

AN ACT to amend the Firearms Act, Chap. 16:01.

[, 2019]

ENACTED by the Parliament of Trinidad and Tobago as Enactment
follows:

1. This Act may be cited as the Firearms Short title
(Amendment) Act, 2019.

2. In this Act, "the Act" means the Firearms Act.

Interpretation
Chap. 16:01

Section 2 amended 2A. Section 2(1) of the Act is amended by inserting after the definition of "licence" the following definition:

"life" means the natural life of a person;".

Section 6 amended 3. Section 6 of the Act is amended—

(a) in subsection (3) by repealing paragraphs (a) and (b) and substituting the following:

"(a) an offence under subsection (1)

(i) on summary conviction for a first offence to a fine of five hundred thousand dollars and to imprisonment for fifteen years; or

(ii) on conviction on indictment for a first offence to imprisonment for twenty years; and

(iii) on conviction on indictment for a second or any subsequent offence to imprisonment for twenty five years;

(b) an offence under subsection (2)

(i) on summary conviction for a first offence to a fine of one million dollars and to imprisonment for fifteen years; or

(ii) on conviction on indictment for a first offence to imprisonment for twenty years; and

(iii) on conviction on indictment for a second or any subsequent offence to imprisonment for twenty five years.";

(b) in subsection (4)—

(i) in paragraph (a) by deleting the word “seventy-five” and substituting the words “five hundred”; and

(ii) in paragraph (b)(i) by deleting the word “seventy-five thousand” and substituting the word “one million”.

4. Section 8 of the Act is amended by deleting the word— Section 8 amended

(a) “forty” and substituting the words “two hundred and fifty”; and

(b) “eight” and substituting the word “ten”.

5. Section 9 of the Act is amended—

Section 9 amended

(a) in subsection (1) by repealing paragraphs (a) and (b) and substituting the following:

“(a) on summary conviction for a first offence to a fine of five hundred thousand dollars and to imprisonment for ten years; or

(b) on conviction on indictment for a first offence to imprisonment for twenty years;

(c) on conviction on indictment for a second offence to imprisonment for twenty five years;

(d) on conviction on indictment for a third or any subsequent offence to imprisonment for life.”;

(b) in subsection (2) by deleting the words “on summary conviction to a fine of forty thousand dollars or to imprisonment

for ten years” and substituting the following:

- “(a) on summary conviction for a first offence to a fine of five hundred thousand dollars and to imprisonment for ten years; or
 - (b) on conviction on indictment for a first offence to imprisonment for twenty years;
 - (c) on conviction on indictment for a second offence to imprisonment for twenty five years;
 - (d) on conviction on indictment for a third or any subsequent offence to imprisonment for life.”; and
- (c) in subsection (4) by deleting the words “twenty years” and substituting the word “life”.

Section 9A inserted

6. The Act is amended by inserting after section 9 the following new section:

*Trafficking
of firearm or
prohibited
weapon

9A. (1) A person who has in his possession two or more firearms or prohibited weapons is deemed to have the firearms or prohibited weapons for the purpose of trafficking the firearms or prohibited weapons, unless the contrary is proved, the burden of proof being on the accused, and such person commits an offence and is liable—

- (a) on summary conviction for a first offence to a fine of one million dollars and to imprisonment for fifteen years; or

- (b) on conviction on indictment for a first offence to imprisonment for twenty years;
- (c) on conviction on indictment for a second offence to imprisonment for twenty five years; and
- (d) on conviction on indictment for a third or any subsequent offence to imprisonment for life.

(2) In this section, “trafficking” includes importing, exporting, acquiring, delivering, selling or transferring firearms or prohibited weapons.”.

7. Section 10(1) of the Act is amended by repealing paragraphs (a) and (b) and substituting the following: Section 10 amended

- “(a) on summary conviction for a first offence to a fine of seven hundred and fifty thousand dollars and to imprisonment for fifteen years; or
- (b) on conviction on indictment for a first offence to imprisonment for twenty years; and
- (c) on conviction on indictment for a second or any subsequent offence to imprisonment for twenty five years.”.

8. Section 11(1) of the Act is amended by— Section 11 amended

- (a) deleting the words “on summary conviction to a fine of fifteen thousand dollars” and substituting the following:
 - “(a) on summary conviction for a first offence to a fine of five hundred thousand dollars and to imprisonment for ten years; or

(b) on conviction on indictment for a first offence to imprisonment for fifteen years; and

(c) on conviction on indictment for a second or any subsequent offence to imprisonment for twenty years"; and

(b) renumbering paragraphs (a) to (d) as paragraphs (i) to (iv).

Section 13
amended

9. Section 13(1) of the Act is amended by deleting the word "fifteen" and substituting the word "twenty-five".

Section 13A
amended

10. Section 13A(1) of the Act is amended by deleting the word—

(a) "thirty" and substituting the words "two hundred and fifty"; and

(b) "five" and substituting the word "fifteen".

Section 13B
amended

11. Section 13B of the Act is amended by deleting the word—

(a) "twenty" and substituting the words "two hundred"; and

(b) "two" and substituting the word "five".

Section 14 amended

12. Section 14 of the Act is amended by deleting the words "three hundred dollars or to imprisonment for six months" and substituting the words "fifty thousand dollars and to imprisonment for two years".

Section 15
amended

13. Section 15(3) of the Act is amended by repealing paragraphs (a), (b), (c) and (d) and substituting the following:

"(a) an offence in relation to the manufacture of prohibited weapons—

(i) on summary conviction for a first offence to a fine of one million dollars and to imprisonment for fifteen years; or

- (ii) on conviction on indictment for a first offence to imprisonment for twenty years;
 - (iii) on conviction on indictment for a second offence to imprisonment for twenty five years;
 - (iv) on conviction on indictment for a third or any subsequent offence to imprisonment for life;
- (b) an offence in relation to the manufacture of firearms or ammunition, other than a prohibited weapon—
- (i) on summary conviction for a first offence to a fine of seven hundred and fifty thousand dollars and to imprisonment for fifteen years; or
 - (ii) on conviction on indictment for a first offence to imprisonment for twenty years; and
 - (iii) on conviction on indictment for a second offence to imprisonment for twenty five years; and
 - (iv) on conviction on indictment for a third or any subsequent offence to imprisonment for life;
- (c) an offence in relation to paragraph (a) or (b) of subsection (1)—
- (i) on summary conviction for a first offence to a fine of seven hundred and fifty thousand dollars and to imprisonment for fifteen years; or
 - (ii) on conviction on indictment for a first offence to imprisonment for twenty years; and
 - (iii) on conviction on indictment for a second offence to imprisonment for twenty five years; and

- (iv) on conviction on indictment for a third or any subsequent offence to imprisonment for life;
- (d) an offence in relation to paragraph (c) of subsection (1)—
 - (i) on summary conviction for a first offence to a fine of one million dollars and to imprisonment for fifteen years; or
 - (ii) on conviction on indictment for a first offence to imprisonment for twenty years; and
 - (iii) on conviction on indictment for a second offence to imprisonment for twenty five years; and
 - (iv) on conviction on indictment for a third or any subsequent offence to imprisonment for life."

Section 22 amended

14. Section 22(2) of the Act is amended by—

- (a) inserting after the word "who" the words ", without reasonable excuse,"; and
- (b) deleting the words "three thousand dollars or to imprisonment for nine months" and substituting the words "twenty-five thousand dollars and to imprisonment for one year".

Section 23 amended

15. Section 23(2) of the Act is amended by repealing paragraphs (a) and (b) and substituting the following:

- "(a) on summary conviction for a first offence to a fine of one hundred thousand dollars and to imprisonment for ten years; or
- (b) on conviction on indictment for a first offence to imprisonment for fifteen years; and

(c) on conviction on indictment for a second or any subsequent offence to imprisonment for twenty years.”.

16. Section 24(4) of the Act is amended by deleting the words “two thousand dollars or to imprisonment for twelve months” and substituting the words “one hundred thousand dollars and to imprisonment for five years”. Section 24 amended

17. Section 25(2) of the Act is amended by deleting the words “five hundred dollars or to imprisonment for six months” and substituting the words “fifty thousand dollars and to imprisonment for two years”. Section 25 amended

18. Section 26(6) of the Act is amended by deleting the word— Section 26 amended

(a) “five” and substituting the words “one hundred”; and

(b) “three” and substituting the word “five”.

19. Section 27(7) of the Act is amended by deleting the words “three thousand dollars or to imprisonment for eighteen months” and substituting the words “one hundred thousand dollars and to imprisonment for five years”. Section 27 amended

20. Section 28 of the Act is amended— Section 28 amended

(a) in subsection (1A) by deleting the words “seven thousand, five hundred” and substituting the words “one hundred thousand”; and

(b) in subsection (2) by deleting the words “seven thousand dollars or” and substituting the words “fifty thousand dollars and”.

21. Section 29(2) of the Act is amended by deleting— Section 29 amended

(a) the words “seven thousand dollars or” and substituting the words “fifty thousand dollars and”; and

(b) the word "three" and substituting the word "five".

Section 30 amended 22. Section 30(5) of the Act is amended by deleting the word—

(a) "fifteen" and substituting the words "two hundred"; and

(b) "six" and substituting the word "ten".

Section 31 amended 23. Section 31(2) of the Act is amended—

(a) in paragraph (a) by repealing subparagraphs (i) and (ii) and substituting the following:

"(i) on summary conviction for a first offence to a fine of one million dollars and to imprisonment for fifteen years; or

(ii) on conviction on indictment for a first offence to imprisonment for twenty years; and

(iii) on conviction on indictment for a second offence to imprisonment for twenty five years; and

(iv) on conviction on indictment for a third or any subsequent offence to imprisonment for life;"

(b) in paragraph (c) by repealing subparagraphs (i) and (ii) and substituting the following:

"(i) on summary conviction for a first offence to a fine of five hundred thousand dollars and to imprisonment for fifteen years; or

(ii) on conviction on indictment for a first offence to imprisonment for twenty years; and

- (iii) on conviction on indictment for a second offence to imprisonment for twenty five years; and
- (iv) on conviction on indictment for a third or any subsequent offence to imprisonment for life.”.

24. Section 32(6) of the Act is amended by deleting Section 32 amended the words “forty thousand dollars or” and substituting the words “two hundred and fifty thousand dollars and”.

25. Section 33(5) of the Act is amended by deleting— Section 33 amended
(a) the word “seventy-five” and substituting the words “two hundred and fifty”; and
(b) the words “two hundred and twenty-five” and substituting the words “five hundred”.

26. Section 34(3) of the Act is amended by deleting— Section 34 amended
(a) the word “seventy-five” and substituting the words “two hundred and fifty”; and
(b) the words “two hundred and twenty-five” and substituting the words “five hundred”.

27. Section 40(8) of the Act is amended by deleting Section 40 amended the words “fifteen thousand dollars or” and substituting the words “one hundred thousand dollars and”.

Passed in the Senate this day
of , 2019.

Clerk of the Senate

I confirm the above.

President of the Senate

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Passed in the House of Representatives this day
of , 2019.

Clerk of the House

I confirm the above.

Speaker

No. 5 of 2019

FOURTH SESSION
ELEVENTH PARLIAMENT
REPUBLIC OF
TRINIDAD AND TOBAGO

BILL

AN ACT to amend the Firearms Act,
Chap. 16:01

Received and read the

First time

Second time

Third time
