

THIRTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
Third Regular Session)

6 JUL 31 1913

SENATE
S. B. No. 2421

RECEIVED BY: Jug

Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

A lot of accidents involving weapons are the result of the weapon owner's failure to store the said weapons safely – that is, without having first securely locked such weapon in an appropriate locked box or rendered it incapable of being fired by the use of a gun locking device appropriate to that weapon.

Placing weapons within reach or easy access of other people, especially of children, is likewise irresponsible because it increases the incidence of injury not only to the one who got hold of the weapon, but also to the other people around him. Allowing other people access to weapons likewise facilitates the use of such weapons in the commission of other crimes.

This bill seeks to protect people from accidents caused by the failure to store weapons safely.

Miriam Defensor Santiago
MIRIAM DEFENSOR SANTIAGO

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AN ACT
PENALIZING THE UNSAFE STORAGE OF WEAPONS

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

SECTION 1. *Short Title.* – This Act shall be known as the “Weapon Accident Prevention Act of 2006”.

SECTION 2. *Declaration of Policy.* – It is the policy of the State to promote the general welfare of the people. Pursuant to this policy, this Act seeks to protect people from accidents caused by the failure to store weapons safely.

SECTION 3. *Definition of Terms.* – For purposes of this Act:

(A) “Weapon” means a gun, rifle, shotgun, or any other firearm, including homemade guns.

(B) “Locked box” means a safe, case or container which, when locked, is incapable of being opened without the key, combination, or other unlocking mechanism and is resistant to tampering by an unauthorized person attempting to obtain access to and possession of the weapon or ammunition contained therein.

Within sixty (60) days from the promulgation of this Act, the Director of the Philippine National Police shall develop and promulgate rules and regulations setting forth the specific devices or the minimum standards and criteria which constitute an effective locked box.

(C) "Gun locking device" means an integrated design feature or an attachable accessory that is resistant to tampering and is effective in preventing the discharge of a weapon by a person who does not have access to the key, combination or other mechanism used to disengage the device.

(D) "Loaded rifle" means any rifle loaded with ammunition or any rifle which is possessed by one who, at the same time, possesses a quantity of ammunition which may be used to discharge such rifle.

(E) "Loaded shotgun" means any shotgun loaded with ammunition or any shotgun which is possessed by one who, at the same time, possesses a quantity of ammunition which may be used to discharge such shotgun.

SECTION 4. *Failure to Store a Weapon Safely.* – It shall be unlawful for any person to store or otherwise leave a weapon out of his or her immediate possession or control without having first securely locked such weapon in an appropriate locked box or rendered it incapable of being fired by the use of a gun locking device appropriate to that weapon.

SECTION 5. *Aggravated Failure to Store a Weapon Safely* – It shall be unlawful for any person to store or leave a loaded rifle, loaded shotgun or loaded firearm in any location where such weapon is accessible to a person and such weapon is discharged by such person, which causes injury to such person or any other person.

In any prosecution under this Section it shall be an affirmative defense that the defendant actively pursued all reasonable efforts to retrieve or otherwise regain possession of such weapon prior to its discharge.

The provisions of this section shall not apply if:

(A) Such person gains access to such weapon as a result of an unlawful entry to any premises by any person;

(B) Such weapon is stored in a securely locked box which prevents access to the weapon and any ammunition which may be used to discharge such weapon is

stored in a separate, securely locked box which prevents access to such ammunition;

(C) Such weapon is secured with a gun locking device which prevents the weapon from discharging;

(D) Such weapon is in the possession or control of a police officer while the officer is engaged in official duties.

SECTION 6. *Penalties.* – Any person found guilty of violating Section 4 shall be punished by a penalty of imprisonment of *arresto menor*, or a fine of not more than Ten Thousand Pesos (P10,000.00), or both, at the discretion of the court, taking into consideration all attending circumstances.

The penalty next higher shall be imposed when the weapon not stored safely is removed from the premises or discharged by another person.

Any person found guilty of violating Section 5 shall be punished by a penalty of imprisonment of *arresto mayor*, or a fine of not more than Fifty Thousand Pesos (P50,000.00), or both, at the discretion of the court, taking into consideration all attending circumstances.

The penalty next higher shall be imposed when the discharge of the weapon not stored safely results in the death of any person.

SECTION 7. *Separability Clause.* – If any provision, or part hereof, is held invalid or unconstitutional, the remainder of the law or the provision not otherwise affected shall remain valid and subsisting.

SECTION 8. *Repealing Clause.* – Any law, presidential decree or issuance, executive order, letter of instruction, administrative order, rule or regulation contrary to or inconsistent with the provisions of this act is hereby repealed, modified or amended accordingly.

SECTION 9. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved,

/rgs