

## **Ahern announces handguns ban and tougher penalties for carrying knives**

New Criminal Justice (Miscellaneous) Provisions Bill 2009 Published

The Minister for Justice, Equality and Law Reform, Mr. Dermot Ahern, T.D., has published the Criminal Justice (Miscellaneous) Provisions Bill 2009 which imposes a handgun ban and much tougher penalties for individuals found in possession of knives.

The Minister said the new Bill will significantly overhaul the licensing of firearms:

- o No new licenses will be issued for handguns with very limited exceptions in relation to Olympic sports only
- o Any existing handgun licenses will be subject to the new rigorous licensing procedures where their renewal is sought.
- o A new year three year licensing system for firearms. This new more rigorous system, which will be introduced in August, will allow Superintendents to enquire into the medical history of applicants, provide for character referees for applicants and introduce minimum standards for secure accommodation of firearms. The Garda Commissioner will be able to issue guidelines governing the issue of licenses.

The Minister has said he has been shocked by the growth in the number of legally held handguns in the State. "Handguns were effectively banned in the State until 2004, mainly as a result of measures introduced during the Troubles. But following a series of judicial decisions that is no longer the case and about 1,800 handguns have been licensed. That number will continue to rise unless we take action. At least one Judge has expressed his concern at this alarming growth."

"The number of handguns could grow exponentially and would equate to that of countries such as the United States unless the issue is tackled. I am now moving to ban handguns. And my proposals have received the backing by the Chief Inspector of the Garda Inspectorate, Ms. Kathy O'Toole, drawing on her considerable experience in the U.S.."

The Minister said: "The ban on handguns will not affect the vast majority of firearms owners. It is a necessary step in moving away from the handgun culture which has been developing. It mirrors what has been done in other jurisdictions in the light of dreadful atrocities which have been committed using deadly weapons. The time for action is now and not in the bloody

aftermath of some horrific shooting."

The Bill will allow the Minister to tackle the issue of realistic imitation firearms ('Airsoft') through restrictions on their importation, sale and use. In particular, it will be an offence to brandish realistic imitation firearms in a public place.

The Minister continued: "When all these measures have been implemented I am satisfied that we will have a comprehensive and effective firearms code where the safety of the public is paramount while at the same time facilitating those who wish to pursue their legitimate interest in this area of activity."

The Bill will focus also on knives and similar weapons. "Legislation on the use of knives and similar weapons is already very strong and heavy penalties are in place. But I am introducing two provisions in the Bill to strengthen the law in this area. The penalty for possessing a knife in a public place is being increased from one to five years and the Gardaí are being given an extended power of search without warrant in relation to knives and offensive weapons. Samurai swords are also to be outlawed."

Other measures which are contained in the Criminal Justice (Miscellaneous Provisions) Bill include:

- Amendments to the European Arrest Warrant Act 2003 which have been identified as being necessary to improve the operation of the legislation and to deal with issues which have come to light in the administration of the European Arrest Warrant (EAW) system. These changes are expected to enhance the operation of the EAW system while at the same time safeguarding the rights of people whose surrender is sought on foot of a European Arrest Warrant.
- Provision for the certification of evidence on the part of certain staff of the Garda Technical Bureau so that it may not be necessary to appear in Court to confirm orally the status of particular pieces of evidence in all cases.
- A number of amendments to the Bail Act of 1997 - one of which will clarify that any money paid under recognisance to a prison Governor for example or any other specified person for transmission to the court shall be deemed to be a payment into court. Section 9 of the Bail Act 1997 will be substituted in full to improve the drafting of that particular section.