

Regulations Governing the Permission to Manufacture, Sell and Possess Police Weapons

(Amended on August 22, 2008)

Article 1 These Regulations are duly enacted in accordance with Paragraph 2 of Article 14 of the Statue Governing the Use of Police Weapons.

Article 2 Police weapons whose manufacturing, selling and possessing may be applied for in accordance with regulations include: batons, handcuffs, electric batons and net guns.

To attain permission for police weapons from the preceding paragraph, the MOI (hereafter the Ministry) may authorize the National Police Agency (hereafter the NPA) or a municipal or county police bureau to give permission. The supplier referred herein shall be a company.

Article 3 Suppliers applying for manufacturing or selling of batons, handcuffs, electric batons and nets shall enclose the following documents to the Ministry through a municipal or county police bureau for permission:

1. Application
2. CEO information
3. Copy of certificate of company registration
4. Copy of certificate of factory registration shall be enclosed for manufacturers; copy of agency agreement and manufacturer permit shall be enclosed for vendors
5. Product picture and Chinese manual (including model, pictures)

6. Product samples shall be provided for electric batons and net guns.

7. For electric batons, test results from related government agencies shall be attached; for net guns, a kinetic energy report of projectile emission per unit area is required.

To apply for the manufacturing and selling of net guns in accordance with the preceding paragraph, the emission strength shall not be the cartridge loading type and the emission device shall not have a firing pin similar to a gun.

After passing review, the Ministry will issue a permit to a supplier set forth in paragraph 1. The permit shall not be reproduced for distribution, leased, transferred, mortgaged or lent to others for use.

A supplier shall apply for change of company registration for additional scope of business, and a manufacturer shall change the factory registration for additional scope of business permission within six months from the day after permission is granted. For failure to apply for registration by the deadline, permission shall be canceled.

A supplier completing the preceding registration shall attach a copy of the company registration certificate; In addition to a copy of the company registration certificate, the manufacturer's copy of the factory registration certificate shall be submitted to the Ministry for reference by a municipal or county police bureau.

A manufacturer requesting permission will complete a report for reference. When manufacturing and selling new types of electric batons or net guns, the manufacturer shall first enclose a Chinese manual and product sample; for electric batons, test results from a relevant government agency shall also be attached and for net guns, a kinetic energy report of projectile emission per unit area shall be attached. The above mentioned products together with their enclosures and attachments are submitted to the Ministry for approval via a municipal or county police bureau.

Approval shall be obtained each time from a municipal or county police bureau before manufacturing and selling electric batons or net guns.

Article 4 A supplier completing the procedure set forth in the previous article shall enclose the following documents to a municipal or county police bureau for approval to export batons and handcuffs:

1. Application (letter of statement)
2. Letter of credit issued by an importing country
3. Export order (with Chinese translation)
4. Product manual in Chinese
5. Copy of company registration certificate
6. Copy of permit

A manufacturer obtaining approval according to the preceding paragraph shall attach an additional copy of factory registration certificate.

A supplier completing the procedure set forth in the preceding article shall submit required documents in paragraph 1, 2 to the NPA for approval to export electric batons and net guns through a municipal or county police bureau.

A supplier shall enclose copies of export declaration documents after customs clearance and shall report to the NPA for reference through a municipal or county police bureau within seven days.

Article 5 A supplier completing the procedure set forth in article 3 shall not keep samples of batons, handcuffs, electric batons or net guns numbering more than ten pieces each. A sample of each item may be displayed in a market with the word 'sample' stamped on it and shall be reported to a municipal or county police bureau for control.

When sending samples of batons, handcuffs, electric batons and net guns overseas, a supplier shall apply to a municipal or county police bureau for approval. The number of samples sent shall be less than 2 pieces each time for each country or region.

Article 6 A supplier completing the procedure set forth in article 3 shall label the name and number of the supplier on all the batons, handcuffs, electric batons and net guns. The supplier shall not make excess production and illegally market.

The preceding supplier shall record the number of police weapons manufactured and clients in detail, and submit a monthly report of manufacture and sales of the prior month to a municipal or county police bureau on the 10th of each month before it is transferred to the NPA for reference.

Article 7 Agencies, institutes, schools, companies, firms, factories or neighborhood watch organizations which employ security guards, private security patrol guards or civil servants implementing inspections may enclose the following documents to a municipal or county police bureau for permission to purchase batons, handcuffs, electric batons or net guns. If there are branches, each of the said branches shall submit the following documents to a municipal or county police bureau for permission:

1. Application
2. Certificate of an applying unit
3. Chinese product manual of a supplier
4. Service certificates and three pictures of users shall be enclosed for applying to purchase electric batons and net guns.

For jewelry businesses without security guards, CEOs may apply for permission to purchase electric batons and net guns in accordance with the preceding regulations.

Only security guards for delivery are allowed to apply for permission to purchase projection type electric batons set forth in the preceding two paragraphs.

Article 8 The batons, handcuffs, electric batons or net guns purchased in accordance with the preceding article shall be placed together for safekeeping, recorded and submitted to a municipal or county police bureau for reference. This regulation also applies in the event of a change.

Electric batons and net guns shall not be transferred or lent to others and require a police weapon license issued by a

municipal or county police bureau.

A police weapon license shall be renewed once every two years. A holder shall carry it with him/her at all times and shall not transfer or lend it to others. If there is damage, loss or destruction, a holder shall apply for reissuance immediately.

Article 9 When a supplier completing procedures set forth in article 3 closes or dissolves a business, the NPA will revoke permission and the supplier shall deliver the original permission documents to the NPA for cancellation through a municipal or county police bureau. The electric batons and net guns kept shall be destroyed under the supervision of a municipal or county police bureau.

Article 10 When an agency, institute, school, company, firm, factory and neighborhood watch organization permitted to purchase batons, handcuffs, electric batons or net guns in accordance with paragraph 1 of article 7 closes or dissolves a business, the police weapon licenses shall be submitted to a municipal or county police bureau for cancellation. The electric batons and net guns purchased shall be destroyed under the supervision of a municipal or county police bureau.

When security guards employed by an agency, institute, school, company, firm, factory, neighborhood watch organization or civil servants performing duties in accordance with the preceding paragraph quit his/her job, he/she shall return the police weapons licenses to a municipal or county police bureau. When there is a successor, police weapon licenses shall be reapplied for in accordance with paragraph 2 of article 8.

Paragraph 1 is applicable to batons, electric batons and net guns which have been shelved as useless.

Article 11 For applications to manufacture, sell or possess batons, electric batons or net guns; a supplier, jewelry business CEO or company that employs security personnel or civil servants implementing inspections permitted to carry the above items will be denied permission, if he/she has one of the following:

1. A person convicted of sedition or treason after termination of the Mobilization for Suppressing Communist Rebellion.
2. A person convicted of murder, serious injury, robbery, forcible sexual intercourse, kidnapping for ransom, or convicted

under the Drug, Organized Crime Prevention, Gun, Ammunition and Knives Control or Money Laundering Prevention Acts.

3. A person identified as a hoodlum or disciplined for a hoodlum disciplinary action.
4. A person sentenced to imprisonment for crime other than offenses set forth in item 1 or 2 without probation or a fine in the past five years.
5. Becoming incapacitated, partially incapacitated or mentally ill.
6. Violation of the Social Order Maintenance Act by taking hallucinatory drugs other than narcotics or anesthetics has been convicted more than two times.

If one of the above offenses is found after permission is granted, the permission may be revoked.

Article 12 The NPA and municipal or county police bureau may implement inspection of the manufacturing, selling, safekeeping and use of batons, handcuffs, electric batons or net guns of a supplier, agency, institute, school, company, firm, factory or neighborhood watch organization, and may require the provision of related information if necessary.

A unit or staff shall not refuse inspection, interfere or avoid without justifiable reasons.

Article 13 To manage police weapons examination and identification, the NPA may establish a review committee, and members of the committee shall be selected by the NPA.

Article 14 For failure to make corrections within the deadline set forth in paragraph 6 and 7 of article 3, article 4 to 6, article 8, article 9, article 10 or 12, permission will be revoked and police weapon licenses will be canceled.

A manufacturer, vendor or CEO whose permission is revoked is not allowed to file an application within five years.

If permission has been revoked or a police weapon license has been canceled, a holder of police weapons shall destroy them under the supervision of a municipal or county police bureau.

Article 15 The number, specification and safekeeping place and other related information with regards to net guns manufactured, sold or possessed before implementation of these regulations shall be reported to a municipal or county police bureau for

control.

The provision of Article 12 is applicable to inspection of the safekeeping and use of net guns set forth in the previous paragraph.

Article 16 The format of the letter or form as referred to in these regulations shall be determined by the NPA. These regulations are effective as of the date of promulgation.