



COLOMBIA'S NATIONAL LAW OF FIREARMS AND EXPLOSIVES

by Jonathan Edward Shaw*

IP-3-2011
May 2011

COLOMBIA'S NATIONAL LAW OF FIREARMS AND EXPLOSIVES

Abstract: This Issue Paper provides English translations of Colombian gun control statutes and the arms-related provisions of Colombia's present and past constitutions. The Issue Paper also provides a history of the arms provisions in Colombia's constitutions over the last two centuries, and in the Spanish law that preceded them. In addition to translating the modern gun control statutes, the Issue Paper presents a narrative explanation of the most important provisions. From colonial days to the present, Colombian law has presumed that many Colombians will own and carry firearms for sports and for self-defense. Contemporary laws continue this tradition, in the context of a system of regulation.

INTRODUCTION

The year 2010 marked the bicentennial of independence for several Latin American nations, including Colombia. Colombians celebrated the bicentennial of their nation in Bogotá's Plaza Bolívar underneath an inscription on the building that houses the Colombian Constitutional Court that reads "*Colombianos, las armas os han dado la independencia, las leyes os darán libertad*" (Colombians, arms have given you independence, laws will give you liberty). These words, spoken by Colombian revolutionary Francisco de Paula Santander, express the important roles of arms and liberty in Colombia.¹ Thus, it seems fitting to analyze one of the fundamental freedoms that Colombia adopted at its independence and has maintained throughout its turbulent existence: the right of the citizen to possess and carry arms.

This Issue Paper provides English translations of the current laws that regulate the possession of weapons in Colombia. Part I provides a brief overview of Colombian constitutional history and demonstrates how the freedom to possess weapons for personal and collective defense is an integral part of Colombia's history. Part II offers an English translation of relevant articles from Colombia's current constitution. Part III summarizes the present laws that regulate weapons in Colombia, the system of permits, and how the natural right of self-defense is viewed in Colombia. Part IV presents an English translation of the full text of the three laws that regulate the possession of weapons in Colombia.

The translations included in this Issue Paper are based on the original Spanish versions of the Colombian Constitution and the laws that govern gun control in Colombia. I have made my best effort to translate the documents into English, rather than re-writing the documents as if they had originally been written in English. My purpose was to clearly communicate the content of the documents and to avoid modifying meanings to facilitate modern English wording. For example, the Spanish word *municiones* might normally be translated as *ammunition* in English; however I have used the word *munitions* to attempt to preserve the Spanish meaning and connotation of the word. By the same token, I follow the Colombian drafting practice, by which drafters write the word form of the number and then the numeral in parenthesis immediately after the word to avoid confusion. For example, a sentence discussing the number of permits that are allowed per weapon would read "two (2) permits may be issued for one (1) weapon."

This translation is not an official government translation and should not be relied upon for legal advice. The reader will find multiple references to Colombian government websites that can be consulted for questions that may arise in regards to issues involving arms control in Colombia.

BRIEF HISTORY OF RIGHT TO ARMS IN COLOMBIAN CONSTITUTIONS

European firearms in the region that is now Colombia were originally regulated by Spain, beginning in the colonial period and ending at Colombia's independence in 1810. Over the last two centuries Colombians have drafted and ratified several Constitutions,² the last of which was ratified in 1991.³ Each of these constitutions contains references to the right to possess and carry arms, although some are more explicit than others.

PRE-INDEPENDENCE

The right of European immigrants to bear arms in the territory that would become Colombia predates Colombian independence by more than two-and-a-half centuries. Spain's 1542 Laws of the Indies allowed conquistadores and settlers to possess and use defensive

and offensive weapons in the new world. The text of the Spanish statute providing for the use of such weapons reads as follows:

“We grant the ability to the first discoverers and residents of the new provinces to bring offensive and defensive arms to all parts of the Indies, Islands, and Mainland, first giving faith before any justice that they will only be brought to guard and defend their persons, and that they will offend nobody with them.”⁴

The statute applied to all land claimed by the Spanish in the western hemisphere—ranging from North America to the Strait of Magellan, barring only the territory reserved for Portugal in the 1494 Treaty of Tordesillas. Thus the history of a right to “offensive and defensive arms” is not limited to modern day Colombia, but extends to all countries in the western hemisphere that were once a colony of Spain.

In the late 18th century, as revolutionary fever began to spread in Europe and the Western Hemisphere, a Colombian intellectual by the name of Antonio Narino translated and distributed a Spanish translation of the 1789 French *Declaration of the Rights of Man and of the Citizen*.⁵ Many of the constitutions written in Colombia integrate the concepts published in this document, including the notion that “the aim of all political association is the preservation of the natural and imprescriptible rights of man...liberty, property, security, and resistance to oppression.”⁶ Thus, a polity which formed consistently with the rights of man must make it possible for there to be “resistance to oppression.”

POST-INDEPENDENCE CONSTITUTIONS

The first post-independence constitutions did not expressly guarantee Colombians the right to bear arms, but did reference the importance of the government being able to call upon individual citizens to unite in collective defense of the nation. The 1811 Constitution of Cundinamarca stated that citizens “guarantee [security] to each other, each having an equal right to the protection that society should provide.”⁷ This constitution also mandated that “every man, without regards to class, state, or condition, is obligated not only to serve in the military, but to dress, arm himself, and maintain himself at the disposition [of the military].”⁸

The 1811 United Provinces Constitution also placed importance on collective defense, and indicated that weapons to be used for that purpose include “necessary arms, blades or firearms that the people are accustomed to use.”⁹ The 1811 constitutions presumed and mandated widespread citizen possession, so that the people could collectively protect their national security.

Later versions of the constitution, beginning with the 1821 Constitution of Cúcuta that established Simón Bolívar’s Gran Colombia, are set in a context in which the carrying of defensive arms was a social norm. Like the Constitution of Cúcuta, the constitutions of 1830, 1832, and 1843 all contained a prohibition on bringing weapons to elections.¹⁰ These constitutions also reflect a principle which, in Colombia, the United States, and elsewhere, has been closely related to a right of self-defense. The 1830 Constitution states that “the home of the Colombian is an inviolable sanctuary.”¹¹ This principle continues to influence the notion of legitimate self-defense in Colombia as is demonstrated by the principle embodied in the current Penal Code that allows individuals to use force to expel intruders from their homes.¹²

While widespread ownership and carrying of arms appears as a social norm in the constitutions of the first half of the 19th century, mid-century constitutions explicitly recognized a right to arms. The 1858 Granadine Confederation Constitution states that “state governments are prohibited from...impeding the commerce of arms and munitions.”¹³ That same document also provides the “liberty to associate without weapons, with restrictions established by law” suggesting that laws and restrictions governing the right to possess and carry arms were beginning to appear.¹⁴ The 1863 Constitution of the United States of Colombia contains a similar provision that guarantees a right to associate without arms, and also adds a provision guaranteeing “the liberty to have arms and munitions, and to market them in times of peace.”¹⁵

The Constitution of 1886 is unique among Colombian constitutions in that it lasted one hundred and five years. A system of constitutional reformation that was not widely used prior to 1886 likely aided the constitution’s success.¹⁶ This constitution limited possession, production, and importation of weapons of war to the government, and included a provision regulating arms possession among citizens: “No member of the public may carry arms on his person without permission from the authority. This

permission shall not be extended in cases involving political reunions, elections, or public meetings and assemblies of corporations.”¹⁷

CURRENT CONSTITUTIONAL PROVISIONS

In 1991 Colombia ratified a new constitution.¹⁸ Article 223 allows for the possession and carrying of weapons with a “permit from the competent authority.”¹⁹ Although the constitution allows Colombians to obtain a permit to possess and carry a firearm, the ability to do so is more limited than the constitutional right that exists in the United States. In Colombia, the national government requires all guns to be registered with the government, has a monopoly over the sale of weapons and ammunition, and is the only authority that determines whether an individual can obtain a weapon.²⁰ The articles that are relevant to the control of arms in Colombia are as follows:

PREAMBLE

The Colombian people, in exercise of their sovereign power, represented by their delegates to the National Constitution Assembly, invoking the protection of God, and in order to fortify the unity of the Nation and assure its inhabitants life, fellowship, work, justice, equality, knowledge, liberty and peace, within judicial, democratic, and participatory limits that guarantee a just political, economic, and social order, and committing to promote integration with the Latin American community, declare, sanction, and promulgate the following:

POLITICAL CONSTITUTION OF COLOMBIA

Published in Constitutional Gazette No. 116 of July 20, 1991

...

ARTICLE 81: The production, import, possession and use of chemical, biological, and nuclear arms, as well as the import of nuclear residue and toxic waste, is prohibited.

The State will regulate the import and export and use of genetic resources in accordance with the national interest.

ARTICLE 97: A Colombian, even if he or she has renounced citizenship, that acts against the interests of the country in a foreign war against Colombia will be judged and punished as a traitor.

Colombians by adoption²¹ and foreigners domiciled in Colombia cannot be obligated to take up arms against their native country. Colombians that are nationalized in a foreign country cannot be obligated to take up arms against their new country of nationality.

ARTICLE 216: The public force will be made up of the Armed Forces and the National Police.

All Colombians are obligated to take up arms when required by public necessity to defend national independence and public institutions.

The law will determine the conditions under which military service will be rendered and the prerogatives for said service.

ARTICLE 223: Only the government can import and produce weapons, munitions of war and explosives. No person may possess them or carry them without a permit from the competent authority. This permit shall not be extended in cases that correspond with political meetings, elections, or meetings or assemblies of public corporations, whether the person is taking place in said events or observing them.

Members of national security organs and other permanent official armed bodies created or authorized by law may carry arms subject to the control of the Government, and in conformity with the principles and procedures established by the Government.

COLOMBIAN FEDERAL LAW OF FIREARMS AND EXPLOSIVES

Laws in Colombia are named according to the numerical order in which they are presented as a bill and by the year in which they are adopted. For instance, if bill number 100 is adopted as a law in the year 2011, the law would be named Law 100 of 2011. The following laws are the main laws that deal with gun control in Colombia. A brief summary of the current laws that an individual who seeks to obtain a firearm would need to be familiar with is included below.

LEGITIMATE SELF DEFENSE

One of the key arguments for maintaining and promoting the ability to possess and carry personal firearms is to give

potential victims of a crime “a chance to fight back.”²² A translation of the legitimate self-defense statute under the Colombian Penal Code provides context for the legitimate use of personal defense weapons in Colombia. This consideration is particularly important when viewed in the context of a country such as Colombia that has seen high levels of violence throughout its history. Article 32 of the Penal Code of Colombia which has been codified as Law 599 of 2000 allows for legitimate defense (the typical term in romance languages for what English-speakers call “self-defense”) in situations where unjust aggression is being used to deprive an individual of a right.²³ The sixth section of that article states:

ARTICLE 32. ABSENCE OF RESPONSIBILITY. There will be no place for criminal responsibility when:

...

6. An act is taken due to the necessity to defend a personal right or the right of another against an unjust aggression that is current or imminent, and this only when the defense is proportional to the aggression. Legitimate defense is presumed when a person repels an unknown party that wrongfully attempts to penetrate or has penetrated the habitation or immediate dependencies of the person using the repelling force.

Legitimate defense is not limited to resistance to physical threats, but can be used against any danger to “legally protected interests.”²⁴ Thus the limit to the amount of force that can be used in response to a threat is not dependent on whether the threat is physical in nature; rather it is determined by the principle that the force used to repel any threat must be proportional to the threat. In Colombia, the standard used to decide whether the amount of force was proportional is a similar to a reasonable person standard; one asks whether the force was adequate and rational based on human experience to repel the aggression and whether there were any less harmful options available to repel the threat.²⁵

To be legitimate, the use of defensive force must be in response to a threat that is real and present, and the presence of such a threat is determined by an objective test. Additionally, the defense must be used simultaneously with the presence of the threat; the use of force cannot be classified as defense if the force is used after the threat has been removed.²⁶

BACKGROUND AND SUMMARY OF THE LAW

Law 2535 of 1993 divides all weapons into three categories: weapons of war or weapons designated for the public force, restricted weapons, and weapons for personal use or for self-defense.²⁷ The law also creates a permitting system,²⁸ controls for explosives,²⁹ and regulations for shooting and hunting clubs and collectors.³⁰ Procedures for seizures of weapons and confiscation of explosive material are also set forth in this law.³¹ Law 1809 of 1994 adds to Law 2535 of 1993 and establishes the medical requirements that must be met to obtain a permit to possess or carry firearms.³² These include vision, hearing, mental, and physical requirements.³³ The law is quite specific in the physical standards that must be met, for instance, requiring that the physical state of the hands of an individual must not diminish the safety of handling weapons. In addition, the law specifies that chronic alcoholism or dependence on narcotic drugs will result in ineligibility.³⁴ The law also describes the procedures for the import and export of weapons, explosives, and munitions.³⁵ Security and reporting procedures are created that every factory that produces explosive materials must follow.³⁶ The law also adds to the security measures that must be implemented by shooting and hunting clubs and by weapons collectors.³⁷ Law 1119 of 2006 supplements Law 2535 of 1993 by describing the system for updating and renewing permits.³⁸ A system is set up under which fines can be paid to renew expired permits.³⁹ The law also records the textual changes to Law 2535 of 1993 that were adopted in 2006.

TYPES OF WEAPONS AND SALE OF AMMUNITION

There are several types of weapons that an average Colombian citizen may possess or carry with a permit. Law 2535 of 1993 divides all weapons into categories consisting of weapons of war or weapons for the public force, restricted weapons, and weapons for personal use.⁴⁰ Under the category of weapons for personal use are three sub-categories: weapons for self-defense, sporting weapons, and weapons for collections.⁴¹

Article 11 outlines the firearms that may be possessed for self-defense. Firearms that are used for legitimate defense are described as weapons intended to be used for defense at close range. These firearms include .38 caliber pistols or revolvers, pistols or revolvers of a caliber less than .38, .22 caliber rifles, and shotguns that have a barrel length no

longer than 22 inches.⁴²

Article 12 describes sporting weapons as pistols, revolvers, non-automatic handguns and shotguns for sporting events, black powder revolvers and pistols, and hunting and sporting rifles that are not automatic.⁴³ Sporting firearms are required to meet the specifications set by the International Sport Shooting Federation.⁴⁴ Article 13 indicates that weapons for collections include any weapons that are of scientific, technological, or historical significance.⁴⁵

The types of weapons and accessories to those weapons that a Colombian civilian may possess and carry are limited by articles 14 and 15. Under article 14 civilians are prohibited from possessing weapons of war other than those that form part of a collection, weapons that have been modified in a way that differs substantially from the original construction, homemade weapons other than black powder weapons, any weapon that is not the subject of a valid permit, and any weapon that the Colombian government decides should be restricted.⁴⁶ Article 15 prohibits the use of infrared, laser, or night vision sights on weapons, silencers, or other instruments that alter the sound of a weapon.⁴⁷

The sale of ammunition is controlled by the General Command of the Armed Forces. This body determines the type and quantity of ammunition that can be sold to private parties. Military authorities may require a party to show a permit and the weapon for which the ammunition will be used prior to selling ammunition to an individual.⁴⁸

PERMITTING SYSTEM

Colombia has an estimated population of 43,677,372.⁴⁹ A survey done by the *Small Arms Survey*, a Geneva think tank, estimates that civilians possess about 2,300,000 weapons.⁵⁰ If it is assumed that each person who owns a weapon in Colombia only owns one weapon, these numbers roughly indicate that one out of every nineteen Colombians owns a weapon. Compare this with 250,000,000 weapons owned in the United States as estimated by the same study.⁵¹ With a population of 307,212,123⁵², there is nearly one weapon for every American citizen in the United States.

In practice, the registration and permit systems are effective for only about one-eighth of Colombian guns. Of

the estimated 2,300,000 small arms owned by Colombian citizens, only 700,000 are registered with the national government.⁵³ Moreover, that a citizen's weapon is registered with the national government does not indicate that the citizen has met all the requirements needed to obtain a valid permit. In 2006, roughly forty percent of weapons held by private citizens that had been registered with the government had valid permits while the other sixty percent lacked lawful permit status.⁵⁴ So it appears that only about 280,000 of the 2,300,000 weapons are registered and are the subjects of valid permits.

After a weapon has been registered with the national government, there are two types of permits that can be issued to Colombians: a permit to possess weapons, and a permit to carry weapons.⁵⁵ These permits are issued by military authorities. The validity of such permits is not limited to the local municipalities or departments; rather permits are valid throughout the entire national territory of Colombia. Law 2535 of 1993 establishes the requirements for permits to carry. Law 1809 of 1994 and Law 1119 of 2006 modify and add to these requirements.

PERMITS TO POSSESS AND CARRY PERSONAL WEAPONS

Under Law 2535 of 1993, each weapon must be the subject of at least one permit.⁵⁶ A weapon may be the subject of more than one permit if the use of the weapon is shared between permit holders of the same family.⁵⁷ In addition, individuals who temporarily or permanently live on the same premises as a permit holder are authorized to use the weapon, as they are considered to have assumed defense of the property on which they reside.⁵⁸ Each Colombian may have up to two permits to possess and two permits to carry.⁵⁹ (Thus, a total of four weapons.) To obtain a permit to possess a firearm, one must complete the required documentation, provide evidence of military service (which is compulsory for males in Colombia), provide evidence of citizenship and a clean criminal record, and provide a medical certificate demonstrating aptitude to use firearms.⁶⁰ Permits to possess weapons are valid for up to ten years after they are granted, and can be renewed even after they expire.⁶¹ To obtain a permit to carry a firearm, an individual must meet the requirements for the possession permit and must also demonstrate the need to carry a weapon for self-defense.⁶² Persons seeking a permit to carry a restricted weapon must provide information regarding the individual's unique circumstances putting him at special risk.

These circumstances include proof of possible danger due to the individual's profession, trade, position, or economic activity and must be accompanied by approval from the Ministry of National Defense.⁶³ Permits to carry weapons for self-defense expire after three years, and can be renewed.⁶⁴

To transport firearms for non-defense purposes (e.g. on the way to go target shooting), permit holders must disable the firing mechanism—such as by removing the bolt on a rifle—and carry the firearm and the mechanism in separate cases.⁶⁵

The military has a monopoly on the retail sale of firearms. An individual seeking a permit to possess or carry a weapon must pay the full price of the weapon, as well as the permit fees, to the proper military authority before the permit can be issued. When the permit expires, or when the permit is revoked, the individual must return the weapon to the local military unit. A refund for the price of the weapon minus any damage or defect that has occurred is then returned to the former permit holder.⁶⁶

With government permission, persons may be transferred from one person to another, such as among a family, or between members of a hunting club.⁶⁷

SPORTSMEN AND COLLECTORS

To possess sporting weapons, the permit holder must be a member of an approved shooting or hunting club. Members can buy ammunition from the club itself, and can participate in shooting sports at firing ranges.⁶⁸ Collectors must be affiliated with an association of collectors or with the Colombian government, and must obtain credentials proving that they are arms collectors.⁶⁹ There is no limit to the weapons that collectors may possess, but collectors must adhere to strict security measures. Law 1809 of 1994 indicates that collectors must protect display areas with iron bars and security systems, and must disable the arms that are on display. In addition, collectors with more than 20 weapons must store the weapons in a locked vault.⁷⁰

THE REALITIES OF THE PERMITTING SYSTEM

Although the requirements to obtain permits to possess and carry weapons in Colombia appear straightforward, understanding the realities of how the system actually works for those who seek permits is useful. In general, the

permitting system works as it appears in the law; however it often helps when applicants personally know the individuals who will make determinations as to whether to issue a permit. An individual who seeks a permit but does not know the correct people may be required to wait up to several months in order to get personnel to review and sign required documentation. Although it is widely known that in Latin America bribes can cause some authorities to waive legal requirements altogether, bribes are not commonly used to obtain permits to possess or carry weapons in Colombia. That said, an occasional small gift to the competent authority, such as liquor or cigarettes, has been known to expedite the process in some cases.⁷¹ The requirement in law 2535 article 34 that an applicant must demonstrate a need for a firearm on self defense grounds is often easily met. Authorities will often accept an applicant's suggestion that he or she is in danger with no further investigation; especially in areas where large numbers of guerilla fighters are known to operate. However, authorities can often be reluctant to grant permits even where a sufficient showing of need has been made. This may be because in certain areas of Colombia showing sufficient need for possessing or carrying a firearm is no real achievement; the reality is that nearly everyone could show that they have such a need.⁷²

The government sales firearms and ammunition through the state owned Military Industry or Indumil⁷³ at every military base in nearly every department.⁷⁴ As mentioned above, Law 2535 articles 22 and 23 allow individuals to have up to two permits to carry and two permits to possess firearms.⁷⁵ In practice this means that an individual may legally have up to four permitted firearms; two with a carry permit and two with a possession permit. Although this is the case, some people might have more than four firearms; four that are permitted, and others that may lack necessary documentation. Another way to obtain more than four firearms is to apply for credentials as a weapons collector. Ammunition is available for purchase from the government at any military base every six months. However, it is often the case that persons purchasing ammunition are told that the local Colonel is not currently issuing ammunition or that the system is down and the sale cannot be made at that time.⁷⁶

SUSPENSION OF PERMITS AND SEIZURE OF WEAPONS

Article 41 of Law 2535 of 1993 allows for government officials to temporarily and generally suspend the validity of

weapons permits in special circumstances. For example, in August 2010 officials attempting to secure the city of Bogotá during the inauguration of President Manuel Santos used this provision to temporarily suspend permits to carry weapons. Between August 2, 2010 and August 11, 2010 all permits were temporarily suspended and citizens who would otherwise be permitted to carry weapons were required to leave the weapons at home.⁷⁷

Individuals may voluntarily suspend their own permits when they feel that the use or possession of a weapon is no longer required. These persons may take their weapons to the local Military Unit for temporary safekeeping. The time that the weapon is held at the Military Unit does not count against the validity of the permit.⁷⁸

Permits automatically expire upon death of the holder. They may be revoked because of use of the weapon without the correct authorization, deterioration or destruction of the weapon, seizure of the weapon, or a conviction of the permit holder that results in incarceration.⁷⁹

Article 85 of Law 2535 of 1993 discusses seizure of weapons, and article 89 of the same law discusses confiscation. Grounds for seizure of a weapon include carrying the weapon, ammunition, or accessories while consuming liquor or illegal substances; carrying without a valid permit or after the permit has expired; carrying at political meetings or public demonstrations; carrying weapons that have been altered in their physical characteristics; or at the discretion of the competent authority.⁸⁰

Weapons can be confiscated where an individual is in possession of a weapon and does not have a valid permit, the permit has expired, the person is under the influence of alcohol or has been punished for use of alcohol or illegal substances, the individual carries a weapon when he or she only has a possession permit, the weapon is carried at public events, or the weapon is loaned to a third party except for in the case of an emergency.⁸¹

When a firearm is confiscated, the military or police authorities will determine whether, given the facts of the particular situation, the weapon may be returned to the owner, whether a fine will be imposed, or whether the weapon will be permanently seized.⁸² Although the

national government's ability to enforce these measures is limited given the high number of firearms that are present in the country, the national police did confiscate an average of 19,671 weapons between the years 2000 and 2005.⁸³

CRIMINAL LIABILITY FOR VIOLATIONS

Under the Law 599 of 2000, individuals can be found criminally liable for transporting weapons without the required permits. Articles 365 and 366 of Law 599 of 2000 are as follows:

ARTICLE 365. FABRICATION, Trafficking, and Carrying firearms or munitions. Any person who imports, traffics, fabricates, transports, stores, distributes, sales, supplies, repairs or carries firearms for personal defense, munitions, or explosives without permission from the competent authority will incur a prison term of between one (1) and four (4) years.

The sentence discussed above will be duplicated when the conduct is performed under the following circumstances:

1. By use of motorized methods
2. When the weapon has been obtained by the commission of a crime
3. When violent resistance is used against requirements of the authorities, and
4. When masks or similar elements are used to hide one's identity or make it difficult to determine one's identity.

ARTICLE 366. Fabrication, Trafficking, and Carrying weapons and munitions for the sole use of the armed forces. Any person who imports, traffics, fabricates, repairs, stores, keeps, acquires, supplies, or carries firearms or munitions that are intended for the sole use of the armed forces will incur a sentence of between three (3) to ten (10) years.

The minimum sentence mentioned above will be doubled when the circumstances listed in numeral 2 of the prior article are present.

TRANSLATION OF LAWS

LAW 2535 OF 1993
Law No. 2535 of 1993
(December 17)

Official Journal No. 41.142, of December 17, 1993

MINISTRY OF NATIONAL DEFENSE

By which rules regarding weapons, munitions, and explosives are issued

THE PRESIDENT OF THE REPUBLIC OF COLOMBIA exercising the special powers conferred by sections a), b), c), d), e), f), g), h), i) of law 61 of 1993 and taking into account the recommendations of the congressional committee of article 2 thereof,

DECREES:

TITLE I. GENERAL PRINCIPLES

Article 1. SCOPE. This law is intended to set standards and requirements for owning and carrying weapons, munitions, explosives and their accessories, classify arms, establish rules for the issuance, renewal and suspension of permits and competent authorities, establish conditions for the import and export of arms, munitions and explosives, establish a system of armory factories, production of pyrotechnic articles, shooting and hunting clubs, collections and collectors of weapons, and surveillance services and private security, define the circumstances under which arms can be seized and fines can be imposed, and establish rules for the registration of returned weapons.

Weapons, munitions, explosives and accessories used by public forces to carry out their constitutional and legal missions, as well as state-owned manufacturing and marketing enterprises are not covered by this law.

Article 2. EXCLUSIVITY. Only the government can import, export, manufacture and market weapons, munitions, explosives, raw materials, machinery, and appliances used to manufacture such items. Only the government can control such activities.

Article 3. STATE PERMIT. Civilians, in exception to this law, may possess or carry weapons, their parts, munitions, explosives and accessories, only through possession of permits issued at the discretion of the competent authority.

Article 4. EXCLUSION OF LIABILITY. Permits granted to individuals to possess or carry weapons, their parts, munitions, explosives and accessories place the sole responsibility for those objects on the permit holder and do not assign any liability for the use of such items to the State.

TITLE II. WEAPONS

CHAPTER I. DEFINITION AND CLASSIFICATION

Article 5. DEFINITION. Weapons include all instruments manufactured with the aim of producing threat, injury, or death to a person.

Article 6. DEFINITION OF FIREARMS. Firearms are instruments that use force created by expansion of gases produced by combustion of a chemical substance to propel a projectile.

Weapons lose their character as such when they are fully and permanently inoperable and are not carried.

Article 7. CLASSIFICATION. For the purposes of this law, firearms are classified as:

- a) Weapons of war or for the exclusive use of Public Forces;
- b) Weapons of restricted use;
- c) Weapons for civilian use.

Article 8. WEAPONS OF WAR OR FOR THE EXCLUSIVE USE OF PUBLIC FORCE. Weapons used to defend independence and national sovereignty, to maintain territorial integrity, to assure peaceful coexistence, to exercise public rights and liberties, to maintain constitutional order, and to reestablish public order are weapons of war. These weapons include the following:

- a) 9.652 mm caliber pistols and revolvers (.38 inches) that do not meet the specifications established by article 11 of this law;
- b) Pistols and revolvers of a caliber more than 9.652mm (.38 inches);
- c) Semi-automatic rifles⁸⁴ and carbines of a caliber more than 22 LR;

- d) Automatic weapons regardless of caliber;
- e) All sizes of anti-tank weapons, cannons, mortars, shells and missiles deployable from land, sea, and air;
- f) Any caliber of rocket launchers, bazookas, and grenade launchers;
- g) Explosive charges such as hand grenades, aerial bombs, fragmentation grenades, handheld explosives, rockets, and mines;
- h) Light grenades, smoke grenades, armor piercing grenades or grenades used for security force training;
- i) Arms that employ military devices such as infrared vision, lasers, or accessories such as grenade launchers and silencers;
- j) Munitions for the weapons listed above.

CLAUSE 1. The material described in subparagraph g) may be authorized on an exceptional basis with approval of the Arms Committee discussed article 31 of this law.

CLAUSE 2. The National Government, through the Ministry of National Defense, will determine the type of weapons that may be carried by members of national security agencies and other permanent armed organizations created or authorized by law.

Article 9. Restricted weapons. Restricted weapons are weapons which, in exceptional circumstances, may be authorized at the discretion of the competent authority for special personal protection, such as the following weapons:

- a) 9.652 mm caliber revolvers and pistols (.38 inches) that do not have the characteristics listed in article 11 of this law;
- b) Automatic pistols and sub-machineguns.

CLAUSE 1. Upon the effective date of this law, those individuals who have a permit or pass to possess or carry weapons of this type shall obtain a new permit to possess or carry in accordance with the terms established in articles 22 and 23 of this law.

CLAUSE 2. The Arms Committee of the Ministry of National Defense may authorize money transport companies, security departments of corporations, and special surveillance services to possess or carry restricted weapons with the approval of the Superintendent of Surveillance and Private Security.⁸⁵

CLAUSE 3. The National Government shall regulate the maximum number of restricted weapons that individuals may carry on a case by case basis.

Article 10. weapons FOR CIVILIAN USE. Weapons for civilian use are those weapons which individuals may own or carry with permission from the competent authority, and are classified as:

- a) Weapons for personal defense;
- b) Sporting weapons;
- c) Weapons for collections.

Article 11. WEAPONS FOR PERSONAL DEFENSE. Weapons for personal defense include weapons that are designed for individual defense at close range. They are classified in the following categories:

- a) Revolvers and pistols that have all of the following characteristics:
 - Maximum caliber: 9.652 mm (.38 inches).⁸⁶
 - Maximum length: 15.24 cm barrel. (6 inches).
 - For pistols, repetition or semi-automatic functions.
 - Magazine capacity of no more than nine rounds, except for .22 calibers which are allowed 10 rounds.
- b) Non-automatic carbine .22 S, .22 L, or .22 LR;
- c) Shotguns with a barrel length that does not exceed 22 inches.

Article 12. SPORTING WEAPONS. Sporting weapons are firearms that meet the specifications required for shooting disciplines accepted by the International Shooting Sport Federation⁸⁷ and the usual specifications for hunting sports in accordance with the following classifications:

- a) Pistols and revolvers for competitions of free shooting, speed, and target shooting;
- b) Non-automatic handguns for practical shooting;
- c) Revolvers and pistols of a caliber equal to or less than .38 inches and of barrel length greater than 15.24 cm (6 inches);
- d) Shotguns with a barrel length greater than 22 inches;
- e) Black powder revolvers and pistols;
- f) Non-automatic carbine .22 S, .22 L, or .22 LR;
- g) Hunting rifles of any caliber that are not semiautomatic;
- h) Sporting rifles that are not semiautomatic.

Article 13. Weapons for collections. Weapons for collections are weapons that are destined for private

or public exhibits due to their historic, technological, or scientific characteristics.

CHAPTER II. PROHIBITED WEAPONS AND ACCESSORIES

Article 14. PROHIBITED WEAPONS. In addition to the provisions of Article 81⁸⁸ of the Constitution, the carry and possession of the following weapons throughout the entire national territory is prohibited:

- a) Weapons uses only for war, except those held by duly authorized collectors, or those provided for in article 9 of this law;
- b) Firearms of any caliber which have been substantially modified in characteristics of manufacture or origin to increase the lethality of the weapon;
- c) Homemade weapons, except black powder weapons;
- d) Weapons that are not the subject of a required permit issued by a competent authority;
- e) Weapons that the National Government classifies as such by considering the technological development of the weapon.

CLAUSE. The possession or carry of objects manufactured with poisonous gases, corrosive substances, or metals that produce shrapnel due to the expansion of gases, and implements for launching or activating of said objects is prohibited.

Article 15. PROHIBITED ACCESSORIES. Infrared sights, laser sights, night vision sights, silencers, or sound altering elements are for the use of the Public Force.

The Arms Committee of the Ministry of National Defense may authorize the use of some of these items for sporting events as indicated in article 31 of this law.

CHAPTER III. POSSESSION, CARRY, TRANSPORT, LOSS OR DESTRUCTION OF WEAPONS AND MUNITIONS

Article 16. POSSESSION OF WEAPONS AND MUNITIONS. Possession means the possession of a weapon and munitions for personal defense within the property registered in the corresponding permit. The permit only authorizes the use of weapons within the property by the permit holder and those who assume

defense of the property by permanently or temporarily residing there.

Sporting weapons will only be used in shooting and hunting activities in adherence to the limitations established by law and regulations; in particular to standards for the protection and conservation of natural resources.

Article 17. CARRYING ARMS AND MUNITIONS. To carry weapons and munitions means to have weapons for personal defense on one's person or within one's reach with the respective permit issued by the competent authority.

Article 18. TRANSPORTATION OF WEAPONS. Weapons authorized by permit may be transported from one place to another for repair or target practice at approved sites when the weapon and the magazine are unloaded, and while observing safety standards established by the National Government through the Ministry of National Defense.

Article 19. LOSS, THEFT OR DESTRUCTION OF WEAPONS.

The holder of a permit to possess or carry a weapon that suffers the loss or theft thereof shall:

- a) Immediately report, in writing, the loss or theft of the weapon to the military authority that issued the permit;
- b) Immediately draft a corresponding complaint;
- c) Deliver the weapon permit and a copy of the complaint to the military authority;

If a weapon has been destroyed, it is enough to report the occurrence to the military command which granted the permit and include a statement made under the penalty of perjury, in order for the permit to be cancelled.

Once the report is received, the respective authority shall notify the Department of Commerce and Control of Weapons, Munitions and Explosives⁸⁹ of the General Command of the Armed Forces.⁹⁰

CLAUSE. The competent military authority is empowered to approve or deny a new permit to possess or carry for the natural or legal persons⁹¹ referred to in this article.

TITLE III. PERMITS

CHAPTER I. DEFINITION, CLASSIFICATION, EXCEPTIONS AND ARMS COMMITTEE

Article 20. PERMITS. Authorization to possess or carry weapons is granted to natural or legal persons by the state based on the discretion of the competent military authority.

Every firearm in the country held by a civilian must have one (1) permit to possess or carry for authorized use. However, two (2) permits may be issued for one (1) weapon if its use is allowed between relatives up to second degree of consanguinity, between spouses, or permanent companions.

Article 21. CLASSIFICATION OF PERMITS. Permits are valid throughout the national territory and are classified as permits to possess, permits to carry, and special permits.

Article 22. PERMIT TO POSSESS FIREARMS. A permit is a document that authorizes the holder to keep the weapon on the property corresponding to the residence, workplace, or other place to be protected.

Only two (2) permits to possess may be authorized per person.

The permit will be valid for a maximum term of ten (10) years.

CLAUSE. In order to issue a permit for permanent possession, a collector shall submit his or her credentials as a collector as required by this law. To obtain a permit to possess firearms, sportsmen must prove membership in a shooting or hunting club affiliated with the Colombian Federation of Shooting and Hunting Sports.⁹²

Article 23. Permit to carry. This permit authorizes the holder to carry one (1) weapon.

Only two permits to carry may be authorized per person. Authorization for the second permit will be based on an evaluation of the particular circumstances of applicant's safety. Those who meet the requirements described in section c) of article 34 of this law may be allowed a higher

number of permits with approval of the Arms Committee of the Ministry of National Defense.

Permits to carry weapons of self-defense shall be issued for a term of three (3) years, and permits to carry restricted weapons shall be valid for one (1) year.

Article 24. SPECIAL PERMIT. A special permit is issued for the possession or carry of weapons for the protection of diplomatic missions or for legally accredited foreign officials.

Where a permit is granted to a diplomatic mission, the duration shall be four (4) years. Permits issued to a foreign officer will remain valid until the end of the officer's mission.

Article 25. EXCEPTIONS. Weapons that use pneumatic gas, black powder long arms, and black powder shotguns do not require permits to possess or carry.

CLAUSE. Notwithstanding the provisions of this section, weapons that do not require a permit are subject to the provisions in articles 84-94 of this law, as appropriate.

Article 26. AUTHORIZATIONS FOR NATURAL PERSONS.

Notwithstanding the provisions of articles 23 and 34, section c) of this law, natural persons will be allowed only up to two permits for possession and up to two permits for the carrying of weapons listed in articles 10 and 12 of this law, subject to the exception provided for in article 9 of the same.

Article 27. AUTHORIZATION FOR LEGAL PERSONS.

Upon the effective date of this law legal persons will only be allowed possession permits for five (5) weapons including any of the following: pistols, revolvers, carbines, or shotguns that have the characteristics listed in article 11 of this law, excepting only surveillance services and private security, which are subject to the specific norms that regulate such activities included in this law and in other provisions.

Article 28. PERMITS FOR RURAL PROPERTIES. Upon the effective date of this law, the respective military authority can grant permits for the possession of up to five (5) weapons for personal defense to rural properties.

CLAUSE. When special circumstances require a higher number of permits, the proprietor must be a security department under the terms established by law.

Article 29. DIPLOMATIC MISSIONS. The General Command of the Armed Forces may authorize permits to possess or carry weapons and munitions for the protection of diplomatic missions and their officials that are duly accredited before the Colombian government, taking into account the specific circumstances of each mission or official.

Article 30. AUTHORIZATION FOR INSTALLATION OF FIRING RANGES. After meeting the requirements established by the National Government, the installation of firing ranges requires authorization from the General Command of the Armed Forces.

Article 31. ARMS COMMITTEE OF THE MINISTRY OF NATIONAL DEFENSE. The Arms Committee shall consist of:

- a) Two delegates from the Ministry of National Defense;
- b) The Public Commissioner or his delegate;
- c) The Superintendent of Public Safety and Private Security or his delegate;
- d) The head of department D-2 EMC of the General Command of the Armed Forces;
- e) The Assistant Director of Judicial Investigation unit of Colombian National Police;⁹³
- f) The head of the Department of Commerce and Control of Weapons, Munitions and Explosives.

The Arms Committee will investigate and reach decisions on requests made by members of the public in regards to weapons, munitions, explosives and accessories in cases established in this law.

The Committee will be chaired by the delegate of the Ministry of Defense indicated above.

CHAPTER II. COMPETENCE, REQUIREMENTS, LOSS AND SUSPENSION OF PERMITS

Article 32. COMPETENCE. The following military authorities are competent authorities that can issue and renew permits to possess and carry firearms and for the sale of munitions and explosives in the places determined

by the Ministry of National Defense: the head of the Department of Commerce and Control of Weapons, Munitions and Explosives, heads of Operational Units or their equivalents in the Navy or Air Force, and executive and second commanders for tactical units in the National Army or their equivalents in the Navy and the Air Force.

Article 33. APPLICATION REQUIREMENTS FOR PERMITS TO POSSESS FIREARMS.

The following requirements must be met to approve applications for permits to possess:

1. For natural persons:
 - a) Return the form issued by the competent authority, duly completed;
 - b) Present a provisional or reservist military card;
 - c) Provide photocopies of a citizen identity card⁹⁴ and judicial certificate⁹⁵ duly authenticated;
 - d) Provide a medical certificate of psychophysical aptitude for the use of arms.
2. For legal persons:
 - a) Return the form issued by the competent authority, duly completed;
 - b) Provide a certificate of existence of legal representation;
 - c) Provide photocopies of identity card and judicial certificate duly authenticated by the legal representative;
 - d) Obtain approval from the Superintendent of Surveillance and Private Security for services under its supervision;

CLAUSE. In addition to the above requirements, the applicant must justify the need to possess and carry firearms for his or her security and protection, a fact which will be evaluated by the competent authority.

Article 34. APPLICATION REQUIREMENTS FOR PERMITS TO CARRY FIREARMS. The following requirements must be met to approve applications for permits to carry firearms:

1. For natural persons:
 - a) Satisfy the requirements of the preceding article, as appropriate;
 - b) If requesting permission to carry a weapon of defense, the applicant must justify the need to carry a weapon for self-defense and personal integrity in accordance with the provisions of Article 23 of this law, providing all available supporting evidence;
 - c) If requesting permission to carry a restricted weapon,

the applicant must prove that he or she is in danger of death or serious personal injury due to special circumstances of his or her profession, trade, position, or economic activity, must provide all available supporting evidence, and must obtain approval of the Committee of Arms of the Ministry of National Defense;

2. For surveillance services and private security:

a) Satisfy the requirements of this article for legal persons;

Article 35. INFORMATION PROVIDED TO

AUTHORITIES. Any information provided to authorities with the objective of obtaining weapons, munitions, and explosives shall be rendered under penalty of perjury; this fact shall be communicated to the applicant upon requesting said information.

It is the responsibility of the competent authority to investigate all circumstances and facts stated in the application by consulting the archives of the National Police, Department of Commerce and Control of Weapons, Munitions and Explosives, the General Command of the Armed Forces, and other state security agencies.

Article 36. CHANGE OF ADDRESS. The holder of a permit to possess or carry weapons shall report any change of address, or place where weapon is held, to the competent military authority within forty-five (45) days after the change and file for a change of permit for possession, if applicable.

Article 37. COST OF USE OF WEAPON AND ITS RETURN. Upon the effective date of this law, in order for a permit to possess or carry weapons to be issued and delivered the applicant shall pay the total cost of the weapon. Upon expiration of the permit, and in accordance with Article 87, section a), the permit may be extended, and if not extended the weapon must be returned to the competent military authority. Upon return of the weapon, the weapon's initial value, or any greater value determined by appraisal, will be returned to the owner except in the event of confiscation of the weapon that results in the loss of permit validity.

CLAUSE 1. Persons who, at the effective date of this law, possess weapons with corresponding permits should not be required to pay the value of the weapon a second time should any changes occur. However, upon the expiration of the permit, if the permit is not extended the weapon

must be returned to the competent military authority and the appraised value will be returned to its owner except in the event of seizure of the weapon.

CLAUSE 2. If the returned weapon is damaged, the cost of the repairs will be deducted. There will be no refund in cases of loss or theft.

CLAUSE 3. The Military Industry⁹⁶ is authorized to enter into contracts to facilitate the management and administration of values mentioned in this article.

Article 38. RENEWAL. If the holder of a permit to possess or to carry weapons desires to renew the permit, he or she should comply with the provisions established in this law. In any event, the General Command of the Armed Forces will send a written notice of the expiration of the permit to the address provided by the permit holder.

Article 39. REQUIREMENTS FOR RENEWAL. In order to renew a permit the holder must demonstrate that the circumstances that warranted the original permit continue at the present time, and in addition the holder must provide the following documentation:

- a) The form issued by the competent authority, duly completed;
- b) The valid permit;
- d) A photocopy of the citizen identity card and judicial certificate;
- e) A receipt of payment.

CLAUSE. The competent authority may order the presentation of the weapon at his or her discretion.

Article 40. EXPIRATION OF PERMITS. Permits can expire for any of the following reasons:

- a) Death of the permit holder;
- b) Use of the weapon without the respective authorization;
- c) Surrender of the weapon to the state;
- d) Deterioration or destruction of the weapon;
- e) Seizure of the weapon;
- f) A conviction of the permit holder that results in incarceration;
- g) Expiration of the permit.

CLAUSE 1. In the event of a death as listed in section a), the beneficiaries or interested parties should put the competent military authority on notice within ninety (90) days of the death, having obtained a permit to possess the weapon of the deceased, and having met the requirements of this law, without prejudice to inheritance proceedings that may take place.

CLAUSE 2. In the event of a conviction as described in section f) the weapons should be delivered, by any party authorized by the permit holder, to the military authority within ninety (90) days following the execution of the sentence. The seizure of said weapons will proceed after this term has ended.

Article 41. SUSPENSION. The authorities mentioned in article 32 of this law may generally suspend the validity of permits to possess or carry weapons issued to natural persons, legal persons, or rural properties. These authorities may also order the suspension of individual permits to natural persons, legal persons, or rural properties, with the approval of the Committee of Arms of the Ministry of National Defense, when, in the committee's opinion, the conditions that gave rise to the original grant have disappeared.

If the permit holder who receives an order of suspension does not return the firearm to the competent military authority within a period of five (5) days from the enforcement of the provision, the weapon will be seized without prejudice to existing legal holdings on the subject.

When the suspension is general, permit holders may not carry weapons.

CLAUSE 1. Governors and mayors may request that the competent military authority adopt a general suspension, either directly or through the Ministry of National Defense.

CLAUSE 2. The military authority that grants the general suspension of permits can either authorize or not authorize, in a general or individual manner, the carrying of weapons at the request of the respective owner, the governor, or the mayor.

Article 42. VOLUNTARY SUSPENSION. The holder of a permit can solicit the suspension of the permit when use of the weapon is not required.

When this occurs, weapons should be temporarily held at the Military Unit closest to the permit holder's place of residence.

CLAUSE. The time that runs while the permit is voluntarily suspended does not count against the effective term of the permit.

Article 43. LOSS OF PERMITS. When a permit is lost for any reason, the owner of the weapon must:

1. File a complaint;
2. Inform the military authority closest to his or her residence, within thirty (30) days of the occurrence, upon pain of incurring a sanction established in this law.

Upon completion of the above requirements the competent military authority can issue a new permit.

CHAPTER III. CONVEYANCE OF USE OF ARMS

Article 44. PETITION FOR THE CONVEYANCE OF USE OF ARMS. When a holder of a permit for possession or carry desires to convey use of his or her permit, he or she must complete the corresponding application and return it to the competent military authority; if the requirements of this law are met, the authority may authorize the application.

Article 45. CONVEYANCE PROCEDURE. The conveyance of use of arms for personal defense can be authorized in the following circumstances:

- a) Between natural or legal persons with authorization from the competent military authority;
- b) Collections between collectors and sporting arms between members of clubs affiliated with the Hunting and Shooting Federation,
- c) From a natural person to a legal person of which the natural person is a partner or share owner.

CLAUSE. Permits for possession of restricted arms may only be conveyed between relatives of up to the fourth degree of consanguinity, second degree of relation by marriage, first degree of civil relation, spouses, or permanent companions.

TITLE IV. MUNITIONS, EXPLOSIVES, AND THEIR ACCESSORIES

CHAPTER I. MUNITIONS

Article 46. DEFINITION. Munitions are firearms charges that are necessary for the proper function of firearms and are usually made up of a case, percussion cap, powder, and a projectile.

Article 47. CLASSIFICATION. Munitions are classified as follows:

1. By caliber;
2. By use: for war, private use, personal defense, sporting use, or for hunting.

Article 48. SALE OF MUNITIONS. The military authorities discussed in this law can sale munitions to permit holders.

At the discretion of the competent authority, the presentation of the weapon can be required along with the presentation of the permit.

CLAUSE. The General Command of the Armed Forces will determine the quantity and type of munitions and the frequency at which they can be sold for every type of weapon and for each type of permit.

Article 49. PROHIBITION. Private sale and use of explosive, toxic, expansive, and fragmentation munitions is prohibited.

CHAPTER II. EXPLOSIVES

Article 50. DEFINITION. Explosives are any body or mix that can, under certain conditions, rapidly produce a large amount of gasses with violent mechanical or thermal effects.

Article 51. SALE. The sale of explosives or their accessories will take place in compliance with the following requirements:

- a) Completion of the corresponding application;

- b) Proof of the activity that requires use of the explosive;
- c) Justification of the quantity of explosives and accessories required;
- d) Judicial certificate of the applicant;
- e) As required by the competent authority, the means that the entity or person that will use the explosive has to control the explosive.

CLAUSE 1. The sale of explosives will be subject to the discretion of the competent military authority taking into account public order in the zone where the material will be used, and the convenience and security of the state.

The sale can be permanent when it is shown that the explosives are for industrial use.

CLAUSE 2. The fabrication and sale of explosives on a work site can be authorized.

CLAUSE 3. The national government can exercise control over the elements required for industrial use which, when added together, make up explosive substances and over the original materials that are not explosive on their own but can be transformed into explosives through a process.

Article 52. RESPONSIBILITY. Every natural or legal person that acquires explosives is responsible for the correct and exclusive use of the same for the ends listed in the purchasing application. The individual who makes the purchase is subject to legal sanctions that may apply for any wrongful use or a different destination for the materials that take place due to fraud, negligence, or lack of care in the means of control.

Article 53. AERIAL TRANSPORTATION. Aerial transportation of weapons, munitions, explosives and their accessories will take place while observing the rules set by the Administrative Department of Civil Aeronautics, or the entity that makes such rules, in accordance to the stipulations of the Manual of Aeronautic Rules and all other provisions that create norms corresponding to this subject.

Article 54. TRANSPORTATION OF EXPLOSIVES. The transportation of explosives and their accessories within the national territory will take place in accordance with the requirements set forth by the General Command of the Armed Forces.

Article 55. PROVISION AND REGISTRATION

OF EXPLOSIVES. Marks, numbers, or other special distinctions intended to control indispensable quantities of explosives will be applied to explosives that are provided to natural or legal persons that have legal authorization to use explosives for industrial activities.

These persons will implement an archive in which the quality, characteristics, and percentage of the use of the materials is recorded.

Article 56. CONVEYANCE. The conveyance of explosives can only take place with the authorization of the competent military authority.

**TITLE V.
IMPORTATION AND EXPORTATION OF
WEAPONS, MUNITIONS, AND EXPLOSIVES.**

**Article 57. IMPORTATION AND EXPORTATION
OF WEAPONS, MUNITIONS, AND EXPLOSIVES.**

Only the National Government, by way of the Ministry of National Defense, may import and export weapons, munitions, explosives, and their accessories in accordance with the regulations set forth by the National Government.

The importation of explosives and base materials mentioned in clause 3 of article 51 of this law may proceed on behalf of private citizens for commercial convenience except where importation is for national defense and security. The government entity in charge of these operations may not derive any economic advantage, but may charge for administration and handling costs only.

Article 58. TEMPORARY IMPORTATION AND EXPORTATION. The National Government, through the Ministry of National Defense, may issue permits to import weapons, munitions, and their accessories to foreign companies or their representatives in this country with the purpose of executing authorized tests or demonstrations. In addition, the National Government may issue permits for temporary export for repairs or to participate in competitions.

Upon the expiration of the importation permit the elements shall be exported. The permit holder shall provide written proof of said act to the General Command of the Armed Forces.

CLAUSE. When the National Government authorizes foreigners to import weapons, the National Customs shall indicate in the interested parties' passports that the weapons will leave the country with their owners. This fact will be required and verified by immigration authorities.

**TITLE VI.
WEAPONS FACTORIES, PYROTECHNIC
ARTICLES FACTORIES, IMPORTATION AND
ADQUISITION OF RAW MATERIAL**

Article 59. OPERATION. Factories that produce pyrotechnic articles, black powder, pellets, percussion caps, and weapons repair workshops may only operate with a permit issued by the General Command of the Armed Forces, and by fulfilling the requirements required thereby.

Article 60. WEAPONS REPAIR. Natural or legal persons who need to repair weapons shall do so in workshops authorized by the General Command of the Armed Forces, and shall leave the corresponding permit or a photocopy thereof with the weapon.

CLAUSE. Repairing arms without a valid permit may result in the cancellation of the workshop's permit and the seizure of the weapon without prejudice to the corresponding legal sanction.

Article 61. SECURITY MEASURES. Security measures for weapons factories and workshops shall be established in security manuals issued by the General Command of the Armed Forces.

CLAUSE 1. The National Police will perform periodic inspections of weapons factories and workshops.

When necessary, the General Command of the Armed Forces will order inspections.

CLAUSE 2. Municipal authorities and Capital District authorities will determine the locations for factories and use of pyrotechnic articles.

Article 62. IMPORTATION OF RAW MATERIAL. Authorization from the General Command of the Armed Forces is required for the importation of raw material,

or the machinery or tools that are necessary for the operation of factories or workshops mentioned in article 59 of this law.

TITLE VII. SHOOTING AND HUNTING CLUBS

Article 63. AFFILIATION. The Colombian Shooting and Hunting Federation may include clubs dedicated to these activities as part of the organization where such clubs so desire. To be affiliated with the federation, clubs must complete the process established by the General Command of the Armed Forces, must have a hunting license from the entity that manages natural resources, and must obtain approval from the Commander of the Army Operating Unit of the jurisdiction where the club's headquarters is located, or the equivalent in the National Navy or Air Force.

Article 64. CONTROL OF CLUBS. Once shooting and hunting clubs are affiliated with the Colombian Shooting and Hunting Federation referred to in this chapter, they are under the control of the Army Operations Unit Command, or its equivalent in the Navy or Air Force, that has jurisdiction over the location of the club's headquarters, without prejudice to the authority of entities that are in charge of managing natural resources when necessary.

Article 65. RESPONSIBILITY. Each shooting and hunting club is responsible for security and the correct use of weapons and munitions owned by their members without regard to whether the club desires such responsibility. Each club will answer to the military authorities referred to in the previous article.

Article 66. SALE TO MEMBERS. The sale of munitions to club members is only authorized for the sporting weapons for which the members hold a permit. For hunting, the only sale of munitions authorized is the sale of munitions appropriate for the hunting of species and wild fauna authorized by the entity that manages natural resources.

Article 67. CONTROL OF MEMBERS. The control that shooting and hunting club members have over weapons and munitions will be granted by the military authorities referred to in article 64 of this law.

Article 68. REMOVAL. The Colombian Shooting and Hunting Federation will suspend or remove a club affiliate or member that infringes security norms, norms established for the use of arms and munitions, any other provision established by the Command, or the Natural Resource Code. Suspension or removal will depend on the situation and the discretion of the General Command of the Armed Forces.

Article 69. RETURN OF WEAPONS. The Colombian Shooting and Hunting Federation will deliver all authorized weapons and munitions that belong to a member who has been suspended or removed according to the previous article to the military authority of the club's headquarters referred to in article 64 of this law within ten (10) days of the suspension or removal. The weapons and munitions will be deposited temporarily at the Department of Commerce and Control of Weapons of the General Command of the Armed forces, and the act will be reported to the entity that manages natural resources.

CLAUSE. If after 90 days there has been no interest to retain the weapons in conformity with the provisions for the issuance of permits in this law, a value may be assigned to each weapon after an inspection.

TITLE VIII. COLLECTIONS AND COLLECTORS OF FIREARMS

Article 70. FIREARMS COLLECTORS. For the purposes of this law, firearms collectors are natural or legal persons that possess firearms for their historic, technological, or scientific characteristics, where such weapons are intended for private or public exhibit, and where the weapons have been classified as such by the Arms Committee of the Ministry of National Defense.

Collectors may affiliate themselves with an association that has been legally founded. Those who do not belong to any association shall fulfill the requirements established by the National Government.

The title of collector is determined by credentials issued by the association with which the collector is associated, or by the General Command of the Armed Forces if the collector is not a member of an association.

Article 71. ASSOCIATIONS OF FIREARMS

COLLECTORS. For the purposes of this law, persons who seek to possess all classes of firearms for collection and to promote and seek their exhibit and improvement in existing museums are considered collectors.

Article 72. DEPOSIT. Weapons for collection shall be located in a stationary or immobile museum with proper security measures in accordance with the regulations issued by the National Government.

Article 73. CREATION OF ASSOCIATIONS. Those interested in creating collectors associations shall apply to the General Command of the Armed Forces, comply with the requirements set forth by the National Government, and obtain approval from the Arms Committee of the Ministry of National Defense.

Article 74. ASSOCIATION CONTROL. Arms collection associations are under the control and supervision of the military authorities that have jurisdiction over the area where said associations are located. To this end, a minimum of one inspection of each collection per year will be done and a corresponding report will be made. A copy of the report will be sent to the General Command of the Armed Forces within fifteen (15) days of the inspection. Said inspection will be done prior to the first (1st) of December each year.

Article 75. RESPONSIBILITY OF THE COLLECTORS. Each collector is responsible for the security and correct use of the weapons they possess, and associations will verify, in writing, the compliance with the legal provisions that pertain to this subject matter. Collectors will be directly responsible to the Military Command of the jurisdiction.

The General Command of the Armed Forces will establish security measures that apply to weapons for collection and security measures that can be adopted if the first measures are not observed.

Article 76. INFORMATION GIVEN TO AUTHORITIES. The directors of each association shall promptly provide a list of persons that cease to be members for any reason along with the credentials and permits of these persons to the Military Unit Command of the jurisdiction for their annulment. The Military Unit Command will deliver the list to the Department of

Commerce and Control of Weapons. The information should be submitted within fifteen (15) days after the member leaves the association.

CLAUSE. The member that has been expelled from an association may apply to the Arms Committee of the Ministry of Defense to be a collector.

**TITLE IX.
SURVEILLANCE SERVICES AND PRIVATE SECURITY**

Article 77. USE OF ARMS FOR surveillance services AND PRIVATE SECURITY. Surveillance services and private security may use firearms for personal defense in the maximum proportion of one weapon for every three guards on the payroll, including restricted weapons, in accordance with clause 2 of article 9 of this law.

Article 78. FITNESS FOR WEAPONS USE. Every person who is armed and works in surveillance services or private security shall be trained in firearms use, and shall certify the completion of the training with the Superintendent of Surveillance and Private Security.

Article 79. POSSESSING AND CARRYING. In order to possess or carry weapons and to acquire munitions, surveillance services and private security must obtain permits from the competent authority located nearest the main office of the service. Personnel that carry arms shall have the following documents:

- a) Current credentials and identification issued by the Superintendent of Surveillance and Private Security;
- b) An authentic photocopy of the corresponding carry permit.

Article 80. RETURN OF WEAPONS. When surveillance services or private security services dissolve or lose the license or credentials that are required to function properly, they shall return weapons, munitions, and corresponding permits to the General Command of the Armed Forces. The value of the weapons and munitions that are turned in will be returned after an evaluation, unless a conveyance has been authorized.

Article 81. TRANSITORY RETURN OF WEAPONS. When surveillance service or private security personnel are suspended from labor, the legal representative or

the person who performs legal tasks will inform the Superintendent of Surveillance and Private Security of said suspension within ten (10) days, and will turn the weapons and munitions over to the local military unit. The military unit will make a record of the event and will transfer the weapons, munitions and permits to their installations.

Once the personnel are restored to their labors, they can apply to retrieve their weapons, munitions, and permits.

Article 82. RETURN OF UNUSABLE MATERIAL.

Unusable or obsolete material may be turned over to the General Command of the Armed Forces along with the permit for the corresponding material.

TITLE X. SEIZURE OF WEAPONS

Article 83. COMPETENCE. Authorities who are competent to seize weapons, munitions, explosives, and their accessories include the following:

- a) All active service members of the Public Force when in proper compliance of their service functions;
- b) Any attorney-general, judges, governors, mayors, and police inspectors within their respective territories, by way of the police, when they learn of unauthorized possession or carry of weapons, munitions, or explosives;
- c) Agents of the Administrative Department of Security, acting in their assignments, and officers that make up Judicial Police Units;
- d) Customs administrators and employees who are in charge of the examination of goods and luggage and who are acting within the scope of their assignments;
- e) Prison guards;
- f) Commanders of ships and airships during deployment.

Article 84. SEIZURE OF WEAPONS, MUNITIONS, AND EXPLOSIVES. A seizure will take place in every situation that involves the possession or carry of a weapon, munitions, or an explosive or their accessories without meeting the requirements set forth in this law. The seizing authority is under obligation to provide a receipt to the holder that indicates the date, place, characteristics, and quantity of the items seized (class, brand, caliber, number, and state), the full names of individuals involved, their identification numbers and addresses, the quantity of

cartridges, shells or other items seized, the number and expiration date of the permit, the name of the unit that made the seizure, the reason for the seizure, and the signature of the authority that made the seizure.

The seizing authority shall deliver the weapon, munitions, or explosive and their accessories, permit or license, and corresponding report to the competent officer immediately following the seizure.

CLAUSE 1. Failure of authorities to comply with this provision will be considered bad conduct for disciplinary purposes.

CLAUSE 2. Explosives and accessories that can detonate shall be taken to an authorized munitions dump where they will be stored or destroyed, depending on their condition.

Article 85. CAUSES OF SEIZURE. The following are activities that will result in seizure:

- a) Consumption of liquor or use of psychotropic substances while carrying arms, munitions, or explosives in public places;
- b) Carrying or transporting a weapon, munitions, explosives or their accessories in an obvious state of drunkenness or under the influence of psychotropic substances;
- c) Carrying, transporting, or possessing a weapon, munitions, explosive or their accessories without the corresponding permit or license;
- d) Carrying weapons, munitions, explosives or their accessories in political meetings, elections, public corporation meetings, assemblies, and mass demonstrations;
- e) Giving away a weapon or munitions without the corresponding authorization;
- f) Carrying or possessing a weapon, munitions, explosives or their accessories when the respective license or permit has expired;
- g) Carrying or possessing a weapon that has been altered in its serial number where the permit does not provide for such action;
- h) Allowing weapons, munitions, explosives and their accessories to be carried in areas other than those areas that have been authorized;
- i) Possessing or carrying a weapon that is the subject of a permit or license that has been altered;

- j) Possessing or carrying a weapon that is the subject of a permit or license that has deteriorated to the point that the information is not clearly displayed;
- k) Carrying, transporting, or possessing a weapon, munitions, explosive or their accessories without the corresponding license or permit even if a license or permit has been issued;
- l) Carrying a weapon, munitions, or explosive or their accessories in public performances;
- m) Any other situation where the competent authority decides that the unlawful use of weapons, munitions, explosives and their accessories may take place on the behalf of people or communities that possess such items, even if the items are duly authorized.

CLAUSE: For purposes of section k) of this article, the owner of the seized weapon, munitions, explosive or accessory will have 10 days, beginning from the date of the seizure, to produce the corresponding permit or license and solicit the return of the seized good, which will be immediately returned by the authorities.

TITLE XI FINE AND CONFISCATION OF WEAPONS, MUNITIONS, EXPLOSIVES, AND THEIR ACCESSORIES

CHAPTER I FINE

Article 86. COMPETENCE. The following are competent authorities for the purposes of imposing fines:

- a) Brigade Commanders in the Army, and their equivalents in the Navy and Air Force;
- b) Commanders in the Specific and Unified Commands;
- c) Tactical Unit Commanders in the Army and their equivalents in the Navy and Air Force;
- d) Commanders of the Police Department.

CLAUSE 1. In the event of a seizure, the Military Commander or Police Commander mentioned in this article will be the competent authority for the purposes of imposing a fine, depending on whether the police or the military seized the weapon.

CLAUSE 2: The sum of fine payments will be administered according the instructions from the Ministry of National Defense.

Article 87. FINE. Any person that does any of the following will be sanctioned with a fine equivalent to one monthly minimum wage:

- a) Renewing a permit within forty five (45) or ninety (90) calendar days following expiration, whether the permit be to carry or possess;
- b) Consumption of liquor or use of psychotropic substances while carrying arms, munitions, or explosives in public places;
- c) Failure to report the loss or theft of a permit within the thirty (30) days as established by this law;
- d) Failure to show a valid permit to the military authority within ten (10) days of the date of the seizure discussed in number 11 of the previous article of this law;
- e) Failure to inform the competent military authority of jurisdiction within thirty (30) calendar days of the loss or theft of a weapon, munitions, explosives and their accessories;
- f) Transporting weapons, munitions, and explosives without complying with the transportation security requirements established by the General Command of the Armed Forces;
- g) Allowing, in the case of legal persons, arms, munitions, explosives and accessories to be possessed or carried on a site other than the one authorized;
- h) Carrying, transporting, or possessing weapons, munitions, and explosives without the corresponding permit or license, even if one has been issued;
- i) Failure to inform the military authority which issued a permit of a change of address within forty-five (45) days following the change;
- j) Brandishing or shooting a firearm in public places without good cause, subject to the penalties provided by law.

CLAUSE 1: In case involving sections b) through j) of this article, if a fine has not been paid within thirty (30) days of its imposition, the confiscation of the weapon, munitions, or explosive will proceed.

The weapon, munitions, or explosives will be returned upon the payment of the fine within the legal period.

CLAUSE 2: In cases involving section a) of this article, if the permit is renewed after ninety (90) days and before

one hundred eighty days (180) of the expiration of the permit, the fine will be double the fine established in part I of this article.

If the permit is renewed after forty five (45) days and before ninety (90) days of the expiration of the permit, the fine will be double that established in the first section of this article.

CHAPTER II. CONFISCATION

Article 88. COMPETENCE. The following are competent authorities for the purposes of ordering the confiscation of weapons, munitions, explosives and their accessories:

- a) Any attorney-general and penal judges when the weapon, munitions, or explosives are linked together in one proceeding;
- b) Brigade Commanders and their equivalents in the National Navy and Air Force within their respective jurisdictions, and the Commanders of the Specific and Unified Commands;
- c) The Tactical Unit Commanders of the Army and their equivalents in the Navy and Air Force;
- d) Commanders in the Police Department.

Article 89. CONFISCATION OF WEAPONS, MUNITIONS, EXPLOSIVES, AND THEIR ACCESSORIES. The following are violations that result in confiscations:

- a) Any person that carries or possesses a weapon, munitions, or explosives and their accessories without a permit from the competent authority, without prejudice to criminal sanctions that may apply;
- b) Any person that carries or possesses weapons, munitions, explosives and their accessories on a property when the permit has expired due to the passing of more than ninety (90) days or one hundred eighty (180) days, depending on whether it is a permit to carry or possess;
- c) Any person that carries or transports arms, munitions, explosives and their accessories in an obvious state of drunkenness or under the influence of psychotropic substances;
- d) Any person that has been fined for consuming liquor or using psychotropic substances while carrying

weapons, munitions, explosives and their accessories in a public place, and that subsequently commits the same act;

- e) Any person that carries a weapon when the permit only allows for possession, without prejudice to criminal sanctions that may apply;
- f) Any person that carries weapons and munitions where the permits have been suspended due to a governmental provision, without prejudice to criminal sanctions that may apply;
- g) Carrying or possessing unauthorized munitions, an occurrence that will warrant the confiscation of the weapon if present, without prejudice to criminal sanctions that may apply;
- h) Any person that does not turn a weapon over to the state within the established time when the competent authority orders the cancelation of the validity of a permit;
- i) Any person that, through the use of weapons, munitions, explosives or accessories, attempts to destroy fauna, flora, the environment, and ecological areas of special importance, including the use of weapons discussed in article 25 of this law;
- j) Any person that transports explosives without fulfilling the requirements established by the General Command of the Armed Forces;
- k) Any person that takes weapons to repair workshops that lack the proper permit from the General Command of the Armed Forces, or that takes weapons to a workshop without the permit or an authentic photocopy of the corresponding permit;
- l) Any person that borrows or permits a third party to use the weapon, except in situations of an imminent and larger force;
- m) Any person that carries weapons, munitions, explosives and their accessories in political meetings, elections, public corporation sessions, and mass demonstrations, without prejudice to criminal sanctions that may apply;
- n) Any person that has been sentenced to imprisonment and has not turned the weapon in during the time discussed in clause 2 of article 40 of this law;
- ñ) Surveillance services and private security services that fail to turn weapons in within ten (10) days of the order to close or no renew the respective license unless a conveyance to another company has been authorized. Where the weapons are turned in during the established time, the Ministry of Defense will provide the company with the monetary value of the

weapons.

- o) Any person who does not pay the fine that has been applied within the time established by the administrative rule that provided for the sanction, if such act exists;
- p) Any person who conveys the use of a weapon, munitions, or explosives in any deed without authorization.

CHAPTER III. PROCEDURE

Article 90. ADMINISTRATIVE ACT. By way of administrative act the competent authority of the military or police will proceed with the return, the imposition of a fine, or the confiscation of a weapon, munitions, explosive, or accessory, within fifteen days of the date of the report from the officer who made the seizure or gave notice of the irregularity. This term can be increased by fifteen (15) days when testing is required.

CLAUSE 1. This article will not be applied to fines mentioned in letter a) of article 87 in accordance to clause 2 of the same.

CLAUSE 2. The return of weapons for the sole use of war, their munitions, and accessories that have been confiscated can only take place with the authorization of the General Command of the Armed Forces.

Article 91. APPEALS. The processes of repossession and appeals within the time established in the Code of Administrative Litigation provide a process for relief against the imposition of fines and the confiscation.

The appeals process will take place before the immediate superior of the authority that ordered the fine or confiscation.

TITLE XII. CONFISCATED MATERIAL, REMISSION, LINK TO PROCESS

CHAPTER I. CONFISCATED MATERIAL

Article 92. CONFISCATION BY VIRTUE OF JUDICIAL SENTENCE OR ADMINISTRATIVE ACT. Upon the signing of a sentence or administrative act that orders

the confiscation of a weapon of war, the weapon will be turned over to the General Command of the Armed Forces which can dispose of it according to the provisions of this law, or assign it to the Attorney General of the Nation, the Public force, national security organs, or other permanent official armed bodies.

The National Government will regulate the process that should be followed to use the material referred to in the previous article through the Ministry of Defense.

Article 93. REMISSION OF CONFISCATED MATERIAL. Confiscated material shall be sent by way of the Tactical and Operation Unit Commands, or their equivalents in the Navy or Air force, to the Department of Commerce and Control of Weapons, Munitions, and Explosives of the General Command each trimester, excepting only explosives and their accessories which will be destroyed before a corresponding report is made.

CLAUSE. Material that is confiscated in Santafé de Bogotá and Cundinamarca will be sent directly to the Department of Commerce and Control of Weapons, Munitions, and Explosives of the General Command by the authority that disposed of it within the time set forth in this article.

Article 94. LOSS OR ALTERATION OF SEIZED OR CONFISCATED MATERIAL. When, for any reason, seized or confiscated items are lost, misplaced, changed, or altered, an Administrative Report corresponding to the event will be initiated, without prejudice to criminal actions that may apply.

CHAPTER II. MATERIAL LINKED TO PROCEEDINGS

Article 95. MATERIAL LINKED TO A CRIMINAL PROCEEDING. Weapons and munitions of any type that are placed at the disposal of judicial authorities and that are part of a proceeding shall be placed by the respective judge or officer under the control and custody of the military or police authorities, depending on the circumstances, for a term not to exceed thirty (30) days, and will remain at the disposition of the competent officer for the purposes of the investigation. Judicial investigations and decisions that may apply shall take place at the location where said weapons and munitions are kept and these shall only be removed when laboratory expertise is required. If transportation to a laboratory is required, it must be done under the control

and custody of the military or police authority.

Article 96. MATERIAL LINKED TO A CIVIL PROCEEDING. If weapons, munitions, explosives, and their accessories are linked to a civil process, they will be placed under the control and custody of the local military or police authorities until a final determination regarding the items has been made by a competent judge.

Article 97. CASE DEVELOPMENTS AND COMPETENCE. When a change in instruction officer or a change in knowledge occurs due to procedural reasons and there are firearms, munitions or explosives that were seized under the control and custody of military and police authorities, both the party that sends the changing documents and the party that receives them will inform the competent authority of the change.

Article 98. JUDICIAL AUTHORITY WARNINGS. Judicial authorities have the duty to inform the Department of Commerce and Control of Weapons, Munitions, and Explosives of the initiation of any process referred to in this law to which weapons, munitions, explosives and accessories are linked, and of the final judicial order.

Article 99. EFFECTIVENESS OF JUDICIAL ADMINISTRATION. Authorities that do not comply with the provisions set forth in this law will be subject to bad conduct discipline.

CHAPTER III. DESTRUCTION OF CONFISCATED MATERIAL

Article 100. DESTRUCTION OF CONFISCATED ELEMENTS. The General Command of the Armed Forces, under the guidance of the Department of Commerce and Control of Weapons, Munitions, and Explosives and subject to the intervention of the internal audit of the command, will authorize the destruction of confiscated material that is determined to be useless and cannot be reused or utilized by the public force.

CLAUSE. Weapons and munitions of war are an exception to the provision established by this article.

Article 101. SALE OF CONFISCATED MATERIAL ABROAD. The National Government, by way of the General Command of the Armed Forces, can use private international bidding to sale weapons and munitions of

war that are considered useless, obsolete, and that are not prone to reuse and utilization by the public force.

CHAPTER IV. PERMITS FOR CONFISCATED WEAPONS

Article 102. ISSUANCE OF PERMITS FOR CONFISCATED WEAPONS FOR PERSONAL DEFENSE AND SPORT. The General Command of the Armed Forces may authorize the issuance of permits to possess or carry confiscated weapons for personal defense or sport.

Article 103. CONFISCATED WEAPONS AND MUNITIONS FOR COLLECTIONS. Weapons and munitions that cannot be used by the Public Force and that have historic, technological, or scientific value may be sent to the Military Museum or other public museum that highlights the value of the weapons.

Where weapons are not requested by a public museum, a permit may be issued to arms collectors that are duly affiliated with authorized associations after said collector has paid the value placed on the arm at its valuation.

The Arms Committee of the Ministry of National Defense will establish general policies for the classification and valuation of weapons for collection.

TITLE XIII. PROHIBITIONS

Article 104. PROHIBITION OF LOTTERIES FOR WEAPONS AND MUNITIONS. Lotteries for weapons and munitions are prohibited. Failure to observe this norm will result in disciplinary or criminal action against the responsible party.

CLAUSE. Shooting clubs and collection associations may participate in auctions that are limited to club or association members.

TITLE XIV. VARIOUS PROVISIONS

Article 105. OTHER WEAPONS. The National Government is authorized to regulate the possession and carry of any new weapons that may come about and that are not classified in this law.

TITLE XV.
TRANSITORY ARTICLES

Article 106. SECURITY DEPARTMENTS. Legal persons that have five or more weapons upon the enactment of this law shall, within a period of time no more than 150 calendar days, conform to these provisions to become Security Departments according to the terms established in this law.

Article 107. REGISTRY OR RETURN OF WEAPONS. Upon the effective date of this law, those that possess firearms without a permit shall opt for any of the following options:

- a) Weapons registration. At the effective date of this law and until February 28, 1994, the interested party shall complete the "weapons registration form" that will be distributed by the General Command of the Armed Forces for this purpose by way of Military Units and Police Commands in weekly publications and newspapers of national and regional circulation.

Said form will consist of two (2) parts:

1. Registration application for obtaining a permit to possess.
2. A cutout that will be a "temporary permit to possess" for the weapon that will expire September 30, 1994.

The registration application (part one) will be sent by the applicant by mail to a post office box that will be established by the Ministry of Defense in Santafé de Bogotá, along with a receipt showing the deposit made in the national account which will indicate the value that was established and paid for the possession of the weapon to the Ministry of Defense.

The applicant will keep a copy of the receipt and the "temporary possession permit" which he or she will fill out, and which will serve as proof that a permanent permit is being processed. Authorities may verify the authenticity of the "temporary possession permit" at any time.

Upon verification of the information provided, the competent authority may issue a possession permit to the name of the applicant for the corresponding weapon or weapons, and said permit will be sent by mail to the address found in the "weapons registry form" prior to

September 30, 1994.

Applications for permits to carry registered weapons will be resolved within the year following the issuance of the temporary possession permit.

- b) Return of weapons. Upon the effective date of this law and prior to February 28, 1994, those who possess or have firearms with or without a permit may return them to the Brigade or Tactical Unit Commands of the Army, or to their equivalents in the Navy or Air Force. The State will pay the value of the weapons upon their valuation.

Article 108. EXTENTION OF VALID PASSES. Permits that are valid on the effective date of this law, called passes, will be valid until September 30, 1994.

Article 109. EXCHANGING PASSES FOR PERMITS TO POSSESS OR CARRY. Upon the effective date of this law and until March 17, 2004, holders of valid passes that were issued under law 1663 of 1979 shall change to the new permits for possession or carry through the following process:

1. The General Command of the Armed forces will distribute the "form for exchange of passes" in weekly publications in newspapers of national and regional circulation by way of Military Units and Police Commands.
2. The price established for each permit shall be deposited according to the instructions that are set forth by the Ministry of National Defense.
3. Said form shall be filled out by the holder of the passes for each weapon that he or she possesses; photocopies of the format are accepted. The original pay receipt and form shall be sent prior to March 17, 1994 to the post office box established by the Ministry of National Defense in Santafé de Bogotá.

If the holder needs a carry permit, he or she can decide which arm he or she would like to carry, and comply with the requirements established for that end. While the authority decides whether to issue a permit to carry, a temporary carry permit will be authorized for a period no more than two years.

Those that find themselves in circumstances listed in the second sentence of article 23 or section c) of article 34

or this law may solicit permits to possess or carry by complying with the established requirements.

Where a permit to carry is not required, permits to possess each of the weapons will be issued for a term of between eight (8) and ten (10) years.

The General Command of the Armed Forces will send the corresponding permits by mail to the applicant prior to September 30, 1994.

CLAUSE 1. Any person that has a valid pass upon the effective date of this law and does not apply for the change to the new permits for possession or carry prior to March 17, 1994 will incur a fine of 1 minimum monthly wage upon that date. However, the person may apply for the change by paying the fine prior to September 30, 1994. After that date, the weapon will be subject to seizure without prejudice to criminal sanctions that may apply.

CLAUSE 2. Persons who serve in security or private security that are authorized to do so by the Ministry of National Defense may apply for permits to carry according to the type of service authorized in the organization's license.

While the authority decides whether to issue the permit to carry according to the terms of this law, temporary carry is authorized for a period of two (2) years.

Article 110. PASS EXPIRATION. All passes issued under law 1663 of 1979 will be invalid after September 30, 1994.

Article 111. VALIDITY. This law will be in effect upon the date of its publication and will repeal any contrary dispositions, especially law 1663 of 1979 and the norms that modify or add to that law.

PUBLISH AND EXECUTE

Given in Santafé de Bogotá, D.C., December 17, 1993

CESAR GAVIRIA TRUJILLO

RAMON EMILIO GIL BERMUDEZ

General

The General Commander of the Armed Forces in charge of the operations of the office of the Ministry of National Defense

LAW 1809 OF 1994

Law 1809 of 1994

(August 3)

Official Diary No.41.473, of August 4, 1994

By which Law 2535 of 1993 is regulated.

The President of the Republic of Colombia,

Exercising the powers granted to him by section 111, article 189 of the Political Constitution,

DECREEES:

Article 1. For the purposes of Law 2535 of 1993, article 8, clause 2, the weapons and munitions of war or for the use of the Public Force that can be carried by members of national security organs, or permanent official armed bodies created or authorized by law include the following:

- a. Pistols and revolvers of a caliber greater than 9.652 mm. (38 inches);⁹⁷
- b. Semiautomatic or automatic pistols and machineguns.

CLAUSE 1. In exception to this article, the Attorney General of the Nation, the Office of the Attorney General, the Administrative Department of Security (DAS) and the National Penitentiary Institute (INPEC) may possess long arms such as rifles and carbines with the authorization of the Arms Committee of the Ministry of National Defense.

CLAUSE 2: The permit to carry weapons referred to in this article will be issued by competent authorities for up to ten (10) years.

Article 2: In accordance with Law 2535 of 1993, article 9, clause 3, the Arms Committee of the Ministry of National Defense may authorize the carry of restricted weapons in the following manner:

- a) Up to two (2) weapons per natural person when the circumstances listed in Law 2535 of 1993, article 34, section c) are shown through evidentiary elements;
- b) Two weapons to officials and sub-officials of the Public Force on active duty;
- c) One weapon to members of the Executive Level and National Police agents on active duty;
- d) Security departments may have one weapon

per every five members, and no bodyguard may have more than four weapons at one time while performing his or her labors as a guard.

Article 3: For the purposes of Law 2535 of 1993, article 18, the following safety conditions must be observed for transportation of weapons and munitions with a possession permit from one place to another, for repair, for shooting range practice, and for sporting or hunting at authorized sites:

- a) The individual must have the valid possession permit on hand;
- b) The weapon and any discharge mechanisms⁹⁸ must be carried in separate packages.

CLAUSE: For the purposes of this article, members of shooting clubs affiliated with the Colombian Federation of Shooting and Hunting and weapons collectors shall comply with the following requirements:

- a) Members and collectors must have a valid possession permit on hand;
- b) Members and collectors must have valid credentials of affiliation issued by the Colombian Federation of Shooting and Hunting or a collectors credentials on hand;
- c) The weapon and any discharge mechanisms must be carried in separate packages.

Article 4. Permits to possess weapons will be issued to collectors and sportsmen who are duly registered due to the nature of their affiliation or sport.

CLAUSE: For legal purposes, weapons that were produced prior to the year 1900 do not require a permit for possession or carry; however they should have a credential issued by the General Command of the Armed Forces.

Article 5: The following requirements are established for the installation of firing ranges as referred to in Law 2535 of 1993, article 30:

- I. An application for such a purpose must be turned in to the General Command of the Armed Forces and must include the following information:
 - a) Complete full name, citizen identification number, and address of the applicant;

- b) The exact location at which the applicant plans to install the range.
2. Current judicial certificate.
3. Approval from the military authority of the respective jurisdiction, as set forth in Law 2535 of 1993, article 32, in which the place where the range is to be installed is included and the conditions stipulated in the Manual of the National Army for such purposes are met. Persons who will work at the range must also demonstrate capacity to handle and use weapons.
4. A log that will be filed and registered with the Department of Commerce and Control of Weapons, Munitions and Explosives of the General Command of the Armed Forces containing all of the necessary information for persons that use the range (date, time, full name, address, telephone number, quantity of munitions, etc.). This log will be checked during the first five days of each month by the local military authority.
5. A report issued by the respective civil authority that indicates that the range installation within the jurisdiction does not affect public tranquility and security.
6. Every range must have a responsible administrator who shall certify capacity in the handling of weapons and who is duly inscribed with the Superintendent of Surveillance and Private Security as an Assessor of Security.

The operating license will be valid for three (3) years and can be extended.

The approvals and reports mentioned in numbers 3 and 5 of this article are required for the extension of the license.

Once the requirements are met, the General Command by way of the board of the Department of Commerce and Control of Weapons, Munitions, and Explosives will award the respective license if it is considered pertinent.

The sale of munitions or accessories and the sale and consumption of alcoholic beverages is totally prohibited within the ranges without the authorization of the Military Industry.

Only persons who have a valid permit to carry or possess, and those who are conducting private security training in accordance with article 23 of this Law may make use of

the range.

Article 6: The Arms Committee of the Ministry of National Defense referred to in article 31 of Law 2535 of 1993 will meet one time each month after being convened by the Committee Secretary. In extraordinary circumstances, a meeting can be convened by any member by way of the Secretary.

The Committee Secretariat position will be filled by the Chief of the Department of Commerce and Control of Weapons, Munitions, and Explosives of the General Command of the Armed Forces.

Persons who have knowledge of topics that will be debated at the meetings can attend as guests after having made an appointment with the Committee Secretary.

The Committee can hold a valid session when five of its members are in attendance and decisions are made by the majority.

Article 7: The Arms Committee of the Ministry of National Defense will consider all submitted applications and shall decide whether to issue and revalidate permits for possession and carry of restricted weapons, munitions, and explosives by way of the competent military authority. To that end, in addition to the other requirements established by law, the Committee will perform the following functions:

- a) Make determinations, in light of the approval of the Superintendent of Surveillance and Private Security, in regards to the authorization to issue a permit to possess or carry restricted weapons to companies, persons, or entities that are registered and regulated by said Superintendent.
- b) Make determinations in regards to applications for permits to carry restricted arms for people who are faced with the circumstances contemplated in Law 2535 of 1993, article 34, in conformity with the stipulations found in the second sentence of article 23 of the same law.
- c) Approve the suspension and cancelation of permits to carry or possess held by natural or legal persons or rural properties;
- d) Recommend the temporary suspension of the sale of weapons, munitions, and explosives to the competent military authorities when such a measure

is deemed necessary to preserve public order and the security of all citizens;

- e) Recommend general policies in regards to the acquisition of weapons, the sale of munitions and explosives, and the import and export of weapons, munitions, and explosives.
- f) Issue regulations to promote control of industrial elements that, although not explosive, become explosive when not combined with other elements, and over elements that are not explosive but become explosive through a process.

Article 8: For the purposes of Law 2535 of 1993, article 33, section d) the following are established as causes to deny the issuance of a medical certificate demonstrating psychophysical aptitude for the use of arms:

1. VISION.

- a) Monocular vision: Visual sharpness in one eye of two-thirds, with or without glasses or contact lenses.
- b) Binocular vision: Visual sharpness less than two-thirds in each eye, or one half in the worse eye and two-thirds in the strong eye, with or without glasses or contact lenses.
- c) Hemeralopia:⁹⁹ not allowed.
- d) Central scotoma:¹⁰⁰ not admissible.
- e) Optic nerve damage: not admissible.
- f) Existence of nystagmus.¹⁰¹
- g) Illnesses involving both eyes, the strong eye, or general processes that can evolve into the reduction of vision or the defects mentioned in the sections above.

2. HEARING.

- a) Hyperacusis,¹⁰² with or without headphones, of more than thirty-five percent loss combined between both ears. This is determined through tone tests to obtain a number indicating the combined loss.
- b) Any alteration of balance manifested in the moment of recognition while a causal ailment subsists.
- c) Epilepsy in any form, or spasm movements.
- d) Exclusive or spastic symptoms of any etiology.
- e) Temblors whether intentional or of great oscillations. All processes that produce large movements of the head, abdomen, or extremities.
- f) Muscular diseases or diseases of the central or peripheral nervous system that produce deficiencies

in movement or coordination of superior members or loss of ostensible strength.

g) All types of intracranial high blood pressure.

3. MENTAL STATE.

a) Those effected by grave mental retardation that alters or notably deteriorates the personality;

b) All psychosis;

c) All neurologic processes that are intense enough to determine that the use, handling, or possession of firearms is dangerous;

d) Psychopathic personalities that are aggressive are not socially adapted;

e) Manifested depressions, regardless of suicide attempts. (intense)

4. TOXIC DEPENDANCE

a) Chronic alcoholism and dependence on narcotic and psychotropic substances

5. LOCOMOTIVE SYSTEMS

a) Anatomic or functional loss, sickness, lesion, or after effects of all or part of both superior members that manifestly reduces the safety of the use or handling of weapons.

b) Mutilation of the thumb such that grasping with the guiding hand is difficult.

c) Loss of two flanges of the index finger on the guiding hand.

d) Loss of three fingers on the guiding hand.

e) In addition, any sickness, lesion, or after effect not included above that elicits a suggestion that a valid permit to carry or possess be denied due to current or prognostic graveness.

CLAUSE: Personnel from the Ministry of Defense, Armed Forces, and National Police are exempted from the requirement of receiving a medical certificate demonstrating psychophysical aptitude.

Article 9: For the purposes of article 37 of law 2535 of 1993, the following procedure will be established:

1. The Military Industry will sale weapons to the Nation-Ministry of National Defense-General Command of the Armed Forces, according to list prices and to the

value tax added (IVA).

2. The Military Industry will place ten percent (10%) of the sale price in a fund that allows the industry to enter into fiduciary contracts with the purpose of paying holders of possession or carry permits the value of use of the weapon at the expiration or return of the permit to competent military authorities.

3. The military authorities mentioned in article 32 of Law 2535 of 1993 will authorize the Military Industry to proceed in collecting the value of the use of weapons and issue the corresponding weapons. Said cost shall be made up of the following:

a) The values stipulated by the National Government by looking at the national tax on permits to carry or possess firearms.

b) The cost that the General Command of the Armed Forces sets for the creation of each permit.

c) The social tax on weapons and munitions established by article 224 of law 100 of 1993 beginning on 1 January 1996.

4. The General Command of the Armed Forces will authorize the Military Industry to manage the return of the value of weapons before the Financial Company within 30 calendar days.

Article 10: In the case of a conveyance of restricted weapons between persons contemplated in the clause under article 45 of Law 2535 of 1993, documentation verifying the family relation between the parties should be provided.

Article 11: In order to purchase explosives from the Military Industry, as stipulated in article 52 of Law 2535 of 1993, the interested party shall comply with the following:

a) Public Entities

1. Submit an application from the entity to the Department of Commerce and Control of Weapons, Munitions, and Explosives in Santafé de Bogotá, to the Commander of the Tactical Unit Brigade, or to the Naval or Air base of the city where the Military Industry storage is located. The application should include:

a. Indicate the class and quantity of weapons and accessories that are needed.

b. Indicate the activity that requires the explosive.

c. Demonstrate storage method and security.

d. Indicate the place where the explosives will be used, including the exact location.

2. Provide verification issued by the military authority of the zone or place where the explosives will be employed including the name of the persons designated to control the explosives and the manner in which the explosives will be employed.
3. Duly certify the person in charge of processing and receiving requested material.
4. Keep a log to record the control and movement of explosives and their accessories.
5. Keep a monthly chart that details the use and employment of explosives and their accessories.

b) Legal persons of private right.

6. Submit an application under the terms of section a) of number 1 of this article indicating:
 - a) Indicate the class and quantity of explosives and accessories that are needed;
 - b) Provide evidence that supports the quantity of explosives and accessories that are requested;
 - c) Provide proof of the activity that requires the use of the explosive;
 - d) Demonstrate storage method and security;
 - e) Indicate the exact location and place where they will be used.
 2. Provide documentary proof issued by the military authority of the zone or place where the explosives will be employed including the names of the persons designated to control the explosives and the manner in which the explosives will be employed.
 3. Provide a certificate demonstrating the existence of legal representation.
 4. Provide a current judicial certificate of the legal representative.
 5. Show a license for exploration, exploitation, and an operating permit issued by the competent authorities.
 6. Keep a log of the control and movement of the explosives and accessories.
 7. Keep a monthly chart that shows the consumption of explosives and accessories.
- c) Colombian citizens or foreigners.
1. Complete an application to the Department of Commerce and Control of Weapons, Munitions, and Explosives at the garrison of Santafé de Bogotá or to the Brigade Commander of the Tactical Unit, Naval or Air Base of the garrison closest to the Military Industry warehouse.
 - a) Indicate class and quantity of explosives and accessories that are needed;
 - b) Provide evidence that supports the quantity of explosives and accessories that are requested;

- c) Demonstrate storage method and security;
- d) Identify the exact location and place where they will be used.
2. Provide documentary proof issued by the military authority of the zone or place where the explosives will be employed. Such proof will also record the plans to use the explosives, the security measures that will be implemented, the place of storage, the name of the person that will be assigned to control the explosives, and the manner of control.
3. Provide a valid national judicial certificate for the applicant.
4. Keep a log of the control and movement of the explosives and accessories.
5. Keep a monthly chart that shows the use or employment of explosives and their accessories.
6. In order to exploit a mine of any type, the petitioners must present a corresponding license that has been issued by the competent authority.

Article 12: In furtherance of the provisions in Law 2535 of 1993, article 52, clause 3, for the purpose of controlling Nitrocellulose that contains no less than 25% alcohol by weight and does not exceed 12.6% nitrogen by dry weight, material with no less than 18% plastic substance by weight and no more than 12.6% nitrogen by dry weight, or material with no less than 25% water by weight, the Department of Commerce and Control of Weapons, Munitions, and Explosives of the General Command of the Armed Forces is empowered to require and receive the following information from people that use or commercialize said material:

1. For users:
 - a) Name, tax number, and address;
 - b) Certification from the Chamber of Commerce (which must be renewed each year);
 - c) Annual plan for the purchase of nitrocellulose and its modifications, if any;
 - d) Execution of purchasing plan by trimester;
 - e) Execution of plan for the use of Nitrocellulose;
 - f) Storage place for Nitrocellulose.
2. For importers and marketers:
 - a) Name, tax number, and address;
 - b) Certification from the Chamber of Commerce (which must be renewed each year);
 - c) Annual plan for the purchase of Nitrocellulose and its modifications, if any;
 - d) Annual plan for the sale of Nitrocellulose and its

- modifications, if any;
- e) Execution of the purchasing plan by trimester;
 - f) Execution of plans to sale by trimester, indicating the name of purchasers, date of the purchase, and the quantity sold;
 - g) Place where the nitrocellulose is stored.

Article 13: Importers, marketers, or users of Nitrocellulose that is referred to in the previous article are obligated to maintain a log detailing use if they are consumers, or name, tax number, address and corresponding quantities and dates for each purchase if they are importers or marketers. These records must coincide with their official accounting records.

Article 14: At the very latest the required annual plans for purchase and sale shall be sent to the Department of Commerce and Control of Weapons, Munitions, and Explosives of the General Command of the Armed Forces during the month of December of the year immediately prior to the year during which the plans will be carried out.

Article 15: The reports required each trimester by article 12 shall be sent to the Department of Commerce and Control of Weapons, Munitions, and Explosives of the General Command of the Armed Forces within the first ten (10) days of the months of January, April, July, and October of each year.

Article 16: In order to compare the information received from importers, the Department of Commerce and Control of Weapons, Munitions, and Explosives of the Armed Forces will request importation permits for the respective trimester from Incomex.¹⁰³

Article 17: It is the responsibility of mayors, as supreme police authorities in their respective jurisdictions, by way of the branch that they represent, to be sure that nitrocellulose is stored and used in conformity with the technical norms and industrial security standards established by producers, the IATA,¹⁰⁴ the international consulting agency from the United Nations, and the list from Colombian ports of dangerous products. In every case where industrial or commercial establishments fail to comply with said norms, their health licenses may be suspended.

To this end, the Department of Commerce and Control of Weapons, Munitions, and Explosives of the General

Command of the Armed Forces will supervise the mayors, and provide the names and addresses of importers, marketers or users of the nitrocellulose.

Article 18: For the purposes of the application of article 56 of law 2535 of 1993, the transportation of explosives and their accessories shall be subject to the following requirements:

TERRESTRIAL, MARITIME, AND FLUVIAL

- Authorization for the sale of explosives and their accessories.
- Transportation permits for explosives issued by the respective military authority.
- Payment receipt issued by the Military Industry.
- The escort's written application given to the military authority of the jurisdiction. Without the application, the material may not be transported.
- Certification from the transporting entity in which the entity takes responsibility for the transportation and custody of the material from the origin to the final destination.

AIR:

- The same requirements listed above and previous authorization from the Civil Aeronautics in which the type of material authorized to be transported is expressly clarified.

Article 19: For the purposes of article 57 of law 2535 of 1993, the National Government, by way of the Military Industry, may import and export weapons, munitions, and explosives at the request of legal and natural persons by complying with the following requirements:

- a) Legal persons, whether Colombian or foreign.
 - I. An application in which the following information is included:
 - a) Class and quantity (in volume) of the material that will be imported,
 - b) The port from which the material will embark;
 - c) The port at which the material will arrive to the country;
 - d) The final destination (place where it will be stored);
 - e) The concentration percentage of the explosives;
 - f) The name of the consignee;
 - g) The name of the exporter;

- h) The manner in which the material will be employed;
- 2. A certificate demonstrating the existence of legal representation.
- 3. Approval issued by the competent military authority.
- 4. Approval issued by the Military Industry.
- b) Natural persons whether Colombian or foreign.
 - 1. A written application that includes the following requirements:
 - a) A valid national judicial certificate and military record.
 - b) Approval issued by the Commander of a Brigade, Tactical Unit, or Naval or Air base near the applicant's residence.

Article 20: In conformity with article 58 of Law 2535 of 1993, the General Command of the Armed Forces may issue and revalidate temporary permits for export and import of weapons and munitions for sporting or hunting for marksmen that may enter or leave the country with the purpose of participating in international competitions, hunting activities, and arrangements or replacements of the same.

CLAUSE: For hunting, previous authorization from the Ministry of the Environment of Colombia¹⁰⁵ is required as well as certification demonstrating affiliation with the Colombian Federation of Shooting and Hunting. Without these requirements the General Command of the Armed Forces will abstain from issuing the corresponding authorization.

Article 21: In furtherance of article 59 of law 2535 of 1993, in order for factories that produce pyrotechnic articles, black powder, pellets, percussion caps, and for weapons repair workshops to operate in the national territory, an operation permit will be issued upon meeting the following requirements:

- a) The following is required for an operation permit for factories and dispensaries that produce or dispense pyrotechnic articles:
 - 1. An application directed to the General Command of the Armed Forces that includes the following information:
 - a) Full name and citizen identification number of the applicant;
 - b) Address of residence and the site designated for the production or dispensing of the articles;
 - c) Relation to persons that will participate in the process, and the citizen identification number,

- address, telephone number, and valid national judicial certificates of said individuals.
- 2. Valid national judicial certificate of the applicant.
- 3. A study of the security of the installations and of personal security done by the military authority of the area.
- 4. Certification of experience in the handling and production of powder and pyrotechnic articles.
- 5. Certification that personnel are fit to fabricate pyrotechnic articles, or in absence of such certification, an exam done before the Technical Board that will be established by the Department of Commerce and Control of Weapons, Munitions, and Explosives of the General Command of the Armed Forces.
- 6. Certification of security issued by the Body of Firefighters.
- 7. The product's container, approved by the Ministry of Public Health.¹⁰⁶
- 8. Approval of the civil authority in regards to the ability of the factory installations to coexist in the community.
- b) For operating permits for weapons workshops, the following is required:
 - 1. An application directed to the General Command of the Armed Forces that includes the following information:
 - a) Full name, citizen identification number, and address of the applicant.
 - b) Location of the workshop.
 - 2. Valid national judicial certificate of the applicant.
 - 3. A study of the security of the installations and of the personnel done by the local military authority.
 - 4. Certification of experience handling and producing powder and pyrotechnic articles.
 - 5. Certification that personnel are fit to fabricate pyrotechnic articles, or in absence of such certification, an exam done before the Technical Board that will be established by the Department of Commerce and Control of Weapons, Munitions, and Explosives of the General Command of the Armed Forces.
 - 6. Certification of security issued by the Body of Firefighters.
 - 7. The product's container, approved by the Ministry of Public Health.
 - 8. Approval of the civil authority in regards to the ability of the factory installations to coexist in the community.

-
- c) For operating permits for weapons workshops, the following is required:
 1. An application directed to the General Command of the Armed Forces that includes the following information:
 - a) Full name, citizen identification number, and address of the applicant.
 - b) Location of the workshop.
 2. Valid national judicial certificate of the applicant.
 3. A study of the security of the installations and of the personnel done by the local military authority.
 4. Certification that personnel are fit to fabricate pyrotechnic articles, or in absence of such certification, an exam done before the Technical Board that will be established by the Department of Commerce and Control of Weapons, Munitions, and Explosives of the General Command of the Armed Forces.
 5. A log filed and registered with the Department of Commerce and Control of Weapons, Munitions, and Explosives of the General Command of the Armed Forces. This log will be revised within the first five days of each month by the local military authority.
 6. A report of weapons that have been repaired shall be annexed and delivered to the Department of Commerce and Control of Weapons, Munitions, and Explosives within the first five days of each month.

CLAUSE: The operating permit for weapons workshops and factories that produce pyrotechnic articles will be valid for three years from the date it is issued. Renewal of the operating permit is subject to the requirements established in this article.

Article 22: In order for a club to become affiliated with the Colombian Federation of Shooting and Hunting, and in accordance with the provisions established in article 63 of law 2535 of 1993, the interested parties shall provide the following documents:

1. Club statutes.
2. Credentials as a legal person.
3. List of members and valid national judicial certificate of each member.
4. Constitution and minutes of the club, which shall provide evidence of the number of members.
5. Approval issued by the Commander of the local military unit which approves the following aspects of the club:

- a) Approval of club members.
- b) Conditions under which control over weapons and munitions of club members is exercised.
- c) Ability of the club to practice three modes of international sport shooting.
- d) The usefulness of the club's operations within the jurisdiction.

CLAUSE 1: In no case shall the number of club members be less than 21.

CLAUSE 2: Authorities will perform at least one annual inspection in order to control weapons and munitions acquired by members of the clubs.

CLAUSE 3: An annual report will be provided to the Colombian Federation of Shooting and Hunting by the General Inspection of the General Command of the Armed Forces.

CLAUSE 4: Clubs affiliated with the Colombian Federation of Shooting and Hunting shall comply with the related provisions found in the manual of norms for security and accident preventions in order to construct ranges and weapon depositories.

Article 23: CONTROL. For the purposes of the provisions of article 64 of Law 2535 of 1993, the Commanders of operational or tactical units or their equivalents in the National Navy or Air force, will perform an annual inspection of the weapons and munitions that are possessed by Shooting and Hunting Club Members, Weapons Collectors, Surveillance Companies, and Security Departments that are within their jurisdictions with the purpose of verifying compliance with applicable legal norms.

Article 24: For the purposes of article 66 of law 2535 of 1993, the sale of munitions to club members will be processed, completed, and distributed by the Colombian Federation of Shooting and Hunting.

Article 25: The Colombian Federation of Shooting and Hunting, by way of the shooting club to which the member belongs, will surrender a suspended or retired member's authorized weapons and munitions to the military authority referenced in article 69 of Law 2535 of 1993.

Article 26: In order to comply with Law 2535, article 70, second sentence, weapons collectors that are not affiliated with an association shall obtain a permit by complying with the following requirements:

1. Submit an application to the General Command of the Armed Forces in which the class or type of weapons are specified and are shown to be considered weapons for collection due to their historic, technologic, or scientific characteristics.
2. Obtain the support of the respective Command of the local military authority by providing with the following requirements:
 - a) An opinion in regards to the applicant.
 - b) The applicant's ability to exercise control over weapons, munitions, and their accessories.
 - c) The feasibility of possessing arms in the jurisdiction.
 - d) An opinion in regards to security measures in accordance with the provisions stipulated in this article.
3. Valid national judicial certificate.
4. Approval of the Arms Committee of the Ministry of National Defense.

Article 27: For the purposes of article 72 of Law 2535 of 1993, weapons collectors shall at a minimum adopt the following security measures:

1. Have a place available where the security and exhibition of weapons is guaranteed, and in consequence, comply with obligations to observe the following:
 - a) The windows must be protected by iron bars.
 - b) The access door shall be accompanied by a second door made up of steel bars.
 - c) The alarm system must be connected to doors and windows.
 - d) Where possible, the exhibit should not be located near the door used to access the building.
- e) Collectors that have more than 20 weapons must protect them in a secure vault using electric systems.
2. Norms for deactivation of restricted weapons.
 - a) For pistols, remove the firing pin and extracting mechanism.
 - b) For rifles and long arms, remove the bolt.
 - c) For automatic and semiautomatic weapons, remove the detachable magazine and leave only the firing mechanism and barrel.

- d) The parts that are removed in accordance with the previous sections shall be placed inside a safe with all security measures which shall be located in a site apart from the exhibit where the weapons that the pieces belong to are located.

Article 28: In accordance with the terms of article 73 of law 2535 of 1993, any person who wishes to create an association of weapons collectors must file an application with the General Command of the Armed Forces and obtain approval from the Arms Committee of the Ministry of Defense and certify the following:

1. The association statutes approved by the General Command of the Armed Forces.
2. Class or type of each member's collection.
3. A list of weapons for each member.
4. The association's constitution and evidence of the number of members, which in no case may be less than 21.
5. Approval issued by the respective military authority discussed in article 32 of Law 2535 of 1993.

Article 29: When surveillance and private security services are required to serve as escorts while carrying firearms, they shall demonstrate that they have complied with the requirements listed in Law 2535, article 34, section c regarding escorted persons to the Superintendent of Surveillance and Private Security.

Escorts for vehicles and goods shall justify any travel through circumstances such as means, time, and place. Surveillance companies and private security companies with authorized escorts shall verify compliance with the above requirements.

Article 30: In order to facilitate suitability for the use of weapons as contemplated in article 78 of Law 2535 of 1993, competent military authorities may authorize the sale of munitions to entities that are dedicated to the education and training of private security personnel in quantities set by the General Command of the Armed Forces, and in consideration of the programs and range practice times that are scheduled.

Article 31: In furtherance of Law 2535, article 86, clause 2, the proceeds gained from fines will be deposited in the Internal Fund accounts of the corresponding unit.

Authorities from the Military or National Police that impose a fine shall, within the first five (5) days of each month, send a report containing the fines, full names of fined parties, identification numbers, the characteristics of the weapon, and the amount deposited.

Article 32: The confiscated material referred to in article 93 of Law 2535 of 1993 shall be sent to the General Command of the Armed Forces when it is not linked to any criminal or civil legal process.

Article 33: Those who were in possession of passes that expired on 28 February 1994 may apply for a new permit for possession prior to 30 September 1994 through the following process:

- a) Complete, under pain of perjury, a form that will be distributed by the General Command of the Armed Forces for this purpose by way of military units and police commands.

Said forms will contain two parts:

1. Application to obtain a possession permit.
2. A "temporary permit for possession" for the weapon that can be separated from the document and that is valid until 31 October, 1994;
- b) Part one of the application, along with a receipt showing a deposit made in the Agrarian Account (national account no. 0950001585-5) for the Ministry of National Defense in the amount of one hundred ten thousand pesos (\$110,000), will be sent by the applicant by mail to box number 700 in Santafé de Bogotá;
- c) Upon verification of the information, the competent authority may issue a possession permit to the name of the applicant for the declared weapon or weapons, which permit will be sent by mail to the address registered by the petitioner prior to 31 October 1994.
- d) The applicant will keep a copy of the payment receipt and the "temporary possession permit" which he will be fill out to certify that the permanent possession permit is being processed. The authorities may verify the validity of the "temporary possession permit" at any time.

Article 34: The days and months indicated in this law will be counted in conformity with the calendar.

Article 35: This law will take effect upon the date of its publication.

Publish, distribute, and execute

Given in Santafé de Bogotá, D.C. on 3 August, 1994.

CESAR GAVIRIA TRUJILLO

The vice minister of property and public credit, in charge of the functioning of the office of the ministry of property and public credit,

Héctor José Cadena Clavijo

The Minister of National Defense

Rafael Pardo Rueda

LAW 1119 OF 2006

Law 1119 of 2006

(December 27, 2006)

Official Journal No. 46.494 of December 27, 2006

CONGRESS OF THE REPUBLIC

By which records and permits for controlling the carry and possession of firearms that have expired are updated and by which other purposes are dictated.

THE CONGRESS OF COLOMBIA

DECREEES:

Article 1. UPDATING FIREARMS RECORDS AND EXPIRED PERMITS.

On the effective date of this law natural and legal persons, who are in possession of firearms registered with the Systematized National Archives of the Department of Commerce and Control of Weapons, Munitions and Explosives of the General Command of the Armed Forces, who have an expired pass or permit to carry may choose to:

1. Process the renewal of the respective permit to carry or possess with the Department of Commerce and Control of Weapons, Munitions and Explosives (DCCA), after fulfilling the following requirements:

a) Initiate the process between March 10, 2007 and August 31, 2008, during which time a minimum fine will

be applied as provided for in this law;

b) Submit the Sole National Form, provided by competent military authority, duly completed;

c) Submit a photocopy of the permit to carry or possess, a photocopy of the expired pass that supported the weapon, or a photocopy of an invoice of use and sale issued by the Military Industry. For assigned weapons, the invoice demonstrating the assignment issued by the General Command of the Armed Forces must be submitted;

d) Attach a photocopy of the citizen identity card and the current court certificate of the applicant or legal representative as a legal person, also attaching a current certificate from the Chamber of Commerce;

e) Submit proof of payment of a fine equivalent to one-fourth (1/4) of the current monthly minimum wage for each weapon and also pay the value for the requested weapon use permit in full. The payment should be made to the bank account created by the General Command of the Armed Forces for that purpose.

2. Return the weapon, until August 31, 2008, to the General Command of the Armed Forces, Department of Commerce and Control of Weapons, Munitions and Explosives, through the Brigade Command or Tactical Unit of the Army, or their equivalents in the Navy or Air Force, who will create receipt, pay the owner the respective value of each weapon according to the valuation table created by the General Command of the Armed Forces for this purpose, and make the respective entries in the Systematized National Archives of Arms.

CLAUSE 1. Upon entry into force of this law, and within the period of time established in this article, citizens may turn in any firearm they possess illegally, either by not having a pass or permit issued by the competent military authority, not having a bill of allocation issued by the General Command of the Armed Forces, or because they could not prove the legality of the weapon's origin, conduct for which the citizen will receive compensation in cash for each weapon surrendered under the valuation table for firearms of the General Command of the Armed Forces.

CLAUSE 2. Citizens who have registered weapons in the Systematized National Archives of Arms for which they have failed to prove legal origin should deliver the weapons in the term established in this article, for which they shall receive a cash payment for each weapon delivered in accordance with the valuation table

established by the General Command of the Armed Forces, and the record will be discharged from the system.

CLAUSE 3. If the holders of permits to carry or possess do not meet the above requirements upon the expiration of the period on August 31, 2008, they may renew the permit at any time by paying one (1) monthly minimum wage for each firearm. In any case such a weapon may not be carried by the holder of the expired permit, on pain of being confiscated by the competent authority, and being subject to any criminal penalties as may be appropriate.

Article 2. FINE. Article 87 of Law 2535 of 1993 shall read as follows:

Article 87. Fine.

1. Any person who undertakes any of the following conduct shall be punished by a fine equivalent to one fourth (1/4) of the current monthly minimum wage:

a) Failure to renew a permit to carry within forty-five (45) calendar days or failure to renew a permit to possess within ninety (90) calendar days following the expiration of said permits;

b) Failure to inform the competent military authority of jurisdiction within thirty (30) calendar days of the loss or theft of a permit;

c) Failure to submit the current permit to the military authority within ten (10) days from the date of seizure as described in Law 2535/93 Article 85 section k;

d) Failure to report the loss or theft of weapons, munitions, explosives or their accessories to the competent military authority of the jurisdiction within thirty (30) days;

e) Carrying arms or munitions and explosives without compliance with the safety requirements for transportation established by the General Command of the Armed Forces;

f) Failure to inform the military authority which issued a permit of a change of address within forty-five (45) days following the change;

g) Failure to process documentation for transfer on death within ninety (90) days provided for in Article 40 of Law 2535 of 1993.

2. Any person who undertakes any of the following conduct shall be punished by a fine equivalent to one (1) current monthly minimum wage:

- a) Consumes liquor or uses psychotropic substances while carrying weapons, ammunition, explosives or accessories in a public place;
- b) Allows, in the case of legal persons, weapons, ammunition, explosives or accessories to be possessed or carried on a location other than the one authorized;
- c) Brandishes or shoots a firearm in public places without good cause, subject to the penalties provided by law;
- d) Carries, transports, or possesses weapons, munitions, explosives or related materials without the corresponding permit or license, despite having been issued.

CLAUSE 1. In the case of items b) to g) of paragraph 1 and items a) to d) of paragraph 2 of this article, if the fine has not been paid within thirty (30) days from the date of execution of the decision imposing the fine, the confiscation of weapons, ammunition or explosives shall proceed. If the fine be paid within the legal term, any weapons, munitions, or explosives that have been confiscated shall be returned.

CLAUSE 2. If the permit is renewed after ninety (90) calendar days and before one hundred eighty (180) calendar days of its expiration, a fine of double the amount provided in first subsection of this article, i.e. two quarters (2/4) of the current monthly minimum wage shall be imposed.

If the permit to carry is renewed after forty-five (45) calendar days but before ninety (90) calendar days after its expiration, the fine is double that stipulated in subsection one of this article, i.e. two quarters (2/4) the current monthly minimum wage.

Article 3. ADMINISTRATIVE ACT.

Article 90 of Law 2535/93 will read as follows:

Article 90. *Administrative act.* The competent military or police authority, by administrative act, will order the return of weapons, munitions, explosives and accessories, or the imposition of fines or confiscation of weapons, munitions, explosives, or accessories, within fifteen days of receipt of the report of the official who seized the item or gave notice of the irregularity. This term shall be extended fifteen (15) days where testing is required.

CLAUSE 1. The provisions of this article shall not apply for purposes of the fine stipulated in clauses a), b), d) g)

of paragraph 1 of Law 2535/93, Article 87, in accordance with paragraph 2 of the same.

ARTICLE 4. VALIDITY OF EXISTING PERMITS FOR POSSESSION AND CARRY. Permits to possess and carry weapons in force at the date of issue of this law shall be valid until they expire.

ARTICLE 5. NATIONAL MILITARY AND POLICE FORCES. Military identification cards and police identification cards entitle officers and noncommissioned officers of the Armed Forces and National Police on active duty, to carry up to two (2) arms for their personal defense, which, by way of obligation, must be duly registered in the Systematized National Archives of the Department of Commerce and Control of Weapons, Munitions and Explosives of the General Command of the Armed Forces. The expiration fine established by this law does not apply to said parties.

CLAUSE. Retired members of the Armed Forces and National Police who are members of reserve units will have two (2) years from retirement to update records of firearms and use permits for firearms they possess in the amounts authorized in Law 2535 of 1993, during which time they will not pay the expiration fine established by this law. Those who have been retired due to misconduct are not entitled to the benefits provided in this article.

Article 6. Article 45 of Law 2535/93 will read as follows:

Article 45. Origin of the assignment. The transfer of use of firearms may be authorized under the following circumstances:

- a) Between natural or legal persons, upon written authorization of the competent authority;
- b) From natural person to a legal person of which the person is a partner and owner of a share;
- c) Between members of clubs affiliated to the Colombian Federation of Hunting and Shooting Sports, and from one club to another;
- d) Weapons for collection may be transferred among collectors, and between collectors and non-collectors. Upon the death of an owner, a firearm may be given to another collector, the heirs, any other individual, or returned to the state. This act of transfer must be preceded by a written request to be authorized by the Department of Commerce and Control of Weapons,

Munitions and Explosives of the General Command of the Armed Forces.

CLAUSE. When an assignment is made between a collector and a non-collector, the latter shall obtain a permit to carry or possess as required by Law 2535/93 regarding numbers and classification of weapons.

Article 7. The General Command of the Armed Forces, in exercising its statutory powers, will restructure and modernize the Department of Commerce and Control of Weapons, Munitions and Explosives, to allow the department to perform the functions assigned by this law, which changes must be initiated within three (3) months of the enactment of this law, and must provide for the reallocation of resources for the DCCA for the direct income to be received for the legalization and updating of records and expired permits to control the carrying and possession of firearms, munitions, explosives.

CLAUSE. To fulfill this law, the General Command of the Armed Forces will provide the personnel needed in each of the Operating and Tactical Units of the Armed Forces to facilitate the efficient working of sections of Control of Firearms, Munitions, and Explosives of the entire country.

Article 8. PROHIBITION ON THE MANUFACTURE OF CHEMICAL WEAPONS. The manufacture, repair, marketing, import, export, storage, transport and use of all nuclear, chemical and biological weapons, and accessories that are proscribed by international treaties to which Colombia is a party, is prohibited. This also applies other laws, in particular to Law 525 of August 1999 by which the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction is ratified.

Article 9. PERMIT FOR POSSESSION. Article 22 of Law 2535 of 1993, shall read as follows:

Article 22. Permit to possess firearms. A permit is a document that authorizes the holder to keep the weapon on the property corresponding to the residence, workplace, or other place to be protected. Only two (2) permits to possess may be authorized per person.

CLAUSE. In order to issue a permit for permanent possession, a collector shall submit his or her credentials as a collector as required by this law. To obtain a permit

to possess firearms, sportsmen must prove membership in a shooting or hunting club affiliated with the Colombian Federation of Hunting and Shooting Sports.

Article 10. SUSPENSION. Article 41 of Law 2535 of 1993 shall read as follows:

Article 41. Suspension. The authorities mentioned in article 32 of Law 2535 of 1993, may generally suspend the validity of permits to possess or carry weapons issued to natural persons, legal persons, or rural properties. These authorities may also order the suspension of individual permits to natural persons, legal persons or rural properties, with the approval of the Committee of Arms of the Ministry of National Defense, when in the committee's opinion, the conditions that gave rise to the original grant have disappeared.

If the permit holder who receives an order of suspension does not return the firearm to the competent military authority within a period of five (5) days from the enforcement of the provision, the weapon will be seized without prejudice to existing legal holdings on the subject.

When the suspension is general, permit holders may not carry weapons.

CLAUSE 1. Governors and mayors may apply to the competent military authority to adopt a general suspension, either directly or through the Ministry of National Defense.

CLAUSE 2. The military authority that grants the general suspension of permits can either authorize or not authorize, in a general or individual manner, the carrying of weapons at the request of the respective owner, the governor, or the mayor, after careful examination of the circumstances and grounds of national security and public safety.

CLAUSE 3. The Government, through the authorities referred to in Article 32 of Law 2535 of 1993 may prohibit in some parts of the country the carrying and/or possession of firearms for natural, legal and foreign persons.

Companies that provide private security surveillance services and security departments properly set up and approved by the Superintendent of Surveillance and

Private Security are excepted.

On the effective date of the suspension provision referred to in this paragraph, persons who possess or carry firearms with a valid permit shall turn them over to the military unit in their jurisdiction within thirty (30) days, and a cash payment will be provided for each weapon surrendered, the amount of which will be determined by the valuation table of the General Command of the Armed Forces that can be downloaded from the system.

Article 11. Article 33 of Law 2535/93 will read as follows:

Application requirements for a permit to possess and carry firearms.

The following requirements must be met to approve applications for permits to possess:

1. For natural persons:

- a) Return the form issued by the competent authority, duly completed;
- b) Present a provisional or reservist military card;
- c) Provide photocopies of identity card and judicial certificate duly authenticated;
- d) Provide a medical certificate demonstrating psychophysical aptitude for using weapons, exhibiting the credibility of the technological, systemic, and required measurements that assess the capacity of vision, auditory orientation, visual acuity and visual field, the person's comprehensive coordination (attention span and resistance to monotonous circumstances, reaction times, bi-manual coordination, psychic personality, and decision making), the horizontal and vertical phoria,¹⁰⁷ mesopic¹⁰⁸ vision, kinetic sharpness, visual perception, and long range vision within the ranges set by the Ministry of National Defense. All other provisions of Law 2535 of 1993, Law 1809 of 1994, and other laws governing the subject are also included.

2. For legal persons:

- a) Return the form issued by the competent authority, duly completed;
- b) Provide a certificate of existence of legal representation;
- c) Provide photocopies of identity card and judicial certificate duly authenticated by the legal representative;
- d) Obtain a favorable opinion from the Superintendent of Surveillance and Private Security for services under their supervision;
- e) Comply with the existing provisions in Law 2535 of

1993, the provisions of Law 1809 of 1994, and the other laws governing the subject.

CLAUSE 1. In addition to the above requirements, the applicant must justify the need to possess and carry firearms for their security and protection, a fact which will be evaluated by the competent authority.

In addition to the above requirements to possess, to approve applications for permits to carry the following requirements must be met:

1. For natural persons:

- a) Satisfy the relevant requirements of this article;
- b) If requesting permission to carry a weapon of defense, the applicant must justify the need to carry a weapon for self-defense and personal integrity in accordance with the provisions of Article 23 of this law, providing all available supporting evidence;
- c) If requesting permission to carry a restricted weapon, the applicant must prove that he or she is in danger of death or serious personal injury due to special circumstances of his or her profession, trade, position, or economic activity, must provide all available supporting evidence, and must obtain approval of the Committee of Arms of the Ministry of National Defense;
- d) Provide a medical certificate demonstrating psychophysical aptitude for using weapons, exhibiting the credibility of the technological, systemic, and required measurements that assess the capacity of vision, auditory orientation, visual acuity and visual field, the person's comprehensive coordination (attention span and resistance to monotonous circumstances, reaction times, bi-manual coordination, psychic personality, and decision making), the horizontal and vertical phoria, mesopic vision, kinetic sharpness, visual perception, and long range vision within the ranges set by the Ministry of National Defense. All other provisions of Law 2535 of 1993, Law 1809 of 1994, and other laws governing the subject are also included.

2. For surveillance services and private security:

- a) Satisfy the requirements of this article for legal persons;
- b) Satisfy the requirements of other existing provisions established by Law 2535 of 1993, Law 1809 of 1994, and other laws governing the issue;
- c) Obtain a favorable opinion of the Superintendent of Surveillance and Private Security.

CLAUSE. In the case of renewal, in addition to other

requirements set forth herein, the applicant shall provide the current or expired permit. At the direction of the competent military authority, the production of the firearm for study and tactical inspection may be required.

Article. TRANSITORY. When the holder of the weapon is not the registered owner, he or she must, in addition the requirements for transfer on death, establish a legitimate right as an heir to use the weapon with a copy of a the previous owner's death certificate; if the holder is not an heir he or she shall provide the legal documents that prove that the registered user transferred the weapon to the holder seeking to benefit from this law. This procedure applies only from March 1, 2007 until August 31, 2008.

Article 12. EFFECTIVE. This law applies from the date of publication and repeals all rules and provisions which are contrary.

**The President of the honorable Senate of the Republic
DILIAN FRANCISCA TORO TORRES.**

**The Secretary General of the honorable Senate of the Republic
EMILIO RAMÓN OTERO DAJUD.**

**The President of the honorable House of Representatives
ALFEDO APE CUELLO BAUTE.**

**The Secretary General of the honorable House of Representatives
ANGELIO LIZCANO RIVERA.**

REPUBLIC OF COLOMBIA - NATIONAL GOVERNMENT

So ordered published and executed.

**Given in Bogotá, D. C., on December 27, 2006.
ALVARO URIBE VÉLEZ**

**The Minister of Property and Public Credit
ALBERTO CARRASQUILLA BARRERA.**

**The Minister of National Defense
JUAN MANUEL SANTOS.**

ENDNOTES

* University of Denver, Sturm College of Law, J.D. 2011; Research intern, Independence Institute, Golden, Colorado. <http://www.independenceminstitute.org>. Special thanks to David Kopel for research suggestions and review.

¹ Francisco de Paula Santander, BIBLIOTECA VIRTUAL BANCO DE LA REPUBLICA, <http://www.banrepcultural.org/blaavirtual/biografias/santfran.htm>.

² Archive of Colombian Constitutions, CONSTITUCIONES GENERALES, <http://www.cervantesvirtual.com/portal/constituciones/pais.formato?pais=Colombia&indice=constituciones>.

³ CONSTITUCIÓN POLÍTICA DE COLOMBIA [POLITICAL CONSTITUTION OF COLOMBIA], July 20, 1991.

⁴ Leyes de Indias [Laws of the Indies], Libro IV, Título VI, Ley iij (1542), available at <http://www.congreso.gob.pe/ntley/LeyIndiaP.htm>.

⁵ Jorge Orlando Melo González, *Los Derechos Humanos en Colombia*, 156 *Revista Credencial Historia* (2002) available at <http://www.banrepcultural.org/blaavirtual/revistas/credencial/diciembre2002/losderechos.htm>.

⁶ Declaration of the Rights of Man and of the Citizen, article 2 (1789).

⁷ CONSTITUCIÓN DE CUNDINAMARCA [CONSTITUTION OF CUNDINAMARCA], Title XII, article 8 (1811).

⁸ *Id.* at Title IX, article 3.

⁹ ACTA DE LA FEDERACIÓN DE LAS PROVINCIAS UNIDAS DE NUEVA GRANADA [ACT OF THE FEDERATION OF THE UNITED PROVINCES OF NEW GRANADA], article 16 (1811), available at http://www.cervantesvirtual.com/servlet/SirveObras/89145173211214929532457/p0000001.htm#1_0.

¹⁰ CONSTITUCIÓN DE CUCUTA [CONSTITUTION OF CUCUTA], article 24 (1821), available at <http://www.antiesscualidos.com/img/1821%20%20Constitucion%20de%20Cucuta%20-%20Revolucion%20Bolivariana%20-%20Constituciones%20Politicas.pdf>. See also CONSTITUCIÓN DE 1830 [CONSTITUTION OF 1830], ARTICLE 31 (1830); CONSTITUCIÓN POLÍTICA DEL ESTADO DE NUEVA GRANADA [POLITICAL CONSTITUTION OF THE STATE OF NEW GRANADA], article 36 (1832); & CONSTITUCIÓN DE LA REPUBLICA DE NUEVA GRANADA [CONSTITUTION OF THE REPUBLIC OF NEW GRANADA], article 35 (1843), available at <http://www.cervantesvirtual.com/portal/constituciones/pais.formato?pais=Colombia&indice=constituciones>.

¹¹ CONSTITUCIÓN DE 1830 [CONSTITUTION OF 1830], article 152 (1830), available at <http://www.bibliojuridica.org/libros/5/2212/7.pdf>.

¹² Ley 599 de 2000, article 32, Diario Oficial No. 44.097 (2000), available at http://www.secretariasenado.gov.co/senado/basedoc/ley/2000/ley_0599_2000.html

¹³ CONSTITUCIÓN PARA LA CONFEDERACIÓN GRANADINA [CONSTITUTION FOR THE GRANADINE CONFEDERATION], article 11, section 4 (1858), available at http://www.cervantesvirtual.com/servlet/SirveObras/01477398877125528632268/p0000001.htm#1_1.

¹⁴ *Id.* at article 56 section 11.

¹⁵ CONSTITUCIÓN POLÍTICA DE LOS ESTADOS UNIDOS DE COLOMBIA [POLITICAL CONSTITUTION OF THE UNITED STATES OF COLOMBIA], article 15, sections 14 & 15 (1863), available at http://www.cervantesvirtual.com/servlet/SirveObras/07030730122947295209079/p0000001.htm#1_1.

¹⁶ Although a method for reforming or amending the Colombian

Constitution existed prior to 1886, this Constitution set forth a viable method for reformation. Prior to 1886, only a few reforms were made to constitutions; the constitution was often rewritten to reflect views of new governments. At least eight reforms were made to the 1886 Constitution between 1886 and 1991. The 1886 Constitution stated that "This Constitution may be reformed by legislative act, first being debated and approved in three debates by the Congress in ordinary form, transmitted by the Government for a definite examination to the subsequent legislature, debated anew by this body, and ultimately approved by a two-thirds vote in both chambers."

Constitución de 1886 [Constitution of 1886], article 209 (1886), available at http://www.cervantesvirtual.com/servlet/SirveObras/68062733439359617422202/p0000001.htm#I_1.

¹⁷ CONSTITUCIÓN DE 1886 [CONSTITUTION OF 1886], article 48 (1886), available at http://www.cervantesvirtual.com/servlet/SirveObras/68062733439359617422202/p0000001.htm#I_1.

¹⁸ CONSTITUCIÓN POLÍTICA DE COLOMBIA [POLITICAL CONSTITUTION OF COLOMBIA], Jul. 20, 1991. Spanish text available at <http://www.banrep.gov.co/regimen/resoluciones/cp91.pdf>.

¹⁹ *Id.* at article 223.

²⁰ U.N. Office on Drugs and Crime, *Violence, Crime, and Illegal Arms Trafficking in Colombia*, 46 (Nov, 2006) available at http://www.unodc.org/pdf/Colombia_Dec06_en.pdf.

²¹ Naturalized Colombian citizens.

²² David Kopel, *A Chance to Fight Back*, N.Y. Times, Room for Debate blog, January 11, 2011, <http://www.nytimes.com/roomfordebate/2011/01/11/more-guns-less-crime/a-chance-to-fight-back>.

²³ Ley 599 de 2000, Diario Oficial No. 44.097 (2000), available at http://www.secretariassenado.gov.co/senado/basedoc/ley/2000/ley_0599_2000.html.

²⁴ Ernesto Emiliano Santamaría, *Legítima Defensa*, Procedimientos Policiales Colombia Blog (31 May, 2010, 11:29 A.M.), <http://procedimientospolicialescolombia.blogspot.com/2010/05/la-legitima-defensa.html>.

²⁵ *Id.*

²⁶ *Id.*

²⁷ Ley 2535 de 1993, Diario Oficial No. 41.142 (1993), available at http://www.secretariassenado.gov.co/senado/basedoc/decreto/1993/decreto_2535_1993.html.

²⁸ Law 2535, Title III.

²⁹ Law 2535, Title IV, Chapter II.

³⁰ Law 2535, Title VII-VIII.

³¹ Law 2535, Title X-XII.

³² Ley 1809 de 1994, Diario Oficial No. 41.473 (1994), available at <http://www.unlirec.org/Upload/Documents/20@dec1809031994.pdf>.

³³ Law 1809, article 8.

³⁴ *Id.*

³⁵ Law 1809, articles 7, 12, 13, 16 17, 19, 20.

³⁶ Law 1809, article 21.

³⁷ Law 1809, articles 22, 23, 24, 25.

³⁸ Ley 1119 de 2006, Diario Oficial No. 46.494 (2006), available at http://www.secretariassenado.gov.co/senado/basedoc/ley/2006/ley_1119_2006.html.

³⁹ Law 1809, articles 1, 2.

⁴⁰ Law 2535, article 7.

⁴¹ Law 2535, article 10.

⁴² Law 2535, article 11.

⁴³ Law 2535, article 12.

⁴⁴ INTERNATIONAL SHOOTING SPORT FEDERATION, <http://www.issf-sports.org/>.

⁴⁵ Law 2535, article 13.

⁴⁶ Law 2535, article 14.

⁴⁷ Law 2535, article 15.

⁴⁸ Law 2535, article 48.

⁴⁹ THE WORLD FACT BOOK, COUNTRY COMPARISON: POPULATION, available at <https://www.cia.gov/library/publications/the-world-factbook/rankorder/2119rank.html>.

⁵⁰ SMALL ARMS SURVEY 2003: GUNS AND THE CITY 47, available at <http://www.smallarmssurvey.org/files/sas/publications/yearb2007.html> (the survey estimates that only about 700,000 of those arms are legally registered with the government).

⁵¹ *Id.*

⁵² THE WORLD FACT BOOK, COUNTRY COMPARISON: POPULATION, available at <https://www.cia.gov/library/publications/the-world-factbook/rankorder/2119rank.html>.

⁵³ SMALL ARMS SURVEY 2003: GUNS AND THE CITY 47, available at <http://www.smallarmssurvey.org/files/sas/publications/yearb2007.html>.

⁵⁴ U.N. Office on Drugs and Crime, *Violence, Crime, and Illegal Arms Trafficking in Colombia*, 55 (Nov, 2006) available at http://www.unodc.org/pdf/Colombia_Dec06_en.pdf.

⁵⁵ Law 2535, title III.

⁵⁶ Law 2535, article 20.

⁵⁷ Law 2535, article 20.

⁵⁸ Law 2535, article 16.

⁵⁹ Law 2535, article 22-23.

⁶⁰ Law 2535, article 33. The evidence of military service is only needed if the applicant previously worked in or has retired from the military; prior military service is not a requirement to obtain a permit. Documentos Requeridos (Required Documents), PORTAL DEL ESTADO COLOMBIANO, <http://www.gobiernoenlinea.gov.co/web/guest/home/-/government-services/3470/maximized>.

⁶¹ Law 2535, article 22.

⁶² Law 2535, article 34.

⁶³ Law 2535, article 34. SECTION C; MINISTERIO DE DEFENSA NACIONAL (MINISTRY OF NATIONAL DEFENSE), <http://www.mindefensa.gov.co/irj/portal/Mindefensa>.

⁶⁴ Law 2535, article 23.

⁶⁵ Law 1809, article 3.

⁶⁶ Law 2535, article 37.

⁶⁷ Law 1119, article 6.

⁶⁸ Law 2535, title VII.

⁶⁹ Law 2535, title VIII.

⁷⁰ Law 1809, article 27.

⁷¹ E-mail from U.S. citizen and government contractor living in Colombia, to Jonathan E. Shaw, Author and Student at Univ. of Denver, Sturm Coll. of Law (Mar. 29, 2011 09:41 A. M. MST) (on file with author).

⁷² *Id.*

⁷³ INDUMIL, <http://www.indumil.gov.co/>.

⁷⁴ Departments are akin to states or provinces; they are the political units that make up the different regions in Colombia. Colombia has 33 political divisions: 32 departments and one capital district. DEPARTMENTS OF COLOMBIA, <http://www.statoids.com/uco.html>.

⁷⁵ Law 2535, articles 22-23.

⁷⁶ E-mail from U.S. citizen in Colombia, *supra* note 71.

⁷⁷ *Colombia: los civiles no podrán portar armas hasta cuatro días después de la jura de Santos*, Eldiarioexterior.com, August 3, 2010, http://www.eldiarioexterior.com/colombia-los-civiles-no-podran-39666_noticia.htm

⁷⁸ Law 2535, article 42.

⁷⁹ Law 2535, article 40.

⁸⁰ Law 2535, article 85.

⁸¹ Law 2535, article 89.

⁸² Law 2535, article 90.

⁸³ U.N. Office on Drugs and Crime, *Violence, Crime, and Illegal Arms Trafficking in Colombia* 55 (Nov, 2006) available at http://www.unodc.org/pdf/Colombia_Dec06_en.pdf.

⁸⁴ The Spanish word used for “rifle” in Colombia is “fusil” or the plural “fusiles.”

⁸⁵ SUPERINTENDENCIA DE VIGILANCIA Y SEGURIDAD PRIVADA (SUPERINTENDENT OF SURVEILLANCE AND PRIVATE SECURITY), <http://www.supervigilancia.gov.co/>.

⁸⁶ The word “pulgadas” translates to “inches” in English; the Spanish text includes the measurement in inches in parenthesis.

⁸⁷ INTERNATIONAL SHOOTING SPORT FEDERATION, <http://www.issf-sports.org/>.

⁸⁸ “The production, import, possession and use of chemical, biological, and nuclear arms, as well as the import of nuclear residue and toxic waste, is prohibited. The State will regulate the import and export and use of genetic resources in accordance with the national interest.” CONSTITUCIÓN POLÍTICA DE COLOMBIA [POLITICAL CONSTITUTION OF COLOMBIA], July 20, 1991, article 81.

⁸⁹ DEPARTAMENTO CONTROL COMERCIO DE ARMAS MUNICIONES Y EXPLOSIVOS (DEPARTMENT OF COMMERCE AND CONTROL OF WEAPONS, MUNITIONS, AND EXPLOSIVES), <https://190.24.128.140/SIAEM/Default.aspx>.

⁹⁰ COMANDO GENERAL DE LAS FUERZAS MILITARES (GENERAL COMMAND OF THE ARMED FORCES), <http://www.cgfm.mil.co/CGFMPortal/index.jsp?option=noticiaDisplay>.

⁹¹ A legal person is an “entity (such as a firm) other than a natural person (human being) created by law and recognized as a legal entity having distinct identity, legal personality, and duties and rights.” Juridical Person Definition, BUSINESSDICTIONARY.COM, <http://www.businessdictionary.com/definition/juridical-person.html> (parenthetical added by author/translator)

⁹² FEDERACIÓN COLOMBIANA DE TIRO Y CAZA DEPORTIVA (COLOMBIAN FEDERATION OF SHOOTING AND HUNTING SPORTS), <http://www.fedetirocol.com/>.

⁹³ POLICÍA NACIONAL DE COLOMBIA (COLOMBIAN NATIONAL POLICE), <http://www.policia.gov.co/portal/page/portal/HOME/Home/operatividad>.

⁹⁴ Every Colombian whose birth is registered with the government has this identity card. Its use is similar to that of a social security number in the United States. See, e. g., SOLICITUD DE CÉDULA DE CIUDADANÍA POR PRIMERA VEZ, <http://www.gobiernoenlinea.gov.co/tramite.aspx?tralID=2979>.

⁹⁵ The judicial certificate mentioned here, or the national judicial certificate mentioned below, refer to a certificate that is issued by the Colombian government that gives a detailed history of past judicial proceedings in which the subject of the certificate has been involved. CERTIFICADO DE ANTECEDENTES JUDICIALES (JUDICIAL CERTIFICATE OF ANTECEDENTS) <http://www.gobiernoenlinea.gov.co/tramite.aspx?tralID=3052>.

⁹⁶ INDUMIL, <http://www.indumil.gov.co/>.

⁹⁷ The omission of the period prior to the number 38 in the original Spanish version is obviously a typographic error, because no handgun is measured as a “38 caliber.” This should read “.38 inches.”

⁹⁸ Referring to removable parts of the action, such as a bolt.

⁹⁹ A condition of the eyes in which sight is normal in the night or in a dim light but is abnormally poor or wholly absent in the day or in a bright light. *Hemeralopia Definition*, DICTIONARY.COM, <http://dictionary.reference.com/browse/Hemeralopia?&qsrc=>.

¹⁰⁰ Loss of vision in a part of the visual field; blind spot. *Scotoma Definition*, DICTIONARY.COM, <http://dictionary.reference.com/browse/scotoma>.

¹⁰¹ A congenital or acquired persistent, rapid, involuntary, and oscillatory movement of the eyeball, usually from side to side. *Nystagmus Definition*, DICTIONARY.COM, <http://dictionary.reference.com/browse/nystagmus>.

¹⁰² A hearing impairment associated with a deficiency in the peripheral neurosensory or conductive organs of hearing. *Hyperacusis Definition*, DICTIONARY.COM, <http://dictionary.reference.com/browse/hyperacusis>.

¹⁰³ Instituto Colombiano de Comercio Exterior (Colombian Institute of External Trade), http://opac.univalle.edu.co/cgi-olib?session=98625358&infile=authsecsearch.glu&nh=20&calling_page=details.glu&key=114734.

¹⁰⁴ International Air Transport Association, <http://www.iata.org/Pages/default.aspx>.

¹⁰⁵ Ministerio de Ambiente, Vivienda, y Desarrollo Territorial (Ministry of the Environment, Housing, and Territorial Development), <http://www.minambiente.gov.co/portal/default.aspx>.

¹⁰⁶ Ministerio de Protección Social (Ministry of Social Protection), <http://www.minproteccionsocial.gov.co/Paginas/default.aspx>.

¹⁰⁷ Any of various tendencies of the lines of vision to deviate from the normal when binocular fusion of the retinal images is prevented. *Phoria Definition*, MERRIAM-WEBSTER.COM, <http://www.merriam-webster.com/medical/phoria?show=0&t=1286307038>.

¹⁰⁸ Relating to vision under conditions of intermediate levels of illumination. *Mesopic Definition*, MERRIAM-WEBSTER.COM, <http://www.merriam-webster.com/medical/mesopic>.