Weapons permits to natural and legal persons

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Summary

According to the information available to the Police Board, in the beginning of year 2003, 29 000 individuals in Estonia had registered approximately 47,000 firearms, allowed into restricted commerce.

The State Audit Office explained whether the rules of procedure, applied by the state when deciding whether an individual should be allowed to buy and carry firearms and control the safekeeping of arms acquired are sufficient to manage risks related to firearms – above all, the risk of the holder or user of the firearm injuring him/herself or other with the weapon; but also the risk of the weapon accidentally coming into possession of a person using it for criminal purposes.

When conducting the audit, activities of three police prefectures in 2003 were assessed: Pärnu (to date, a part of the Western Prefecture) and Harju and Tallinn (to date, the Northern Prefecture).

Main conclusions drawn by the State Audit Office

- The Police Board lacks reliable information concerning the number of registered firearms being in possession of civilians.
- The methods applied to determine the state of mental health of a future owner (and bearer) of a firearm do not grant the police with assurance that the permits are given only to mentally healthy people. Information concerning considerable impaired mental health of people, owning firearms, does not reach the police immediately after the medical problems are diagnosed by medical doctors.
- The fact that a weapons procurement permit is only granted to persons having successfully passed an examination on knowing the weapon and a shooting test does not mean that the respective person knows the specific weapon to be acquired and can handle it with satisfactory skills. The presence (maintenance) of skills is not controlled as a weapons permit is being exchanged.
- The police information system does not provide for the information concerning the death of a holder of weapons permit or unlawful behaviour), that is, of events bringing on the suspension or invalidation of a weapons procurement permit or weapons permit to reach operatively the officials supposed to prepare relevant decisions on the basis of such information.

In summary: the risk that firearms are acquired by persons who might be dangerous to themselves or the others – due to their mental health, insufficient weapon handling skills or law disobedience – is not managed well enough.

Main proposals made by the State Audit Office

As the audit was discussed in police, the Ministry of Internal Affairs and the Ministry of Social Affairs, an understanding was reached that risks arising of insufficient skills for handling weapons and law disobedience, can be managed relatively fast by making the respective amendments to legal acts and improving the performance of police information systems. The State Audit Office made he following proposals for reducing the relevance of the aforementioned risks:

To the Minister of Internal Affairs

- It should be established that when applying for a weapons procurement permit, a natural person must prove his or her skills to handle the specific firearms he or she intends to acquire and pass an examination verifying his or her skills to shoot from this respective weapon.
- It should be established that the holder of a weapons permit, applying for a permit to procure a firearm of different type, should pass a test proving his or her skills to handle this respective weapon and shoot it.
- Requirements applicable to weapon handling skills and shooting test to be passed by individuals applying for a permit to carry a weapon should be stricter that requirements applying to individuals wanting to acquire a weapon for self-defence purposes.

- Amendments to the Weapons Act should be initiated, stating the categories of hunting weapons and permitting only persons holding a hunting certificate to own hunting weapons.
- The option to establish a requirement for the presence of weapons safe regardless of the number of weapons owned or possessed by the holder of weapons permit with the Weapons Act.
- To consider the opportunity to limit the number of firearms, allowed to be owned by one individual for self-defence purposes.
- To make a proposal to add a provision to the Weapons Act, stating that the existence and technical condition of weapons held by the permit holder should be inspected as the weapons permit is being changed.
- If it is justified to maintain the requirement for the suspension of the validity of a weapons permit in cases where the holder of permit has been punished pursuant to administrative procedure for driving a motor vehicle, rail vehicle or aircraft under the influence of alcohol, narcotic, psychotropic or psychotoxic substance, amendment of the Weapons Act should be initiated in such way as the identification of the same circumstances should serve as the grounds for refusing the permit.

To the National Police Commissioner

- To establish rules of procedure for the dissemination of information concerning persons holding weapon procurement permit or weapons permit having being declared a suspect in a crime, declared to be a fugitive suspected in a crime, punished under criminal procedure, theft of weapons, death of owners of weapons or any other circumstances, serving as the grounds for the suspension of validity or invalidation of weapon procurement permit or weapons permits as long as such information does not arrive automatically at the disposal of persons responsible for the preparation of decisions upon gaining such information.

To the Minister of Internal Affairs Proposals for better management of risks related to disturbances of mental health of people

- Proposed amendments to legal acts should be prepared in cooperation with the Minister of Social Affairs, requiring doctors to inform the police when psychic or behavioural disturbances, precluding the holding of such a permit, are diagnosed in persons holding a weapons permit.
- Amendments to legal acts should be prepared, enabling the doctors to learn whether respective permits have been issued to persons diagnosed with psychic or behavioural disturbances or physical handicap, precluding the granting (right to hold) a weapon procurement permit or weapons permit.
- Initiation of an amendment to the Weapons Act, stating that one of the conditions for being granted a weapon procurement permit or weapons permit is the applicant's written consent, given to the police, allowing the police to submit the psychiatrists inquiries concerning the applicant to learn whether the doctors know the person to suffer from any psychic or behavioural disturbances precluding the issue of the permit to such a person.

When making the aforementioned proposals, the State Audit Office proceeded from an understanding that if the Parliament has established the right person's right to acquire and carry firearms for self-defence, this was accompanied by a restriction, only permitting mentally healthy people to exercise the respective right. Therefore the state should also apply appropriate measures for assuring the compliance with the restrictions. The State Audit Office has formed an opinion that if the aforementioned proposals can't be implemented fast or at all, the Minister of Internal Affairs should consider the need and opportunity to initiate amendments to legal acts, prohibiting people to own firearms for self-defence or to make the acquiring of firearms significantly more complicated while restricting the right to carry firearms acquired for self-defence purposes.

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Answers given by the audited entities

The National Police Commissioner informed that he agrees with a number of the proposals made to the Minister of Internal Affairs in the draft audit report, but not with all of them. According to the opinion of the Police Commissioner it is not expedient to require people owning only one firearm to have a weapons safe: it is difficult to use a weapon in a safe for self-defence purposes; it is also easier for thieves to locate the weapon in the presence of a safe. The Police Commissioner doesn't consider the restriction of

the number of firearms acquired for self-defence purposes necessary. He also states that the establishment of a requirement to control the technical condition of a firearm upon the changing of weapons permit is not appropriate as the police currently lacks required specialists and means; it is also not clear what to do with a weapon not being in a good working condition. Also, he doesn't share the opinion of the State Audit Office that hunting weapons (above all, rifles) should only be owned by persons holding hunting certificate.

The Minister of Internal Affairs announced that in principal, he agrees with the opinions of the National Police Commissioner. The Ministry is currently working with the draft act for altering the Weapons Act; final position concerning the proposals made by the State Audit Office shall be established in course of this work.

The Minister of Justice, acting for the Minister of Social Affairs announces that he considers it purposeful to alter the Weapons Act to allow the police to submit the providers of medical services inquiries concerning the applicant of a weapon procurement permit or weapons permit to learn the persons have diagnosed with psychic or behavioural disturbances precluding the granting of such permits. The Minister also considers it appropriate for the Weapons Act to specify that if more than two years have passed since the last medical examination, the person changing a weapons permit should once again pass the examination. As the weapons register is not public, the Minister doesn't consider it relevant to deal with problems related with the option to require psychiatrists to inform the police of diagnosing persons holding weapons permit with psychic or behavioural disturbances precluding the holding of such permit, as the doctors do not know whether their patients hold a weapons permit.

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