

ARMS CONTROL CRIME (TITLE II OF LAW N° 17.798)

Article 1 of Law N° 21.412 introduced certain amends to Title II of Law N° 17.798 on Arms Control (Articles 8 to 17C), specifying the following 5 categories of conducts constituting criminal offence:

- 1) Crime of carrying, possessing and trafficking weapons: the bearing, possession (Art. 9), production (Art. 10), adulteration (Art. 10B), commercialization, import and internment of prohibited or controlled arms, devices and ammunitions into the country (Art. 9A and 9B);
- 2) Military organized groups: the creation, organization, financing and operation of private militias or military organized groups (Art. 8); “Organizing, pertaining, financing, equip, incite or encourage the creation and operation of private militias, combat groups or military organized parties, armed with one of these elements” and “Contribute in the creation and operation of private militias, combat groups or military organized parties, armed with one of these elements”;
- 3) Placement and traffic of explosive, incendiary or corrosive artifacts: sending, activating, detonating, throwing, shooting, exploding or placing bombs or explosives, incendiary or corrosive artifacts in, from or to public roads, public buildings or of free access, or in public transportation and facilities (Art. 14D);
- 4) Concerning investigations: breach of confidentiality by the corresponding authorities in relation to records, background and investigations connected to arms control (Art. 16);
- 5) Negligent loss of arms. The abandonment of arms, munitions and others (Art. 14 subsection 1); the loss or misplacement of weapons, ammunitions and others that were not informed to the competent authority (art. 4 subsection 3) within 48 hours of the loss, or from the moment that it had or could have had knowledge of the theft, loss or misplacement (14A subsection 2);
- 6) Joint civil liability for crimes committed with lost weapons: in the case of legal entities, if the loss, misplacement or theft of arms was not duly informed or reported, their civil liability shall be joint and several, and it shall extend also to its legal representative, if its abandoned or lost arms were used to commit crimes.