




AMERICAN SAMOA GOVERNMENT
PAGO PAGO, AMERICAN SAMOA 96799
LEGISLATURE OF AMERICAN SAMOA

In reply refer to:

C E R T I F I C A T I O N

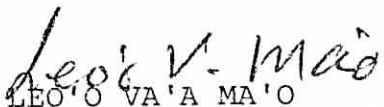
House Chamber
March 28, 1991

I certify that House Bill No. 22-78 passed third reading on this date in the House of Representatives during its First Regular Session of the Twenty-second Legislature of American Samoa.


WALLY F. LUTU
Chief Clerk
House of Representatives

Senate Chamber
April 8, 1991

I certify that House Bill No. 22-78 passed third reading on this date in the Senate during its First Regular Session of the Twenty-second Legislature of American Samoa.


LEO'IO VA'A MA'IO
Secretary of the Senate

THE TWENTY-SECOND LEGISLATURE OF AMERICAN SAMOA

First Regular Session

**Begun and held at Fagatogo, Tutuila, American Samoa
on Monday, the fourteenth day of January
one thousand nine hundred and ninety one**

AN ACT AMENDING CERTAIN PROVISIONS OF CHAPTER 46 OF THE CRIMINAL CODE WHICH REGULATES THE POSSESSION, USE, AND IMPORTATION OF WEAPONS, FIREARMS OR ARMS; AMENDING SECTIONS 46.4202, 46.4221, 46.4222, 46.4223, 46.4227, 46.4228, 46.4229, 46.4230, 46.4231, 46.4233 AND 46.4234 ASCA.

BE IT ENACTED BY THE LEGISLATURE OF AMERICAN SAMOA:

Section 1. 46.4202 is amended to read:

"46.4202 Prohibited weapons.

(a) A person commits a crime if he knowingly possesses, manufactures, transports, repairs, or sells:

- (1) an explosive weapon;
- (2) a machine gun;
- (3) a gas gun;
- (4) a short barreled rifle or shotgun;
- (5) a firearm silencer;
- (6) a switchblade knife;
- (7) knuckles;
- (8) any other arms, as defined in section 46.4220, for which a valid license from the commissioner of public safety has not been obtained.

(b) A person does not commit a crime under this section if his conduct:

(1) was incident to the performance of official duty by the armed forces, a governmental law enforcement agency, or a penal institution;

(2) was incident to engaging in a lawful commercial or business transaction with an organization listed in paragraph (b)(1); or

(3) was incident to using an explosive weapon in a manner reasonably related to a lawful industrial or commercial enterprise;

(4) was incident to displaying the weapon in a public museum or exhibition; or

(5) was incident to dealing with the weapon solely as a curio, ornament, or keepsake, or to using it in a manner reasonably related to a lawful dramatic performance; but if the weapon is a type described in paragraph (a)(1),(3),(4), or (5), it must be in a nonfunctioning condition that it cannot readily be made operable. No machine gun may be possessed, manufactured, transported, repaired, or sold as a curio, ornament, or keepsake even if it is inoperable and cannot readily be made operable.

(c) The defendant has the burden of injecting the issue of an exemption under subsection (b).

(d) A crime under paragraph (a)(1),(2),(3),(4) or (5) is a class C felony; a crime under paragraph (a)(6), ~~or (7), or (8)~~ is a class A misdemeanor."

Sec 2. 46.4221 is amended to read:

"46.4221 License--Required when.

(a) It is unlawful for any person, whether permanently or temporarily resident within American Samoa or whether on shore or on board vessel, anchored, moored, or docked in any harbor in American Samoa, to have in his possession any arms without first having obtained a license therefor from the ~~treasurer~~ commissioner of public safety.

(b) A license to possess arms shall not be issued by the ~~treasurer~~ commissioner of public safety unless the application therefor has been approved by the ~~Governor or his designated representative~~ attorney general.

(c) A license shall be issued only for the ownership and possession of 12, 16, 20 and 410 gauge shotguns and shotgun shells and 22 caliber rifles.

(d) Licenses issued prior to the enactment of subsection (c) remain valid. No additional licenses shall be issued for renewals of existing licenses provided in 46.4227 and transfers of arms validly licensed provided in 46.4229(b)."

Sec 3. 46.4222 is amended to read:

"46.4222 License--Required for import.

(a) It is unlawful for any person to import arms into American Samoa without having obtained a license therefor from the ~~treasurer~~ commissioner of public safety.

(b) A license to import arms shall not be issued by the ~~treasurer~~ commissioner of public safety unless the application for the license has been approved by the ~~Governor or his designated representative~~ attorney general.

(c) Unless otherwise authorized, only those shotguns and rifles referred to in section 46.4221(c) ASCA may be imported with license.

(d) The customs officers may confiscate any guns that are being imported into the Territory in violation of law. Confiscated guns must be surrendered to the custody of the commissioner of public safety within 5 days of confiscation."

Sec 4. 46.4223 is amended to read:

"46.4223 License--Required for sale of arms.

(a) It is unlawful for any person to sell or in any other way transfer the right of possession of any arms without having obtained from the ~~treasurer~~ commissioner of public safety a license to sell arms. The applications for such license shall contain such information as may be required by the ~~treasurer~~ commissioner of public safety.

(b) A license to sell arms shall not be issued by the ~~treasurer~~ commissioner of public safety unless the application for the license has been approved by the ~~Governor or his designated representative~~ attorney general. No license shall be issued for the sale of arms other than shotguns and 22 caliber rifles as set out in section 46.4221(c) and ammunition therefor."

Sec 5. 46.4227 is amended to read:

"46.4227 License--Renewal.

(a) Licenses to possess arms shall expire on 10 January of the year following their issue. Each holder of a license to possess arms shall, between the 1st and 10th of January of each year, submit his license to possess arms for the previous year, together with the annual license fee to the ~~Treasurer of American Samoa~~ commissioner of public safety.

(b) The ~~treasurer~~ commissioner of public safety may renew the license with or without examining the arms for which the license is to be issued; but the holder of the license shall, upon the demand of the ~~treasurer~~ commissioner of public safety submit the arms to him for examination."

Sec 6. 46.4228 is amended to read:

"46.4228 Marking arms for identification.

Each person to whom a license to possess arms is issued shall, upon receipt of such arms produce at the office of the ~~treasurer~~ commissioner of public safety his license to possess arms, together with the arms specified in said license. Such arms shall be examined and compared with the license and, if found to correspond therewith, shall be marked with such letters as may be designated by the ~~treasurer~~ commissioner of public safety and also marked with a number indicating the order of the license, and registration as specified in the license, unless the arm has a plainly visible and distinctive serial number stamped on it. Such arms when duly marked shall be redelivered to the licensee, together with the license. If the provisions of this section are not complied with, the license shall be revoked, and the arms may be confiscated as though no license had been issued."

Sec 7. 46.4229 is amended to read:

"46.4229 Sales to persons without licenses--Grandfather clause.

(a) No person shall sell or otherwise transfer any arms to any person who does not hold a valid and existing license to possess the particular firearms to be sold.

(b) Arms no longer permitted to be licensed but for which current, valid licenses were issued prior to the effective date of section 46.4221(c) may, in the discretion of the commissioner of public safety and in the manner provided in this chapter, be transferred to persons obtaining licenses therefor."

Sec 8. 46.4230 is amended to read:

"46.4230 Blasting.

(a) Any person desirous of obtaining gunpowder, dynamite, nitroglycerine, or other explosive for the purpose of blasting shall first obtain from the ~~treasurer~~ commissioner of public safety a license specifically authorizing the use of the gunpowder, dynamite, nitroglycerine, or other explosive.

(b) No such license may be issued until the application therefor has been approved by the Governor upon the recommendation of the director of public works, and the license and the application therefor shall specify the place and the manner of using the explosive.

(c) Any person who possesses or uses any explosive without first obtaining a license, or uses an explosive in a place or manner not authorized by such license, is guilty of a violation of this chapter."

Sec 9. 46.4231 is amended to read:

"46.4231 Discharge of arms.

It is unlawful for any person to discharge, explode, or set off any arms ~~within the harbor of Pago Pago, within one half mile of the high tide level of Pago Pago Harbor, or~~ within 30 yards of any public road or highway, house, building, or airport, in American Samoa except that the ~~Governor or his designated representative~~ commissioner of public safety may authorize the discharge of firearms for the purpose of an honor guard or authorized ceremonial occasion."

Sec 10. 46.4233 is amended to read:

"46.4233 Authorized possession and use of arms without license.

(a) This chapter does not prohibit the possession and use of arms and other police weapons by any member of the police force, armed forces of the United States or employees of the government of the United States and law enforcement officers of other states or territories if these arms are properly issued by the issuing authorities and are brought into the Territory in the course of performing official duties.

(b) The Governor or his designated representative may authorize the pulenu'u or police of any village to possess and use arms in connection with his official duties without first obtaining a license therefor.

(c) The Governor may enter into reciprocal agreements with states whose law enforcement officers may be assigned on official duty in the Territory to permit these law enforcement officers to carry firearms without registration."

Sec 11. 46.4234 is amended to read:

"46.4234 Violation Penalty--Disposition of confiscated arms.

(a) Any person who violates any of the provisions of this chapter or who refuses to obey any lawful order issued under the authority of this chapter is guilty of a class A misdemeanor and shall, upon conviction, be sentenced accordingly, and any arms involved may be confiscated by the government.

(b) All arms confiscated as provided in subsection (a) shall be delivered to the commissioner of public safety who shall, within thirty days of receipt of the confiscated arms, file a return under oath with the court ordering the confiscation informing the court that the arms have been destroyed or assigned to the inventory of a territorial law enforcement agency. A copy of said report shall be filed with the attorney general at the same time."

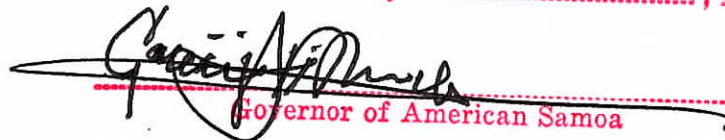

Letuli Toloa

PRESIDENT OF THE SENATE


Tuana'itau F. Tuia

SPEAKER OF THE HOUSE

Hereby Approved this 6th day of June, 1991


Governor of American Samoa

NOFOAIGA LUASEFULU-LUA FONOFAITULAFONO O AMERIKA SAMOA

Fono Tele Muamua

Nofioia ma usuia i Fagatogo, Tutuila, Amerika Samoa
Aso Gafua, aso sefulufa o Ianuari
tasi le afe iva selau iva sefulu tasi

O SE TULAFONO E SUIA AI NISI AIAIGA O LE MATAUPU 46 O MATAUPU TAU
SOLIGATULAFONO E PULEA AI LE UMIA, FAAAOGAINA, MA LE AUMAIA I
TOTONU O AUPEGA, FANA PO'O UTUTAU; SUIA MAGA 46.4202, 46.4221, 46.4222,
46.4223, 46.4227, 46.4228, 46.4229, 46.4230, 46.4231, 46.4233 MA LE 46.4234 TFAS.

IA FAATULAFONOINA E LE FONOFAITULAFONO O AMERIKA SAMOA:

Maga 1. 46.4202 ua suia e faitauina:

"46.4202 Auupega fa'asaina.

(a) Ua solitulafono se tagata pe afai ua na umia ma le iloa, gaosia, fela'ua'i, fa'afou,
pe fa'atau atu:

- (1) se auupega e pa;
- (2) se fana ta'avili;
- (3) se fana kesi;
- (4) se fana pu'upu'u po'o fana manu;
- (5) se mea taofi leo;
- (6) se naifi fa'amoe oomi;
- (7) mama fusu;

(8) nisi lava auupega, e pei ona fa'amatala i le maga 46.4220, ua le'i maua se laisene
taualoa mai le Komesina o le Saogalemu Lautele.

(e) E le solitulafono se tagata i lalo o lenei maga pe afai o lana amio:

(1) sa faia ona o le fa'ataunu'uina o tiute taualoa o vaega 'au, se ofisa fa'amalosi tulafono o le malo, po'o se falepuipui;

(2) sa faia e tusa ma se gaoioiga fa'apisinisi po'o fefa'atauaiga e taga i le tulafono ma se fa'alapotopotoga ua lisiina i le parakalafa (e)(1); pe

(3) sa faia i le fa'aaogaina o auupega fa'apa i se tulaga e talafeagai ma ala fa'atulafonoina o le gaosiga o mea po'o fefa'atauaiga;

(4) sa faia ona o se fa'aaliga o auupega i se falemataaga mo le lautele po'o fa'aaliga lautele; pe

(5) sa faia ona o le umia o auupega o se tulaga o meafaa'amanatu, teuga, po'o se meaalofa teu, pe fa'aaogaina i se ala e taga i le tulafono i se koneseti; ae afai o le auupega o se ituaiga ua fa'amatalaina i le parakalafa (a)(1), (3), (4), po'o le (5), e tataua ona faia i se tulaga e le mafai ona fa'aaoga pe fa'apaina. E leai se fana ta'avili e mafai ona umia, gaosia, fela'ua'i, fa'afou, pe fa'atau atu e fai ma meafa'amanatu, teuga, po'o se meaalofa teu e tusa pe le o mafai ona faapa ma e le faigofie ona fa'agaioi.

(i) O le tagata molia ua i ai le fatuaiga o le fa'aofiga i ai o se mataupu o se fa'agafuaga i lalo o le soamaga (e).

(o) O se solitulafono i lalo o parakalafa (a)(1), (2), (3), (4), po'o le (5) o se solitulafono mamafa vasega I; o se solitulafono i lalo o le parakalafa (a) (6), pe (7) po'o le (8) o se solitulafono mama vasega A."

Maga 2. 46.4221 ua suia e faitauina:

"46.4221 Laisene--Mana'omia afea.

(a) E sa mo so'o se tagata, pe nofomau pe le nofomau; i totonu o Amerika Samoa pe nofo i le laueleele po'o luga o se va'a, taula, nonoa, pe tau i so'o se taulaga i Amerika Samoa, ona ia te ia so'o se fana e aunoa ma le ulua'i maua mai se laisene mo lea fana mai le teutupe komesina o le saogalemu lautele.

(e) O se laisene e umia ai fana e le mafai ona tuuina atu e le teutupe komesina o saogalemu lautele vagana o le laisene mo le fana ua fa'amaonia e le ~~Kovana po'o lona sui~~ tofia loia sili.

(i) O se laisene ia tuuina atu na'o le umia ma le pule o 12, 16, 20 ma le 410 fana manu ma ututau ma fana 22.

(o) O laisene sa tuuina atu a'o le'i fa'aliutulafonoina le soamaga (i) e taualoa pea. E leai ni laisene fa'aopoopo e mafai ona tuuina atu e fa'afou ai laisene o lo'o i ai nei e pei ona aiaia i le 46.4227 ma le fesuaiga o fana ua laiseneina aloaia e tusa ma aiaiga o le 46.4229(e)."

Maga 3. 46.4222 ua suia e faitauina:

"46.4222 Laisene--Manaomia mo le aumai i totonu.

(a) E sa i le tulafono mo so'o se tasi le aumaia o ni auupega i totonu o Amerika Samoa e aunoa ma le maua o se laisene o ia mea mai le teutupe komesina o le saogalemu lautele.

(e) E le mafai ona tuuina atu e le teutupe komesina o le saogalemu lautele se laisene e aumaia ai auupega i totonu vagana o le talosaga mo le laisene ua fa'amaonia e le Kovana pe'o lona sui tofia loia sili.

(i) Vagana ua i ai se isi fa'atagaga, na'o fana manu ma fana pulusila ua fa'asinoia i le maga 46.4221(i) TFAS e mafai ona aumai i totonu i le laisene.

(o) E mafai e ofisa o le tiute ona avea fa'amalosi so'o se fana ua aumai i totonu o le Teritori e solia ai le tulafono. O fana ua avea fa'amalosi ia tuuina atu i le tausiga a le komesina o le saogalemu lautele i totonu o aso e lima talu ona avea fa'amalosi."

Maga 4. 46.4223 ua suia e faitauina:

"46.4223 Laisene--Mana'omia mo le fa'atau atu o fana.

(a) E sa i le tulafono mo so'o se tasi ona fa'atau atu pe i so'o se isi lava auala fesuia'i le aia e umia ai so'o se fana e aunoa ma le maua mai le teutupe komesina o le saogalemu lautele se laisene e fa'atau atu ai fana. O talosaga mo ia laisene ia aofia ai fa'amatalaga e mana'omia e le teutupe komesina o le saogalemu lautele.

(e) O se laisene e fa'atau atu ai fana ia le tuuina atu e le teutupe komesina o le saogalemu lautele vagana ua fa'amaonia le talosaga e le Kovana pe'o lona sui tofia loia sili. E leai se laisene e tuuina atu mo le fa'atau atu o fana e ese mai fana manu ma fana pulusila 22 e pei ona fa'atulaga i le maga 46.4221(i) ma o latou ututau."

Maga 5. 46.4227 ua suia e faitauina:

"46.4227 Laisene--Fa'afouga.

(a) E fa'amuta le taualoa o laisene e umia ai fana i le aso 10 Ianuari o le tausaga e soso'o ma le tausaga sa tuuina atu ai. O tagata ta'itasi e umia se laisene e umia ai fana ia, i le va o le aso 1 ma le 10 o Ianuari o tausaga ta'itasi, tuuina atu lana laisene e umia ai fana mo le tausaga ua mavae, fa'atasi ma le totogi tausaga o le laisene i le Teutupe o Amerika Samoa komesina o le saogalemu lautele.

(e) E mafai e le teutupe komesina o le saogalemu lautele ona fa'afou laisene i se su'eina po'o le le su'eina fo'i o fana e tuuina atu i ai le laisene; a'o le tagata e umia le laisene ia, pe a manaomia e le teutupe komesina o le saogalemu lautele tuuina atu le fana mo lana su'esu'ega."

Maga 6. 46.4228 ua suia e faitauina:

"46.4228 Makaina o fana mo fa'aaloga.

O tagata ta'itasi ua tuuina atu i ai se laisene e umia ai fana, pe a taulima lena laisene, ia fa'aali e ia i le ofisa o le teutupe komesina o le saogalemu lautele lana laisene e umia ai fana, fa'atasi ma le fana o lo'o fa'aaloga mai i lena laisene. O ia fana ia su'esu'eina ma fa'atusatusa ma le laisene ma, afai e tutusa, ia makaina i mata'itusi e pei ona fa'asinoina e le teutupe komesina o le saogalemu lautele ma makaina fo'i se numera e fa'aaloga ai le ituaiga o laisene, vagana ua matua iloa lelei le fana ma le numera sa fa'aaloga ai. O ia fana ua makaina lelei ia toe tuuina atu i le tagata e ona le laisene, faatasi ma le laisene. Afai o aiaiga o lena maga ua le gau'ia i ai, ia aveesea le laisene, ma e mafai ona fa'aleaga le fana e pei lava e leai se laisene sa tuuina atu."

Maga 7. 46.4229 ua suia e faitauina:

"46.4229 Fa'atau atu i tagata e aunoa ma laisene--Fa'aupuga fa'agafua fa'apitoa.

(a) E leai se tagata e fa'atau atu pe faia se isi fesuaiga o le umia o so'o se fana i so'o se tagata e le o i ai nei se laisene taualoa e umia ai le ituaiga fana o lo'o fia fa'atau atu.

(e) O fana ua le toe fa'atagaina e laiseneina ae o lo'o i ai nei, se laisene taualoa sa tuuina atu a'o le'i o'o i le aso taualoa o lena maga 46.4221(i) e mafai, i le faitalia a le komesina o le saogalemu lautele ma i le tulaga ua saunia i lena mataupu, ona tu'u atu i tagata ua i ai laisene mo ia fana."

Maga 8. 46.4230 ua suia e faitauina:

"46.4230 Tu'iga.

(a) So'o se tagata e mana'o e fia maua one, tainamaita, naitokerine, po'o isi mea fa'amalepe mo tu'iga ia mua'i maua mai le teutupe komesina o le saogalemu lautele se laisene e fa'atagaina faapitoa ai le fa'aaogaina o one, tainamaita, naitokerine, po'o isi mea fa'amalepe.

(e) E leai se laisene faapea e mafai ona tuuina atu seia vagana ua fa'amaonia se talosaga e le Kovana mai le fautuaga a le faatonu o galuega lautele, ma o le laisene ma le talosaga mo lea tulaga ia fa'aailoa maoti ai le nofoaga ma le tulaga o le fa'aaogaina o ia mea fa'amalepe.

(i) So'o se tagata e umia pe fa'aaogaina so'o se mea fa'amalepe e aunoa ma le ulua'i maua o se laisene, pe faaoga se mea fa'amalepe i se nofoaga po'o se tulaga e le o fa'atagaina i lea laisene, ua nofosala i le soliga o lenei mataupu."

Maga 9. 46.4231 ua suia e faitauina:

"46.4231 Fa'apaina o auupega.

E sa i so'o se tagata ona fa'apa, fa'amalepe, pe tutu so'o se auupega i ~~totonu o le Taulaga o Pago Pago, i totonu o le afa maila mai le tapula'a o le suatutu'i o le tai o le Taulaga o Pago Pago, po'o~~ i totonu o le 30 iata o so'o se alatele o le malo po'o alatele, falenifo, fale, po'o malae va'alele, i Amerika Samoa vagana e mafai e le Kovana po'o lona sui tofia komesina o le saogalemu lautele ona fa'ataga le fa'apaina o ni auupega mo le tulaga o fa'aalologa po'o ni sauniga aloaia a le malo."

Maga 10. 46.4233 ua suia e faitauina:

"46.4233 Umia fa'atagaina ma fa'aaogaina o auupega e aunoa ma laisene.

(a) O lenei mataupu e le fa'asaina ona umia ma fa'aaogaina o auupega ma isi mea malolosi e so'o se totino o le matagaluega o le saogalemu lautele, vaegaau a le Iunaite Setete po'o tagata faigaluega o le malo o le Iunaite Setete ma leoleo o isi setete po'o teritori pe afai o nei fana sa tuuina atu i ai aloaia e tagata pule ma sa aumai i totonu o le Teritori i le tulaga o le fa'ataunu'uina o latou tiute aloaia.

(e) E mafai e le Kovana po'o lona sui tofia ona fa'atagaina le pulenu'u po'o leoleo o so'o se nu'u e umia ma fa'aaoga auupega mo le tauavea o o latou tofi e aunoa ma le ulua'i faia o se laisene.

(i) E mafai e le Kovana ona faia feagaiga fa'afetaui ma setete ua tofia mai a latou leoleo i tiute taualoa i le Teritori e fa'ataga ai i latou e tauave auupega e aunoa ma le fa'amauiina."

Maga 11. 46.4234 ua suia e faitauina:

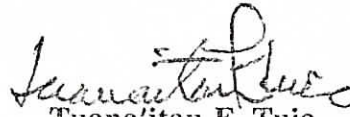
"46.4234 Fa'asalaga o soliga--Lafoa'i o auupega avea fa'amalosi.

(a) So'o se tagata e solia so'o se aiaiga o lenei mataupu pe musu e usita'i i fa'atonuga o le tulafono ua tuuina atu i lalo o le malosiaga o lenei mataupu ua nofosala i le solitulafono mama vasega A ma ia, pe a nofosala, fa'asalaina e tusa ai, ma so'o se auupega e a'afia ai e mafai ona avea fa'amalosi e le malo.

(e) O auupega uma e avea fa'amalosi e pei ona aiaia i le soamaga (a) ia tuuina i le komesina o le saogalemu lautele o ia e, i le tolusefulu aso talu ina niaua ia auupega avea fa'amalosi, failaina se fa'afo'i i se fa'atautoga i le fa'amasinoga na fa'atonuina le avea fa'amalosi e fa'ailoa ai i le fa'amasinoga ua uma ona fa'aumatia ia auupega pe ua tuuina atu i le tausiga a se ofisa fa'amalosi tulafono o le teritori. O se kopi o lena ripoti ia failaina fo'i i le ofisa o le loia sili i lena lava taimi."

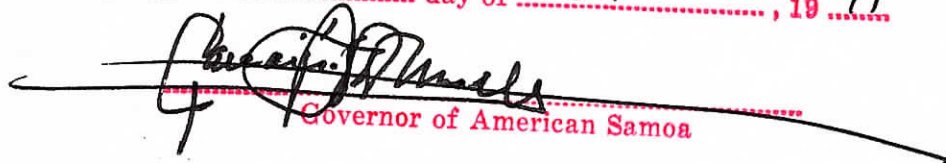


Letuli Toloa
PERESETENE, MAOTA MAUALUGA



Tuana'itau F. Tuia
FOFOGA FETALAI, MAOTA O SUI

Hereby Approved this 6th day of June, 19 91



Governor of American Samoa