

# TOPICS

## Tighter Regulations of and Police Efforts in Response to Felonies Involving Firearms

Serious firearm crimes are occurring one after another. Given such circumstances, the 213th Ordinary Session of the Diet in June 2024 adopted a bill to partially revise the Act for Controlling the Possession of Firearms or Swords and Other Such Weapons (the “Firearms and Swords Control Act”), mainly to strengthen the punitive clauses concerning the firing and possession of firearms, etc. <sup>(Note 1)</sup>. Police must work to prevent the occurrence of firearm offenses through the strict application of the revised act (hereinafter referred to as “the revised Firearms and Swords Control Act”).

### (1) Measures against damage caused by firearms, including homemade firearms

A homemade firearm was used in the fatal gun attack on the former Prime Minister Shinzo Abe, which occurred in Nara City, Nara Prefecture in July 2022. Today, it is easy for the general public to access information online about how to make firearms and to actually manufacture firearms themselves, making abuse of homemade firearms a security threat. To address this problem, the police have been implementing measures against damage caused by firearms, including homemade firearms—for example, by enhancing collection of information from the Internet and promoting crackdowns on the manufacture of firearms and other weapons, and by extending the scope of inappropriate information subject to removal requests made to site administrators by the Internet Hotline Center (IHC) <sup>(Note 2)</sup> to include information on how to make explosives, firearms, and other weapons as well as other information. As the revised Firearms and Swords Control Act has stricter punitive clauses concerning the firing and possession of firearms, etc., establishing penalties for inciting or inducing others possession of firearms, etc., by others, the police are planning to further emphasize preventing damage caused by firearms, including homemade firearms—for example, by cracking down on online posts encouraging illegal possession of hand-guns.

Chart I-1: Outline of the bill for partial provision of the Firearms and Swords Control Act (part on measures against damage caused by firearms, including homemade firearms)

#### ① Establishment of penalties for firing firearms, etc. excluding hand-guns, etc. <sup>(Note 3)</sup>

Firing of firearms, etc. excluding hand-guns, etc. toward places or vehicles used by unspecified or many people, in those places or at those vehicles shall be prohibited, except for legal firing such as firing hunting guns by licensed hunters, as with hand-guns, etc. for which penalties for firing have already been stipulated, and necessary penalties shall be imposed.

#### ② Strengthening of penalties for possession of firearms, etc. excluding hand-guns, etc.

The level of penalties for possession of firearms, etc. excluding hand-guns, etc. shall be increased to imprisonment for one to ten years when they are possessed for the purpose of causing damage to the lives, bodies, or property of people, as with hand-guns, etc., for which strict penalties are already in place.

#### ③ Establishment of penalties for inciting or inducing possession of firearms, etc. by others

Penalties shall be established to punish publicly inciting or inducing acts that constitute the offence of possessing hand-guns, etc. or possessing firearms, etc. excluding hand-guns, etc. for the purpose of causing damage to the lives, bodies, or property of people (for example, providing information about how to make hand-guns using a 3D printer or by other means, or information about hand-gun sales).

#### ④ Establishment of provisions on prohibition of possession of coilguns

Guns that are able to fire metal bullets using the magnetic force of electromagnets shall be included under the definition of “firearms” when the kinetic energy of such metal bullets reaches a lethal level. Possession of such coilguns shall be prohibited, except for licensed or other legal possession.



Example of a coilgun

Note 1: The provision on the strengthening of penalties came into effect in July 2024. The other provisions are scheduled to be enforced by March 2025.

2: See page 117 (Chapter 3).

3: Hunting guns and other powder chamber guns, air guns, coilguns, and crossbows.

## CASE

In October 2022, a 29-year-old unemployed man was caught and found to be in possession of a handmade gun, black gunpowder, and HMTD <sup>(Note)</sup> in his home in Sapporo City. By January 2023, he had been arrested for violating the Firearms and Swords Control Act (possession), Explosives Control Act (possession), Criminal Regulations to Control Explosives (possession), and other laws. (Hokkaido Prefectural Police and Tokyo Metropolitan Police Department)

### (2) Measures concerning licensed hunting guns

The Firearms and Swords Control Act classifies hunting guns into “rifles” and “other hunting guns.” For special licensed possession of “rifles,” stricter standards must be met. Hunting guns with rifling in their bores, the rifled portion of which is not as large as that of a rifle, are popularly called “half-rifles” and were traditionally classified as “other hunting guns.”

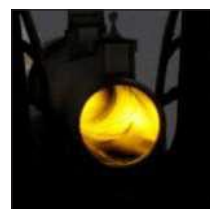
In a murder case that occurred in Nakano City, Nagano Prefecture in May 2023, the suspect committed the crime using his licensed half-rifle and barricaded himself inside his house. This case revealed the risk of long-range rifles being abused for criminal purposes.

This is why the revised Firearms and Swords Control Act exceptionally classifies hunting guns with rifling in their bores extending at least one-fifth of the bore length as “rifles” in terms of possession licensing. Consequently, stricter requirements must now be met to become licensed to possess a half-rifle. However, it should be noted that half-rifles are used for vermin control. Thus, the police are required to appropriately apply the revised Firearms and Swords Control Act while preventing the law from interfering with protecting against damage caused by harmful animals.

The police are also conducting research to assess the validity of reasons for disqualification, such as whether applicants are at risk of causing damage to the lives, bodies, or property of other people—for example, through hearings with their family members, neighbors, and other relevant parties—when people undergo screenings to become licensed to possess firearms, etc. The purpose of such research is to continue to screen out those who are unfit.



Example of a half-rifle (full body)



Bore of a half-rifle

Moreover, when licensed holders of hunting guns, etc. are deemed not to have used their licensed guns, etc. for all or part of the purposes for which they have been licensed for at least two consecutive years, the revised Firearms and Swords Control Act allows Prefectural Public Safety Commissions to revoke their licenses for possession of such guns, etc. or to change their licenses to ones that exclude the purposes for which the guns have not been used. The police are required to strictly examine how licensed hunting guns, etc. have been used when conducting inspections, etc. in accordance with Article 13 of the Firearms and Swords Control Act.



Inspection in accordance with Article 13 of the Firearms and Swords Control Act

Note: HMTD is an abbreviation of “hexamethylene triperoxide diamine” (chemical name) and is an explosive.