

Title

KAHNAWÁ:KE WEAPON CONTROL LAW

K.R.L. c. W-1

[Enacted by MCK #67 1989-90 on 6 *Kenténha*/October, 1989]

[Amended by MCR #55 on 22 *Tsothohrkó:wa*/January 22, 2001]]

Preamble

WHEREAS this is a Mohawk Law on **Weapon Control** adopted at a duly convened meeting of the Mohawk Council of Kahnawá:ke held on Friday, October 6th, 1989 at Kahnawá:ke, pursuant to Section 81, subsections (c), (d), (q) and (r) of the Indian Act; and,

SECTION I

"Definitions"

1. DEFINITIONS

1.1 For the purposes of the present by-law, the following definitions apply:

"Territory"

Territory: means the Kahnawá:ke Indian Reserve No.14 and any other reserve(s) over which the Mohawks of Kahnawá:ke have jurisdiction;

"Council"

Council: means the Mohawk Council of Kahnawá:ke;

"Peace Officer"

Peace Officer: means a Peacekeeper or any other person appointed by the Council;

"Firearm"

Firearm: means a barreled weapon from which any shot, bullet, or other projectile can be discharged and that is capable of causing serious bodily injury or death to a person, and includes any frame or receiver of such a barreled weapon and anything that can be adapted for use as a firearm;

"Firearm" can also include an imitation firearm when the imitation firearm is used in the commission of an offence.

"Public Place"

Public Place: includes any place to which the public have access as of right or by invitation, express or implied.

"His"

His: means the masculine or feminine gender, unless the context implies the contrary.

"Capacity to Possess & Prohibitions"

2. **CAPACITY TO POSSESS & PROHIBITIONS**

2.1 No one shall have in his possession any firearm unless he is at least sixteen (16) years of age or is under the immediate supervision of an adult who may lawfully possess the firearm.

2.2 No one shall have in his possession any firearm in any public place.

2.3 Section 2.2 does not apply to someone who is in possession of a firearm while hunting or going to and from a hunting site.

2.4 No person, with the exception of a Peacekeeper or a Conservation Officer in the course of their duties, shall point a firearm at another person regardless of whether the firearm is loaded or not.

2.5 No person shall, without lawful excuses, use, carry, handle, ship or store a firearm in such a manner as to constitute a danger in the health and safety of himself or of any other person.

"Alcohol & Drugs"

3. **ALCOHOL AND DRUGS**

3.1 No one shall have in his possession any firearm while under the influence of alcohol or a drug.

"Vehicles"

4. **VEHICLES**

4.1 No one shall have in his possession or transport any firearm in a motor vehicle, aircraft or watercraft unless the firearm is unloaded and locked. The firearm shall be stored in a closed container in the trunk of the vehicle or similar place in an aircraft or watercraft. In the case of a jeep or truck, the firearm shall be stored in a sealed box or in a locked gunrack bolted or otherwise attached to the jeep or truck or shall be locked in a guncase.

4.2 While transporting a firearm, the person transporting same shall store the ammunition in a closed and locked container in a place other than the place where the firearm is stored.

"Penalties"

5. **PENALTIES**

5.1 Everyone who commits an offence under any section of the present by-law is liable upon summary conviction to a fine not exceeding one thousand dollars (\$1,000.00) or to imprisonment for a term not exceeding thirty (30) days, or to both fine and imprisonment, and court costs.

"Confiscation"

6. **CONFISCATION**

6.1 In addition to any penalty that he may impose, a judge or the court may order upon conviction of the defendant, that he not have in his possession for a minimum of one (1) year and a maximum of five (5) years, any firearm, knife or ammunition anywhere on the Territory.

~~6.2 In addition to any penalty that he may impose, a judge or the court may order upon conviction of the defendant that any firearm, knife or ammunition involved in the commission of an offence under the present by-law, be forfeited to the benefit of the Council to be destroyed.~~

"Enforcement"

7. **ENFORCEMENT**

7.1 Any Peacekeeper is authorized to enforce the present by-law.

7.2 Any Peacekeeper may examine any firearm which someone has in his possession upon a demand made to that person.

7.3 A peace officer may seize any firearm, ammunition, or knife that he has reasonable and probable grounds to believe was used in, or is being used in, or is intended to be used in, the commission of an offence against the present by-law, or that will afford evidence of the commission of an offence against the present by-law.

7.4 Anyone who fails to comply with the demand in Section 7.2 is guilty of an offence under the present by-law.

"Exemption"

8. **EXEMPTION**

8.1 The present by-law does not apply to a peace officer engaged in the course of his duties or employment.