

ACC

10000/142/156

POSSESSION OF
MAY 1944 - JAN

10000/142/156

POSSESSION OF FIREARMS BY ITALIAN CIVILIANS
MAY 1944 - JAN. 1946

1.

C.A. Section

reference folio 10A herewith submitted reply for
signature if approved.

Legal S/C
1 NOV 45

Sgd

Musgrave Thomas
MUSGRAVE THOMAS,
Italian branch,
Legal Sub-Commission:

HEADQUARTERS ALLIED COMMISSION
AFU 334
LEGAL SUB COMMISSION

AC/4011/10/-

AP/ns
21 January 1946

SUBJECT : Trials by Italian Courts for
Illegal Possession of Arms

TO : AFU, C-3.

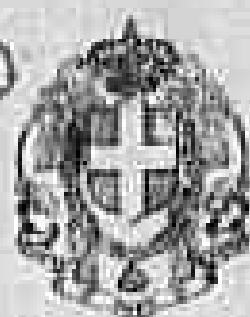
1. Further to this Sub Commission's letter AC/ 4011/
10/- of 20 December 1945.

2. Advice has now been received from the Ministry of
Pardon and Justice that on 12 October 1945 the Procureurs Generals
of Turin had already taken steps to appeal the Ivrea case on the
grounds that the penalties imposed by said Court were inadequate.

For the Chief Commissioner :

G.G. HARRISON,
Lt. Colonel,
Deputy Chief Legal Advisor.

40/1/10



Roma

Gennaio 1946

Mod. 40

Ministero della Giustizia
 DIREZIONE GENERALE DEGLI AFFARI PENALI
 DELLE GRAZIE DELLA STATISTICA E DEL CASELLARIO

COMMISSIONE ALLEATA
 Sottocommissione Legale

Ufficio
 Prot. N°

I° A.P.

12-876-2923.45

Supplente
Giuristi

22/11/1945

9/10/11/10/L.

Oggetto Processi nei Tribunali Italiani, nel
 territorio del governo militare per abusivo posses-
 so di armi.-

e per conoscenza:
 All'Ufficio Collegamento

J E D E

Facendo seguito alla nota pari numero in
 data 17/12/1945, relativa all'oggetto, si
 informa che la Procura Generale presso la
 Corte di Appello di Torino ha riferito
 che il processo celebrato presso il Tribu-
 nale di Ivrea il 29/9/1945 contro responsa-
 bili di omessa consegna di armi, riguarda
 gli imputati IANNELLA Antonio ed altri 16.-

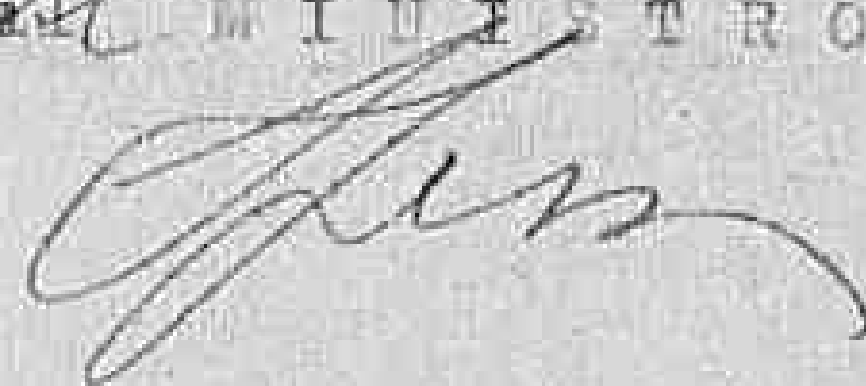
Il predetto Ufficio ha aggiunto che
 contro la relativa sentenza è stato inter-
 posto appello in data 12 ottobre detto, per

./././.

38

l'eccessiva mitezza delle pene inflitte
agli imputati.-

Il Ministro MINISTRO



LEG. 1. 1934

CLO

DCLO

Chief Counsel

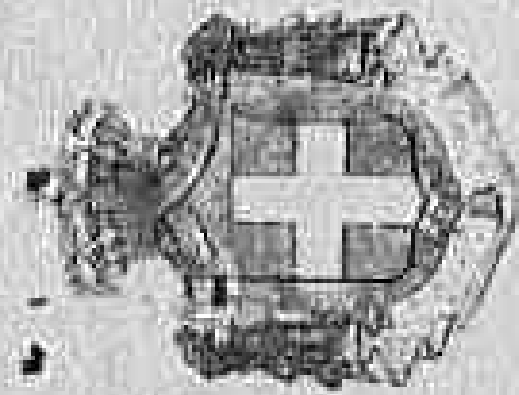
CJO

Italian Section

CL RKS

Jan 21/46.





DIREZIONE GENERALE AFFARI PENALI
Def. 16 A.P. - Prot. 131.875/2021/45

Roma, 22 dicembre 1948

ALL'ILLUSTRE CAPO DEL CORPO DI ARMI E DI FUCILE

AL PROCURATORE GENERALE PRESSO LA CORTE DI CASSAZIONE
ROMA - TORINO - MILANO - VENEZIA

OGGETTO: Procedimenti e ricorso al perito imputato, in detenzione illegittima di armi. Mancanza dello autorità giudiziaria italiana nei territori amministrati dal Governo Militare Alleato.

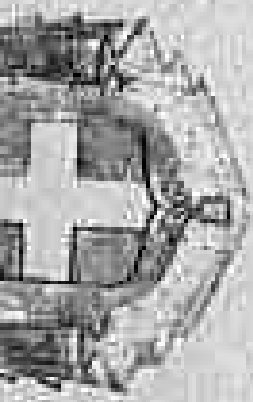
La Commissione Alleata, Sottocommissione Legale, nel far presente che le armi non si vanno svolgendo per iniziativa delle autorità militari alleate, e con la collaborazione delle autorità italiane, viene a creare una situazione di confusione che al momento delle armi alleate sono dovute nei territori italiani ancora sottoposti al controllo del Governo Militare Alleato, e che con l'instaurazione di gravi sanzioni si tenta in ogni modo di ridurre i ricorsi alla legge, segnare le armi assolutamente possedute, ha rilevato che a difatti provvedimenti non corrisponde un'eguale sovranità di autorità. La parte delle autorità giudiziarie italiane nel condurre degli individui denunciati e trattati a giudizio per omessa consegna di armi.

Al riguardo la predetta Sottocommissione ha segnalato che molti processi del genere, si sono conclusi con l'irritazione di pena più vicina al rimpatrio, spesso condizionalmente sospeso, il che non ha avuto altro effetto se non quello di ingenerare negli individui che tuttora nascondono oggetti di armamento la convinzione di una quasi impunità nel caso di denuncia.

Il problema di ordine pubblico e della tutela della libertà e delle sicurezza dei cittadini, è indispensabile che le leggi vigenti 37 materie di detenzione di armi siano osservate scrupolosamente e senza eccezioni.

Con recente dispozione legislativa si sono opportunamente irasprite le sanzioni a carico dei contravventori, la è avvio che il rispetto della legge potrà ottenersi soltanto mediante la rigida e se vera applicazione di essa nei casi concreti da parte del magistrato.

Si gradirebbe se le SS. IL. l'onorevole Sottosegretario di Interiore la opportuna direttiva alle autorità giudiziarie alleate in via di attuazione la perenne imputazione di omessa consegna di armi con la massima rapidità ed efficacia ad avvalersi il meno possibile della facoltà di sospendere condizionalmente la pena inflitta agli in-



Ministero di Grazia e Giustizia

DIREZIONE GENERALE - F. 20 - ROMA
UFF. 10 - 100 - TEL. 471.375, 2023/42

Roma, 11 dicembre 1945

Al PRIME PRESIDENTE della Corte d'Appello

Al SECONDO PRESIDENTE della Corte d'Appello

OGGETTO: Proccacciamento a carico di persone imputate di reato di possesso di armi e munizioni, in violazione delle disposizioni della legge n. 103 del 1941, concernenti la disciplina dell'armamento nei territori amministrati dal Governo Militare Alleato.

La Commissione Alleata, Subcommissione Legale, nel far presente che da alcuni mesi si vanno svolgendo per iniziativa dello Sottosegretario Militare Alleato, e con la collaborazione delle autorità italiane, le armi illegalmente detenute nei territori italiani, anche se per lo più, gravi sanzioni si tenta in ogni modo di procurare i ricattatori e di segnare le armi abusivamente possedute, ha ritenuto che a questi provvedimenti non corrisponde un'eguale severità nei confronti degli individui denunciati e tratti a giudizio per omessa consegna di armi.

Al riguardo la predetta Subcommissione ha osservato che molti processi del genere si sono conclusi con l'irregolare azione di generoso avuto altro effetto se non quello di ingenerare negli individui che tuttora nascondono oggetti di armamento la convinzione di una quasi impunità nel caso di denuncia.

La Commissione Alleata, Subcommissione Legale, ha osservato che l'ordine pubblico e della tutela della libertà e della sicurezza dei cittadini, è indispensabile che le leggi vigenti 35 siano osservate scrupolosamente e senza eccezioni.

Con recente disposizione legislativa si sono opportunamente inasprite le sanzioni a carico dei contravventori, ma è arduo che la vera applicazione di essa nei casi concreti da parte del magistrato.

Si gradirebbe se le SS. M. I. dovessero cominciarci di intraprendere le opportune direttive alle autorità giudiziarie dipendenti in con la massima rapidità ed energia ad avvalorare le loro possibilità della facoltà di sospendere condizionalmente la pena inflitta agli imputati, lancia nell'art. 163 C. P. I.

Si resta in attesa di un cortese cenno di approvazione.

pel MINISTRO

HEADQUARTERS ALLIED COMMISSION
APO 384
LEGAL SUB COMMISSION

AG/4911/10/L

ES/ns
29 December 1945

SUBJECT : Trials by Italian Courts in Military
Government Territory for illegal
possession of arms.

TO : AFHQ, G - 5

1. Reference is made to your G - 5,0005
of 2 November 1945 on above subject.

2. In response to the representations by
this Sub Commission the Minister of Justice has issued
a directive (copy attached) instructing the Prosecutors
and First Presidents of Courts of Appeal to expedite the
above trials and to strictly enforce the existing
Italian legislation in this field using the power to
suspend sentences in exceptional cases only.

G. G. HANNAFORD,
Lt. Colonel,
Deputy Chief Legal Advisor.

Encl : Copy Circular Off. I Prot. 131.876/2323/45.

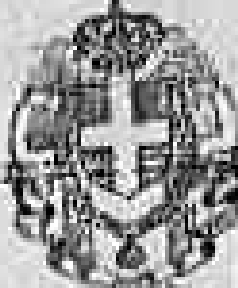
0342

Mod 40

4011/10.1

17 dicembre 1945

fm -----



Ministero di Grazia e Giustizia

DIREZIONE GENERALE DEGLI AFFARI PENALI
DELLE GRAZIE DELLA STATISTICA E DEL CASELLARIO

22A

LA COMMISSIONE ALLEATA
TA - Sottocommissione Legale
ROMA

Ufficio I° A.P.
Prot. N° 31.876/2923/45

21A

Risposta al F. del 23.11.945
Dir. Leg. AC N° 4011/10/1

Oggetto: Processi nei Tribunali italiani nel territorio del Governo Militare Alleato per abusivo possesso di armi.

*UFFICIO LEGALE VERBALE 1005-
SABINETTO 1070*

All. I

Con riferimento alla nota sopra distinta, si comunica copia della nota di questo Ministero, pari numeri, relativa all'oggetto, trasmessa ai Primi Presidenti ed ai Procuratori Generali presso le Corti di Appello di Brescia, Torino, Milano, Venezia, *Brescia*.

Sono state anche chieste informazioni al Procuratore Generale di Torino sulla sentenza segnalata, e sulle comunicazioni al riguardo.

ISTRUZIONE DOCUMENTAZIONE

CLO		per MINISTRO
DCLO		
Chief Counsel		
CJO		
Italian Section		
CL RKS		
11 DEC 1945		

35

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

ES/es

AC/4011/10/L.

23 November 1945

SUBJECT : Trials by Italian Courts in Military Government
Territory for illegal Possession of Arms.

TO : The Minister of Pardon and Justice.

1. The Allied Force Headquarters has requested this Commission to draw your attention to a serious problem arising in connection with the above subject.

2. During the recent months it has been the aim of Allied Military authorities, with the cooperation of the Italian authorities, to recover hidden arms, and a number of raids have been conducted to this end. Moreover, in order to induce people to hand in their arms voluntarily they have repeatedly been warned that they would be severely punished if they fail to do so. These threats have in many cases had the desired results.

3. Recent trials for illegal possession of arms in Italian Courts in Military Government territory appear to have resulted in inadequate sentences. Particular reference is made to a trial in Ivrea on 29 September in which the defendant received a 12 months suspended sentence. It is feared that a sentence of this kind may do much to nullify the good work done in recovery of illegally concealed arms. The persons who still retain arms illegally may consider that they can do so with immunity, even if discovered, and the recent Italian decree imposing increased penalties for the holding of arms becomes an empty threat.

4. You will no doubt agree that a strict enforcement of existing law in this field is essential for the maintenance of public safety and order. It would be appreciated if you

would take the necessary steps to ensure such enforcement as otherwise it would become necessary to prosecute cases of this nature in Allied Military Courts.

5. Would you please advise this Sub-Commission of the steps taken so that the Allied Force Headquarters may be informed.

G.G. HANNAFORD,
Lt. Col.,
Deputy Chief Legal Advisor.

- 5 NOV 1945

ALLIED FORCE HEADQUARTERS
G-5 Section
AFO 512

G-5: 000.5

2 November 1945

SUBJECT: Trials by Italian Courts in Military Government Territory for
Illegal Possession of Arms.TO : Chief Commissioner, Allied Commission,
AFO 394.

1. During recent months it has been the aim of Allied Military authorities, with the cooperation of the Allied Commission, to recover hidden arms, and a number of raids have been, and are being conducted to this end. Moreover, in order to induce people to hand in their arms voluntarily they have repeatedly been warned that they would be severely punished if they fail to do so. These threats have in many cases had the desired results.

2. Recent trials for illegal possession of arms in Italian courts in Military Government territory appear to have resulted in inadequate sentences. Particular reference is made to a trial in Ivrea on 29 September in which the defendant received a 12 months suspended sentence. It is feared that a sentence of this kind may do much to nullify the good work done in recovery of illegally concealed arms. The persons who still retain arms illegally may consider that they can do so with immunity, even if discovered, and the recent Italian decree imposing increased penalties for the holding of arms becomes an empty threat.

3. It is requested that the Italian authorities concerned may be advised that a strict enforcement of existing law is essential, and that in the event that offenders are not dealt with in a suitable manner it will be necessary to prosecute cases of this nature in Allied Military Government Courts.

LEG. SUB-COMMISSION

CLO

DCLO

Chief Counsel

CJO

Italian Section

CL RKS

2 NOV 1945

Copy to: G-2 (AFHQ)
Hq, No. 2 District

A. L. HAMLEN

TO Brigadier General, G.S.C.
Assistant Chief of Staff, G-5

32

3 NOV 1945

SECURITY
CHIEF CLERK

HEADQUARTERS ALLIED COMMISSION
APO 394
CIVIL AFFAIRS SECTION

AC/4011/10/L

1 November 1945

SUBJECT : Italian law with respect to
Possession of Firearms

TO : AFHQ G-5 Section

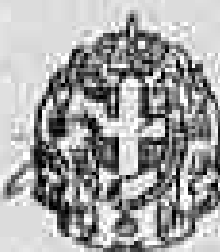
1. Reference your G-5: 010.9-1 of 24 October 1945, herewith enclosed a synopsis of the Italian law on arms and explosives prepared by the Legal Sub-Commission of this HQ in May 1944. There has been added to it a synopsis of D.L. No 234 which is the only modification or amendment of the law enacted since that date.

2. The attached copy is the only spare copy available.

For the Chief Commissioner:

M. CARR, Brig,
VP CA Section.

Incl: Synopsis of Italian law on
arms and explosives.



Ministero del Guardasigilli

File *C22-11-45*
10/4011/10/L
Con Frone, G. Trombello
e per della circolare richieda

Group Doney

File 4011/10
198
The above synopsis of Italian law on arms and explosives, the following provision is to be added:

"D.L.L. n. 234, 10 May 1945 (Gazzetta Ufficiale n. 62; 24 May 1945)"

Art. 3 - Whoever holds war arms or ammunitions thereof after the date fixed for their delivery, shall be punished with penal servitude from 1 to 3 years.

Whoever holds unlawfully dynamite or other explosives, hand grenades, or other deadly engines shall be punished with penal servitude from 2 to 10 years.

In the case that the arms, the ammunitions and the materials indicated in the precedent paras are in a big quantity, penal servitude shall be inflicted from 5 to 15 years.

30

26 OCT 1945

4011/10
 ALLIED FORCE HEADQUARTERS
 G-5 Section
 APO 512

AMB/prb

G-5: 010.9-1

24 October 1945

26 OCT 1945

SUBJECT: Italian Law with respect to Possession of Firearms.

TO : Headquarters, Allied Commission,
APO 394.

It is requested that you advise this Section of the Italian law with respect to the declaration, registration or ownership of firearms and ammunition by civilians.

For the Assistant Chief of Staff, G-5:

A. M. BULLOWA

A. M. BULLOWA
Captain, AUS

ALLIED COMMISSION	
DELO	
Chief Counsel	
CL	
Italian Section	
Judge Roman	
CL RKS	
26 OCT 1945	

See, at folio 1C will be found a synopsis of Italian Law on arms and explosives prepared by us in May 1944. Suggest that one of the legal advisors be asked if Law remains same today and if so, as attached be forwarded to AFHQ. Copy attached is only spare copy.

A. M. B.

5269

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

(17A)

AC/4011/10/L.

/pa.
5 Oct 45.

SUBJECT : Arms cases.

TO : Regional Commissioner (Attn: R.L.O.),
PIEMONTE Region.

Reference your PR/LE/310 of 21 Sept 1945, in connection with the above, herewith for your information copy of letter AC/4094/PS of 2 Oct 45 received from Public Safety Sub-Commission.

By command of Rear Admiral STONE :

G. G. HANNAFORD,
Lt. Colonel,
Deputy Chief Legal Advisor

Incl.

7 28

HEADQUARTERS ALLIED COMMISSION
Public Safety Sub-Commission
APO 394

AC/14094/PS

2 October, 1945

SUBJECT : Arms cases

TO : Legal Sub-Commission ✓

1. Reference the attached correspondence, your AC/4011/10/L of 27 September, 1945, and PR/LE/310 of 21 September, 1945.

2. The policy of the Italian Government in Italian Government territory is to require the surrender of all weapons of war and to prosecute those who fail to so surrender.

3. This Sub-Commission has no information as to whether any difficulties have been encountered in securing convictions under DLL 234 of 1945.

John W. Chapman

JOHN W. CHAPMAN
Colonel, J.A.G.D.
Director

JWC/sk

REC'D - SUB-COMMISSION	
CLO	
DCLO	
Chief Counsel	
CJO	
Italian	✓
CL RKS	
3 OCT 1945	

*Copy to Panel 27
please
16A*

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/4011/10/L.

/lc.
27 September 1945.

Subject : Arms Cases.

TO : Public Safety Sub-Commission.

The attached copy of letter PR/LE/310 of 21 Sept 45 received from Regional Legal Officer Piemonte Region, is passed to you for consideration and advice.

G. G. HANNAFORD,
Lt. Col.,
for Chief Legal Advisor. 26

✓ 4011/10

HEADQUARTERS
PIEMONTE REGION
ALLIED MILITARY GOVERNMENT
APO 394

(14A)

21 September 1945.

PR/LE/310

SUBJECT: Arms Cases.

TO : H.Q. A.C. for Legal Sub-Commission.
(Attn. Italian Branch).

1. The Military Authorities and the Public Safety Division are very much interested in the position of persons found in possession of arms after Allied Military Government ceases.

2. The position of such persons under D.L.L. 234 of 1945, under which some prosecutions are now being carried on, has been raised. This Division takes the view that A.M.G. orders to surrender arms remain valid after the handover to the Italian Government, but that in strict law in any prosecution after A.M.G. has ceased it would be necessary to prove that the accused had possession during A.M.G. The Procuratore Generale while admitting that this position is strictly accurate does not anticipate any difficulty in getting convictions either directly or under Art. 378 of the Penal Code.

3. Any difficulty on the point would be removed if the Prefect of each Province issued an order by him as competent authority immediately on the handover requiring surrender of arms.

4. Will you please inform us as soon as possible what is the policy of the Italian Government in territory already handed back, which policy it is presumed will be the same here; and, if "disarmament" is the policy, whether any difficulties have been experienced in securing convictions under the D.L.L.

For the Regional Commissioner.

DCLO

Chief Counsel

CJO

Italian Section

CL RK SEP 1945

2 SEP 1945

DDM Tolm Major
D.D. Mc Colm
Major, R.A.
Act'g Reg. Legal Officer.

DDM/AR.

Copy to R.P.S.O.

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

AC/1011/10/L.

EE/ps.
7 Feb 45.

SUBJECT : Permits to carry arms.

TO : Officer i/c Italian Courts, TOSCANA Region.

1. The enclosed five applications of giudici istruttori and of the Presidente di Tribunale, for permission to carry arms have received approval of the Ministry.

2. If in your opinion the applications are well founded could you please approach the competent AM- officer with the view of obtaining the necessary permits. Such procedure has been agreed upon with the Ministry.

3. The application of Dott. GASTONE Alessandro for a circulation permit should have been lodged directly with the competent officer. Kindly have Dott. GASTONE informed accordingly.

G. G. HAMMARD,
Lt. Colonel,
Officer i/c Italian Branch,
for Chief Legal Advisor.

Copy to : Regional Commissioner (Attn: R.L.O.)
TOSCANA Region for info.

*Ministero di Grazia e Giustizia*UFFICIO SUPERIORE DEL PERSONALE
E DEGLI AFFARI GENERALILegale della Commissione Alleata
R O M AUfficio 2°
Dot. N° 10/3-201298Proposta N°
del

Oggetto. Concessione di porto d'arme ai magistrati.

Si trasmettono le allegate domande per concessione di porto d'arme di sei magistrati della Corte d'Appello di Firenze, con preghiera di inoltrarle all'Ufficiale Legale competente.

Da parte di questo Ministero nulla osta alla predetta concessione.

PEL MINISTRO

[Signature]

R.L.O. Toscana Region

HEAD QUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

11A

AC/L011/10/L.

ES/pe.
7 Feb 45.

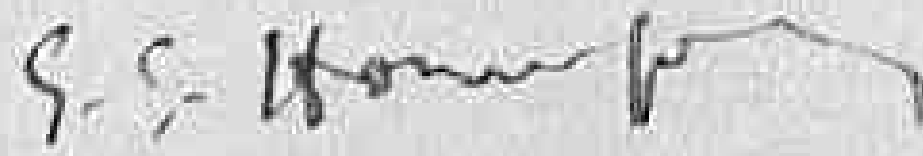
SUBJECT : Permits to carry arms.

TO : Officer i/c Italian Courts, TOSCANA Region.

1. The enclosed five applications of giudici istruttori and of the Presidente di Tribunale, for permission to carry arms have received approval of the Ministry.

2. If in your opinion the applications are well founded could you please approach the competent AMI officer with the view of obtaining the necessary permits. Such procedure has been agreed upon with the Ministry.

3. The application of Dott. GASTONE Alessandro for a circulation permit should have been lodged directly with the competent officer. Kindly have Dott. GASTONE informed accordingly.


G. G. HAMMARFORD,
Lt. Colonel,
Officer i/c Italian Branch,
for Chief Legal Advisor.

Copy to : Regional Commissioner (Attn: R.L.O.)
TOSCANA Region for info.

HEADQUARTERS ALLIED COMMISSION
A-0 394
LEGAL SUB-COMMISSION

10A

AC/4011/10/L.

SS/rm.

26 Dec. 1944.

SUBJECT : Permits for judicial officials to
carry arms.

TO : H.E., the Minister of Justice.

1. This Sub-Commission has received the enclosed letter of the Procuratore Generale of Rome forwarding the attached applications for permit to carry arms. This letter refers to a circular of the Ministry which would appear to be based on the erroneous assumption that the Allied authorities are competent to deal with applications for the above permits in Italian Government Territory.

2. The perusal of the Minutes of meetings with Your Excellency reveals that on 25 Aug. 44 this matter was discussed in connection with certain officials of the courts in Viterbo Province which at that time was still under Allied Military Administration. It was understood that judicial officials in such territory desirous to carry arms for self protection should submit their application to the Provincial Legal Officer concerned for transmittal with his recommendation to the competent local authority. It has not been the intention of this Sub-Commission at any time to establish the jurisdiction of Allied authorities in this matter in Italian Government Territory where it is of course for the Italian authorities to deal with the applications.

3. In response to Your Excellency's circular applications began to pour into the offices of the Allied Commission in Sicily and in other regions of the Italian Government territory and it would therefore appear advisable for Your Excellency to clarify the misunderstanding at the earliest possible date by appropriate instructions. This Sub-Commission would be glad to forward a copy of such instructions to the legal officers concerned in Military

Government Territory for their orientation.

G.G. HANFORD,
Lt. Colonel,
Officer i/c Italian Branch,
for Chief Legal Advisor.

Incl:

Copy to: R.E. (attn: R.L.O.),
Sicilia Region
(your RLE 013.053 refers)

ALLIED COMMISSION
SICILIA REGION HEADQUARTERS
APO 394

4011/10 ✓ 9A
file

FILE: FILE 013.053/EKM

21 December 1944

SUBJECT: Judicial Personnel - Carrying of Firearms.

TO : Headquarters, Allied Commission - APO 394.
(Attn: Legal Sub-Commission)

1. I have recently received several petitions from Judicial personnel for my recommendation to their carrying firearms all quoting a direction No. 1633g/2409 of 9.9.44 from the Minister of Justice. I understand that I am about to receive many more such petitions.

2. I have seen the above circular which states that it is issued after consultation with A.C. HQ., who have agreed that the applications should be made in the first instance to the A.C. Legal Officer of the District concerned.

3. As this HQ has received no instruction in this matter I am bringing the facts to your notice and shall be glad to receive your comments.

For the Regional Commissioner:

sf

LEG-L SUB COMMISSION	
CLO	
DOLO	
Chief Counsel	
CJO	
Italian Section	
CL RKS	
26 DEC 1944	

E. K. Matthews capt
E.E. MATTHEWS, Captain,
Regional Legal Officer.

Sent.

Copy of our
letter to Ministry
No summary of
Alype office in
AC territory only
19

HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 394

ACC/4011/10/L

5th September 1944

SUBJECT: Provincial Orders regulating possession of firearms.

TO : R C & M G Section

1. Reference your 369/17/CA dated 4 September 1944.

2. In our opinion the answer to the question raised by para 2 of Col. Kirkwood's letter of 1 September 1944 is that a permit to possess firearms can properly be given on behalf of AMG by any CAO or CAPO within the limits of their respective jurisdiction. From the legal aspect it is in order for a Provincial Commissioner to authorize the issuance of such permits in particular circumstances.

RICHARD H. WILMER,
Colonel, C.A.C.
Chief Legal Officer. 18

4011/10

HEADQUARTERS
ALLIED CONTROL COMMISSION
R.C. AND M.G. SECTION
APO 394

(7A)

Ref: 369/17/CA

4 September 1944.

Subject: Provincial Orders regulating possession of firearms.

To : Admin. Section (for Legal Sub-Commission and Public Safety Sub-Commission).

1. Attached are a) copy of a letter from Regional Commissioner, Region VIII dated 1 September 1944, Ref: RVIII/48/4/8; and b) draft of a proposed Provincial Order.

2. Two questions are raised by the Provincial Commissioner Region 8 and we should like to have your opinion about the question of permits for firearms to be issued to Italian civilians for the purpose of killing game for foodstuffs,

LEGAL SUB-COMMISSION	
CLO	
DELO	
Chief Counsel	
CJO	
INCL: Italian Section	
CL RKS	

W.A.S. Dillard
Major

for NORMAN E. FISKE,
Colonel.
Deputy Executive Commissioner.

COPY 76

HEADQUARTERS
REGION 8, ALLIED MILITARY GOVERNMENT,
APO 394, U.S. Army.

RVIII/18/1/8

1 Sept. 14.

SUBJECT: Provincial Orders.

TO : Executive Commissioner, ACC.

1. Herewith is sent a draft of a Provincial Order which has been submitted to this headquarters by the Provincial Commissioner of GROSSETO. This draft appears to raise two matters on which it is necessary to obtain the views of ACC.
2. The first of these matters is a legal one. Proclamation No. 1, Article IV, paragraph (5) makes it an offence for any person to have in his possession firearms, etc. except in accordance with a permit of the Allied Military Government, and Notice No. 1 requires all firearms, etc. to be surrendered immediately to the Questura or the CC.NR. Paragraph 5 of ACC Executive Memorandum No. 68 precludes a Regional Order (and by implication a Provincial Order) from amending or construing a Proclamation. It does not appear to be laid down who can issue permits for the possession of firearms, etc. The question is whether it is in order for a Provincial Order to say that in certain circumstances a person may be issued with a permit for firearms.
3. Assuming that the answer to the question asked in para. 2 above is in the affirmative, the further question arises whether the Provincial Order should be issued as a matter of policy. The Province of GROSSETO is the most northerly province not under the control of the Germans who, it is understood, take a strong line against civilians having possession of firearms, etc. at all.
4. It will be appreciated if this headquarters may be supplied with a ruling on these two questions.

JKN/gab.

signed: ROBERT C. KIRK, 18
Colonel, P.A.
Regional Commissioner.

ALLIED MILITARY GOVERNMENT
PROVINCE OF GROSSETO

COPY

7c

PROVINCIAL ORDER }
NUMBER }

August 1944.

Considering the abundance of game in the Province of Grosseto and the desirability of making available all the foodstuffs possible for the people of the province:

I, R.A.B. HAMILTON, Provincial Commissioner, Province of Grosseto, by virtue of power vested in me, hereby order the following:

1. Farmers, landowners and others of good repute may obtain hunting permits by making application therefor in writing to the Allied Military Government, observing the following conditions:

(a) The applicant will state his name, residence, occupation, identity card number, and a description of the firearm he contemplates using.

(b) The application must bear the "visto" of the Sindaco and the local commander of the CC.IR.

(c) If the applicant wishes to retain his sporting arms in his own possession, he will show good and sufficient cause therefor in his application, namely, distance from police post, non-availability of transport, etc. Otherwise, arms will be issued from police posts on production of the AMG permit and returned on receipt, the police post keeping a proper ledger for this purpose. The police post for use in each case will be named in the AMG permit.

(d) Communal Agricultural Committees will form sub-committees for sale of game from Central Amassi. Applicants receiving permits for hunting will certify by their signature on the permit itself that he will deliver to the Amassi at least two-thirds of all game secured. The Sub-Committees will arrange for payment, at a price to be approved by AMG, of game thus rendered, and for the sale of game in markets at fixed prices. Game shall not be delivered by anyone, free or on payment, to any person or institution, except through the Amassi.

(e) Reports of every hunting party will be rendered in writing through communal sub-committees to the Provincial Consorzio Agrario within 48 hours after the conclusion of the hunt, and showing (1) names and numbers of AMG permits of those of the hunting party carrying arms, (2) locality of hunt, and (3) Bag, in kind and number and how disposed of.

(f) Any person who violates any provisions of this Order shall, upon conviction by an Allied Military Government court, be liable to imprisonment or fine, or both, with or without other lawful punishment, as the Court may determine.

(g) This order shall extend only to the Province of Grosseto and shall become effective on the day of September 1944.

R.A.B. HAMILTON, Lt. Col.
Provincial Commissioner.

15

HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Subcommittee
APO 394

ACC/4011/10/L

RHW/ap
22 Aug 44

SUBJECT : Order by Italian Rome authorities.
TO : Region IV, ACC
(Attention to Lt. Col. Guy I. Warren).

1. Confirming telephone conversation, and
reference letter AC.014 of 18 Aug 44 from RAAC to you :-

Possession of Firearms. A prefect's order
should be issued along the lines
proposed by the Minister of Jus-
tice.

Possession of enemy goods. If required, a
Prefect's order could be issued
along the lines of the AMG Procla-
mation. Otherwise no action is
necessary.

The remaining matters are fully carried by
existing Italian law.

2. I suggest that a conference be arranged with
the ACC Public Works Sub-Commission (Lt.Col.Lapper), the
Minister and RAAC to make arrangements for the issue by the
Minister to the Public Utility Companies of the directives
required by RAAC.

RICHARD H. WILMER,
Colonel, CAC.
Acting Chief Legal Officer.

ROME ALLIED AREA COMMAND
APO No. 794 U.S. Army

AC-014

WHE/hwt

18 Aug 41

SUBJECT: Issue of Ordinances and Proclamations

TO: Region IV (Attention Lt-col Guy I. Warren)

1. Reference Conference 17 August with Chief of Staff, Rome Allied Area Command, it is confirmed that this Headquarters desires the following Ordinances and Proclamations previously issued by AMG/ACC to be reissued by the responsible Department of the Italian Government.

- a. Possession of Firearms ACC
b. Possession of Enemy Goods ACC
c. Curfew R

Note This Order requires one amendment—Curfew is to be extended from 2300 hours to midnight.

- d. Blackout R
e. Meetings and Assemblies ACC

Note An addition to this Ordinance should be made to the effect that permission to hold Meetings and Assemblies must now be obtained from the Sindaco.

- f. Display of flags and singing of National Anthems ACC
g. Operation of bars R
h. Registration of Aliens ACC
i. Binoculars and Wireless Sets—Prohibition of Possession and Operation of Wireless Sets only ACC

2. The Ordinances in respect to Photographs, the restrictions on Highway Travel and Circulation of Civilian Vehicles do not require to be reissued.

3. It is confirmed that the Ordinance dealing with Offences against Allied Forces will be taken up by you with the responsible Branches of ACC for re-interpretation.

4. Draft Ordinances in respect of the control of Electricity and Water are attached.

5. It is requested that arrangements be made to reissue Rome Allied Area Command Order "Control of TETI - Construction and Rehabilitation," copy of which is attached.

6. With reference to the changes in the method of requisitioning outlined in AAI Administrative Instruction No. 48, it is requested that the Sindaco now sets up a Requisitioning Authority to approve the requisitioning of private and public property and services in Italian Government territory, as required by Rome Allied Area Command.

7. It is further requested that the Prefect of the Province of Rome be instructed to set up a requisitioning authority similar to that in Para 5 to deal with requisitioning in the area outside the Rome Governorate.

For the Commanding General:

3 incls:

Incl No. 1—Draft Ordinance

" " 2—Draft Ordinance

3—Control of TETI - Construction and Rehabilitation

WILLIAM A. WEDEMAYER

Lt. Col. GSC

Chief of Staff

DRAFT

(5B)

ROME ELECTRICITY SUPPLY

1. No connection to the ROME Electrical Supply System will be made by any civilian without the prior consent in writing of the Electricity Board, ROME Allied Area Command.
2. No switch transformer or other connection in the Electrical System will be interfered with by any civilian not properly authorized or employed by the Power Company.
3. Control of distribution of Power will remain in the hands of ROME Allied Area Command.
4. Strict economy in the use of Electricity during the hours of which power is available is enjoined on all users in the interest of economy of fuel.

DRAFT

(5c)

ROME WATER SUPPLY

1. No connection to the ROME Water Supply System will be made by any civilian without the prior consent in writing of the Engineer services, ROME Allied Area Command.
2. No valve, hydrant, meter or other appliance of the water supply system will be interfered with by any civilian not properly authorized or employed by the Water Companies.
3. Waste of Water will be regarded as an offence and will be dealt with accordingly.

COPYROME ALLIED AREA COMMAND
OFFICE OF THE SIGNAL OFFICERCONTROL OF TETI - CONSTRUCTION AND REHABILITATION

1. No service or facilities for military use in ROME and its environs will be furnished by TETI except on authority of the Signal Officer, RAAC. Such authority being contained in Service Order forms issued by this Headquarters.
- 2.; TETI will establish and maintain a complete record of each service or facility giving: date and time of completion of service; details of facilities involved, such as, telephone number, cable pairs in the case of facilities only, number of instruments, date of disconnection, etc. Such records in each case being identified with the Service Order number as furnished by this Office.
3. Military requirements shall have preference over civil requirements, and in cases of conflict the matter shall be referred to the Signal Officer RAAC, for decision.
4. No construction of or extension of plant, or the issue of any material in connection therewith, shall be undertaken without the prior approval of the Signal Officer, RAAC.
5. Reconstruction and repair programs will be subject to review and direction of the Signal Officer, RAAC.
6. A strict accounting will be rendered of all materials and labour utilised (except for telephone installation, and minor drop or field wire extensions) of any construction or rearrangement of plant solely for military purposes.
7. Installation of civil telephones may progress at the discretion of TETI subject to the provisions in para 3 above, or other instructions or stop orders that might be issued from time to time by or through the Signal Officer, RAAC. No installations will be made which will increase the traffic load above the level approved by RAAC.
8. Traffic studies will be made and reports rendered of traffic conditions as required by this Office.
9. This is not to be construed as the exercise of control of the property or activities of the TETI extending through or outside the limits of control of RAAC. except as may be delegated from time to time by higher authority nor for those properties and activities now under control of L of C Italy, AFHQ, AAI, ACC, or AMG except as delegated by higher authority to the Signals Officer, RAAC.

1/5
REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 394

ART/pa

(4A)

30 May 1944

ACC/4011/10/L.

SUBJECT : Possession of fire-arms .

TO : H.Q. A.A.I. (GS.IB)
(for att. Col. Gibson .)

- 3A
1. In reply to your letter Ref. AAI/I460/5/GSI(b) dated 26 May 1944 the copy of the prefectorial ordinance attached to the memorandum in question has now been modified and the revised text sent to you under cover of No. ACC/4011/10/L dated 28 May 44.
 2. As requested an additional 5 copies of the memorandum are forwarded herewith. 2A
 3. Your proposed comment on the more serious crime of bearing arms with subversive intent is quite in order.

A. N. Thackrah
A. N. THACKRAH,
Major,
for Chief Legal Officer.

Enclosed : 5 copies memorandum.

4001/10
Subject:- Possession of fire-arms
by Italian Civilians.

3A
H.Q. ALLIED ARMIES IN ITALY.

RESTRICTED.

AAI/1460/5/GSI(b).

26 May 44.

Chief Legal Officer,
A. C. C.

1. Your Memorandum on the above subject, No. ACC/14011/10/L dated 18 May 44, is acknowledged with thanks.

Can be supplied
2. The document will be of considerable assistance to I(b), and I would be grateful if you could let me have a further five copies for distribution to Intelligence Staffs at Districts and Base Sections.

3. Would it be in order for me to include in my covering letter, when forwarding such copies to the above HQ's, some such comment as the following?

"The maximum penalties shown in the memorandum for offences in connection with the possession of arms are NOT applicable to cases where the accused is proved to have collected the arms with Subversive intent: in such cases, the penalties which could be imposed would NOT be limited to those shown in the memorandum".

W. D. Gibson.

Lt. Col.
G.S.I(b).
A.A.I.

JH.

LEGAL SUB-COMMISSION	
CLO	☒
DCLO	☐
Chief Counsel	☐
CI	☐
Legal Section	☐
Gen. Sec.	☐
	☐
	☐

8

Major Thackeray
please draft reply
Send 5 copies
of draft reply per 3.

REAR HEADQUARTERS
ARMED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 394

File (2A)

ACC/4011/10/L.

/rlp.
28 May 1944.

SUBJECT : Possession of Firearms by Italian civilians.

TO : Regional Commissioners, Regions 1, 2, 3, 6 and 7.

1. Further to letter of this sub-commission reference ACC/4011/10/L of 16 May 44 and to para 2 thereof, please substitute the attached copy of Prefectoral Order for the one previously sent. *12* *See 1B*

2. The Ministry of the Interior having pointed out that Article II of the order as originally drafted would have the effect of inflicting hardship on a numerous class of farmers who are already in possession of licences which have been adequately controlled and properly renewed, an amendment has been made accordingly.

G. R. Upjohn
G. R. UPJOHN,
Colonel,
Chief Legal Officer.

Copies to: Chief Commissioner,
Executive Commissioner,
Hq, AMI (GSIB) - Attn: Col Gibson,
Regions IV, V for info,
Interior Sub-Commission,
Public Safety Sub-Commission.

FILE

(1A)

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 594

ACC/4011/10/L.

/rlp.
18 May 1944.

SUBJECT : Possession of firearms by Italian civilians.

TO : Regional Commissioners, Regions I, II, III, VI and VII.

1. The Chief Commissioner has directed that the law relating to the carrying of firearms by Italian civilians in unoccupied Italy is to be strictly enforced and that full use is to be made of the existing powers in this respect.

2. Accordingly, the Ministry of the Interior has been requested by the Interior Sub-Commission to order all Prefects in unoccupied territory to publish an order, a copy of which with translation is attached which is self-explanatory.

3. For your consideration and information there is also enclosed a synopsis of the Italian Law with relation to arms.

G. R. UPJOHN,
Colonel,
Chief Legal Officer.

Copy to: Chief Commissioner,
Executive Commissioner,
Hq. AAI (CSIR) - Attn: Col Gibson,
Regions IV, V for info,
Interior Sub-Commission,
Public Safety Sub-Commission.

IL PREFETTO della Provincia di.....

13

Ritenuta la necessita', per ragioni di ordine pubblico, di avere esatta conoscenza delle armi in possesso dei cittadini e di vietarne il porto;

Sentito il Questore della Provincia;

Visti gli art. 38 e segg. del T.U. delle leggi di pubblica sicurezza approvato col R.D. 18 giugno 1931 n. 773, nonché gli art. 44 e segg. del Regolamento per l'esecuzione del detto T.U., approvato con R.D. 6 maggio 1940 n. 635;

ORDINA:

- I - Tutti i detentori di armi da sparo e di tutte le altre la cui destinazione naturale e' l'offesa della persona sono obbligati a farne denuncia, indipendentemente da ogni altra denuncia fatta precedentemente, entro il giorno....., all'ufficio locale di pubblica sicurezza o, se questo manca, al comando dei Reali Carabinieri.
- II - I contravventori della presente ordinanza sono puniti, a norma dell'art. 17 della legge di Pubblica Sicurezza, con l'arresto fino a tre mesi o con l'ammenda fino a lire duemila. Coloro che, senza licenza, portino armi fuori della propria abitazione o delle dipendenze di essa, sono puniti a norma degli art. 699 e 700 del Codice Penale.
- Data a il 5

IL PREFETTO

THE PREFECT of the Province of
(18)

Considering, the necessity, for reasons of public order, of having an exact knowledge of all arms in the possession of citizens and of forbidding their being carried;

Having consulted with the Quasore of the Province;

Referring to Art. 38 and following of the consolidated text of the Law of Public Security as approved by Royal Decree No. 773 of 18 June 1931 and also Art. 44 and following of the Regulations for the putting into execution of the aforesaid sole Title as approved by Royal Decree No. 635 of 6 May 1940.

ORDERS:

1. That all persons having in their possession fire-arms and all other arms the natural use of which is to inflict personal injury are bound to declare them, irrespectively of any other declaration made heretofore, before the.....to the local office of public security or if there be none to the Carabinieri.

2. Persons contravening the provisions of this order will be punished, under the provisions of Art. 17 of the law of Public Security, by detention for not more than three months or by a fine of not more than two thousand lire.

Those persons who, without licenses, carry arms outside their own homes or the appurtenances thereof, shall be punished according to the provisions under Arts. 699 and 700 of the Penal Code.

Dated:

THE PREFECT

IL PREFETTO della Provincia di.....

Ritenuta la necessita', per ragioni di ordine pubblico, di avere esatta conoscenza delle armi in possesso dei cittadini e di vietarne il porto;
Sentito il Questore della Provincia;

Visti gli art. 38 e segg. del T.U. delle leggi di pubblica sicurezza approvato col R.D. 18 giugno 1931 n. 773, nonche' gli art. 44 e segg. del Regolamento per l'esecuzione del detto T. U., approvato con R.D. 6 maggio 1940 n. 635;

ORDINA:

I - Tutti i detentori di armi da sparo e di tutte le altre la cui destinazione naturale e' l'offesa della persona son obbligati a farne denuncia, indipendentemente da ogni altra denuncia fatta precedentemente, entro il giorno....., all'ufficio locale di pubblica sicurezza o, se questo manca, al comando dei Reali Carabinieri.

II - ~~Tutte le licenze di porto d'armi precedentemente concesse sono revocate dalla data di pubblicazione della presente ordinanza.~~ I contravventori ~~ed i disposti del n. 1~~ dalla presente ordinanza sono puniti, a norma dell'art. 17 della legge di Pubblica Sicurezza, con l'arresto fino a tre mesi o con l'ammenda fino a lire duemila. Coloro che, ^{senza} nonostante la revoca della licenza ~~di cui al n. 2 della presente ordinanza~~, portino armi fuori della propria abitazione o delle ^{dipendenze} ~~appartenenze~~ di essa sono puniti a norma degli art. 699 e 700 del Codice Penale.

Data a il

Ritenuta la necessita', per ragioni di ordine pubblico, di avere esatta conoscenza delle armi in possesso dei cittadini e di vietarne il porto;

Sentito il Questore della Provincia;

Visti gli art. 38 e segg. del T.U. delle leggi di pubblica sicurezza approvato col R.D. 18 giugno 1931 n. 773, nonche' gli art. 44 e segg. del Regolamento per l'esecuzione del detto T. U., approvato con R.D. 6 maggio 1940 n. 635;

ORDINA:

I - Tutti i detentori di armi da fuoco e di tutte le altre la cui destinazione naturale e' l'offesa della persona son obbligati a farne denuncia, indipendentemente da ogni altra denuncia fatta precedentemente, entro il giorno....., all'ufficio locale di pubblica sicurezza o, se questo manchi, al comando dei Reali Carabinieri.

II - ~~Tutte le licenze di porto d'armi precedentemente concesse non valide dalla data di pubblicazione della presente ordinanza.~~ I

contravventori al ~~disposto dell'art. 17~~ della legge di Pubblica Sicurezza puniti, a norma dell'art. 17 della legge di Pubblica Sicurezza, con l'arresto fino a tre mesi o con l'ammenda fino a lire duemila.

Coloro che, ^{senza} ~~nonostante la revoca della~~ licenza di cui al n. 2 della presente ordinanza, portino armi fuori della propria abitazione o delle ^{dipendenze} ~~appartenenze~~ di essa sono puniti a norma degli art. 699 e

700 del Codice Penale.

Data a il

IL PREFETTO

THE PATRIBUT of the Province of

Considering the necessity, for reasons of public order, of having an exact knowledge of all arms in the possession of citizens and of forbidding their being carried;

Having consulted with the Governor of the Province;

Referring to Art. 38 and following of the consolidated text of the Law of Public Security as approved by Royal Decree No. 773 of 18 June 1931 and also Art. 44 and following of the Regulations for the putting into execution of the aforesaid sole title as approved by Royal Decree No. 635 of 6 May 1940.

ORDERS:

1. That all persons having in their possession fire-arms and all other/ ^{arms} the natural use of which is to inflict personal injury are bound to declare them, irrespectively of any other declaration made heretofore, before the.....to the local office of public security or if there be none to the Carabinieri.

2. That all licenses to carry arms ~~heretofore granted are revoked as from the date of the publication of this order~~

Persons contravening the provisions of ~~above~~ this order will be punished, under the provisions of Art. 17 of the Law of Public Security, by detention for not more than three months or by a fine of not more than two thousand lire.

These persons also, ~~without~~ ^{without} ~~sanction of~~ ^{sanction of} license ~~order~~ ^{order} ~~of this order~~, ^{arms} outside their own homes or the surroundings thereof shall be punished according to the provisions under Arts. 699 and 700 of the Penal Code.

Dated:

Considering the necessity, for reasons of public order, of having an exact knowledge of all arms in the possession of citizens and of forbidding their being carried;

Having consulted with the Quarters of the Province;

Referring to Art. 38 and following of the consolidated text of the Law of Public Security as approved by Royal Decree No. 773 of 18 June 1931 and also Art. 44 and following of the Regulations for the putting into execution of the aforesaid title as approved by Royal Decree No. 635 of 6 May 1940.

ORDERS:

1. That all persons having in their possession fire-arms and all other ^{arms} the natural use of which is to inflict personal injury are bound to declare them, irremediably or any other declaration made heretofore, before the.....to the local office of public security or if there be none to the Carabinieri.

2. That all licenses to carry arms heretofore granted are revoked as from the date of the publication of this order.

Persons contravening the provisions of ~~Article 1~~ of this order will be punished, under the provisions of Art. 17 of the Law of Public Security, by detention for not more than three months or by a fine of not more than two thousand lire.

Those persons who, ^{without} ~~retaining~~ ~~the~~ ~~possession~~ of licenses ~~under~~ ~~Part 2 of this order~~, carry arms outside their own homes or the circumstances thereof shall be punished according to the provisions under Arts. 699 and 700 of the Penal Code.

Dated:

THE PREFECT

Arms and explosives under Italian Law.

R.I. Penal Code: Arts: 53; 585; 670-680; 695-704
 Law of Public Security: Arts: 30-45.

The laws relating to arms and explosives are set out in the Italian Penal Code and the Law of Public Security.

A. General.

The employment of arms in an offense against the person is an aggravating circumstance, except, by Art. 53 of the Penal Code where arms are used by a public official in the due performance of his duty. In this context the word "arms" is defined by Art. 505 of the Code as:

1. Fire arms and all others the natural use of which is to inflict personal injury (daggers, stilettoes, etc.: N.O.P.C. IV 279)
2. All instruments capable of inflicting injury the carrying of which is forbidden absolutely or without a justified motive.

As regards para (2) the Law of Public Security further identifies such weapons where by Art. 42 it forbids the carrying outside one's house without a justified motive of sharpened stakes, instruments for cutting or stabbing, etc. (i.e., including all such instruments as are capable of being used as instruments of offense if the occasion demands but which have another more common peaceful use as agricultural, domestic, etc. - N.O.P.C. iv p: 280).

Arms.

Explosive materials and amphyxiating gas are to be considered as

B. PARTICULAR OFFENSES RELATIVE TO ARMS.

1. Definition. In this connection the word "arms" is defined by Art. 704 of the Code as:

- a. Those specified under para (1) of Art. 505.
- b. Bombs, any machine or case containing explosives, asphyxiating or blinding gas.

2. Manufacture and Sale of Arms.

It is an offence without a license:

- (a) to manufacture, import into the State or export arms (695)
- (b) to offer arms for sale (695)
- (c) to collect arms to other for the purpose of trade (695)

Penalty for the above offenses: Imprisonment up to one year and fine up to Lire 10,000.

Any sale of arms to a minor or mentally deficient person is absolutely prohibited

The laws relating to arms and explosives are set out in the Italian Penal Code and the law of Public Security.

A. General.

The employment of arms in an offense against the person is an aggravating circumstance, except, by Art. 53 of the Penal Code where arms are used by a public official in the due performance of his duty. In this context the word "arms" is defined by Art. 505 of the Code as:

1. Any arm and all others the natural use of which is to inflict personal injury (daggers, stilettoes, etc: N.C.P.C. IV 279.)
2. All instruments capable of injury the carrying of which is forbidden absolutely or without a justified motive.

As regards para (2) the Law of Public Security further identifies such weapons where by Art. 42 it forbids the carrying outside one's house without a justified motive of sharpened stakes, instruments for cutting or stabbing, etc. (i.e., including all such instruments as are capable of being used as instruments of offense if the occasion demands but which have another more common peaceful use as agricultural, domestic, etc. - N.C.P.C. iv p: 280).

Explosive materials and asphyxiating gas are to be considered as arms.

B. PARTICULAR OFFENSES RELATING TO ARMS.

1. Definition. In this connection the word "arms" is defined by Art. 704 of the Code as:

- a. Those specified under para (1) of Art. 505.
- b. Bombs, any machine or case containing explosives, asphyxiating or blinding gas.

3

2. Manufacture and Sale of Arms.

It is an offence without a license:

- (a) to manufacture, import into the State or export arms (695)
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- (c) to collect arms to others for the purpose of trade (695)

Penalty for the above offenses: Imprisonment up to one year and fine up to Lire 10,000.

Any sale of arms to a minor or mentally deficient person is absolutely prohibited.

Penalty: Imprisonment up to six months.

3.

A collection of arms for artistic reasons, e.g., a collection of antiques must nevertheless be licensed (see below), but neglecting to obtain such a license is punishable by fine of Lire 5,000 only.

(d) to hawk arms for sale (696). Penalty: imprisonment up to one year and fine up to Lire 10,000.

The handling of fire-arms is absolutely forbidden. Other arms may be hawked by license (see below).

3. Possession of arms.

It is an offense:

(a) to hold arms or ammunition without declaring them after an order to that effect has been made by the authorities (697). Penalty: imprisonment up to 4 months and a fine up to Lire 3,000.

(f) for a person knowing that there are arms in the place inhabited by him to neglect to declare the same to the authorities (697). Penalty: fine up to Lire 2,000.

(g) to fail to deliver arms to the authorities when ordered so to do (698). Penalty: imprisonment for not less than 3 months and a fine of not less than Lire 1000.

Note: It is immaterial how or why the defendant came into possession of the arms (N.C.P.C. p. 612).

By Law of Public Security Art. 38 any person holding arms or ammunition explosives, etc. must at once declare the same to the authorities. Exceptions are: members of the armed forces; anarchist societies; and persons who from their position have a right to carry a certain type of arm. By Art. 39 the Prefetto may forbid any person to retain the arms that he declares.

(h) to carry arms outside one's house or the apartments thereof without a license if a license is necessary: (699). Penalty: imprisonment up to six months.

If the arm is of a type for which no license is allowed the penalty is imprisonment from six months to one year.

- In short:
1. No one may carry arms outside his house without a license (699)
 2. Certain categories of persons do not require such licenses (soldiers, judges, carabinieri, Prefetti, etc.) (Art 38 of LEO)
 3. License has to be renewed yearly and can be withdrawn at will (idem. Instructions della Legge 21 P.3. Para 4.2).
 4. Possession of arms in one's house is free and these have not to be reported, unless the authorities request it (Art 697).

(h) If the arm is carried by night in an inhabited place or in any place where there is a throng or assembly of people the penalty will be increased.

Note: By Art. 42 Law of Public Security no person may carry arms outside his house but the Poststore may license the carrying of shot guns and the Prefetto the carrying of revolvers and pistols. Art. 42 also extends the prohibition to arms.

(d) to hawk arms for sale (696). Penalty: imprisonment up to one year and fine up to Lire 10,000.

The having of fire-arms is absolutely forbidden. Other arms may be hawked by license (see below).

3. Possession of arms.

It is an offense:

(e) to hold arms or ammunition without declaring them after an order to that effect has been made by the authorities (697). Penalty: imprisonment up to 4 months and a fine up to Lire 3,000.

(f) for a person knowing that there are arms in the place inhabited by him to neglect to declare the same to the authorities (697); Penalty: fine up to Lire 2,000.

(g) to fail to deliver arms to the authorities when ordered so to do (698). Penalty: imprisonment for not less than 3 months and a fine of not less than Lire 1000.

Note: It is immaterial how or why the defendant came into possession of the arms (N.C.P.C. P. 612).

By Law of Public Security Art. 38 any person holding arms or ammunition explosives, etc. must at once declare the same to the authorities. Exceptions are: members of the armed forces; authorized societies; and persons who from their position have a right to carry a certain type of arm. By Art. 39 the prefetto may forbid any person to retain the arms that he declares.

(h) to carry arms outside one's house or the appendances thereof without a license if a license is necessary: (699). Penalty: imprisonment up to six months.

If the arm is of a type for which no license is allowed the penalty is imprisonment from six months to one year.

- In short:
1. No one may carry arms outside his house without a license (699)
 2. Certain categories of persons do not require such licenses (soldiers, judges, carabinieri, Prefetti, etc.) (Art 38 of LFC)
 3. License has to be renewed yearly and can be withdrawn at will (Adm. Instructions della Legge di P.S. Part 4 2).
 4. Possession of arms in one's house is free and those have not to be reported, unless the authorities request it (Art 697).

(h) If the arm is carried by night in an inhabited place or in any place where there is a throng or assembly of people the penalty will be increased.

Note: By Art. 42 Law of Public Security no person may carry arms outside his house but the prefect may license the carrying of shot guns and the Prefetto the carrying of revolvers and pistols. Art. 42 also extends the prohibition to arms as defined by Art. 585 of the Penal Code (see above "General").

All the above offenses will be aggravated if committed by any person whose license has been taken away or who is not allowed to hold a license.

In any of the foregoing cases the police measures of supervised liberty may be imposed on the offender.

(3) NEGLIGENCE IN CARE OF ARMS.

It is an offense:

(i) to deliver arms to or allow them to be carried by any person under the age of 14, or any person incapable or inexperienced in handling them (70

(j) to neglect to adopt the necessary precaution to prevent such persons acquiring arms (702).

(k) to carry a loaded gun in a place when there is an assembly or crowd of people (702); Penalty: For any of the above offenses: fine up to Lire 4,000 even if the offender has a license.

(l) to discharge firearms or explosives in a public place or highway without a license (703). Penalty: Fine up to Lire 1,000.

If the offense is committed in a place when there is a throng or crowd of people the penalty is imprisonment up to one month.

D. LICENCES WITH REGARD TO ARMS.

Licences for arms and for dealing in arms are obtainable from the Ministry for the Interior:

(1) through the Prefetto for: (a) Manufacture, storage, import or export of arms of war. (b) for carrying a pistol or revolver (P.S. L. Art. 42).

(2) through the Questor for: (a) Manufacture import or export of any other arms.

- (b) warehousing or offering for sale
- (c) collection of antiquities.
- (d) having arms for sale (but not firearms)
- (e) travelling with an armed body guard
- (f) carrying arms outside one's own house.

(3) Local authority of Public Security - discharging or making explosions in public place.

Licences will not be given to any person who has been convicted of certain offences against the person, violent resistance to authority, etc. or to any other person with previous convictions unless he can satisfy the authorities as to his future conduct. No minor under age may be granted a licence except if over the age of 16 and with the consent of his parent or guardian and if proficient in its use may be granted one solely for hunting.

The Prefetto can always revoke all or any licences as he deems necessary in abnormal times.

E. PARTICULAR OFFENCES IN REGARD TO EXPLOSIVES.

It is an offense:

(1) to manufacture, import, warehouse, offer for sale or transport

(i) to deliver arms to or allow them to be carried by any person under the age of 14 or any person incapable or inexperienced in handling them (702).

(j) to neglect to adopt the necessary precaution to prevent such persons acquiring arms (702).

(k) to carry a loaded gun in a place when there is an assembly or crowd of people (702). Penalty: For any of the above offenses: Fine up to Lire 4,000 even if the offender has a license.

(l) to discharge firearms or explosives in a public place or highway without a license (703). Penalty: Fine up to Lire 1,000.

If the offense is committed in a place when there is a throng or crowd of people the penalty is imprisonment up to one month.

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The Prefetto can always revoke all or any licenses as he deems necessary in abnormal times.

E. PARTICULAR OFFENCES IN REGARD TO EXPLOSIVES.

It is an offense:

(1) to manufacture, import, warehouse, offer for sale or transport any explosive material without a license or without carrying out the requisite precautions (578).

Penalty: Imprisonment up to six months and fine up to Lire 2,000.

(2) to omit to declare to the authorities the holding of explosive materials which are dangerous owing to their quantity or quality (679).
Penalty: Imprisonment up to 6 months and fine up to Lire 5,000.

(3) for any person to fail to declare that in a place inhabited by him there are explosive materials (679).
Penalty: Fine up to Lire 2,000.

If (2) and (3) above are in infringement of an order given by authority to hand over explosive within a prescribed period the penalty is imprisonment for 1 month to 1 year or a fine from Lire 300 to Lire 5,000.

The penalties for all the above offenses are increased if the act is committed by any person who is not allowed to hold a license or whose license has been refused or withdrawn.

The license referred to above is obtained from the Prefetto (Law of Public Security Art. 47).

F. Conclusion.

In view of the existing law as summarized above it should be easy to check the number of weapons owned by the inhabitants of freed and restored Italy or the Prefettura must keep records both of licenses issued and also of declarations made in respect of arms.

For the purpose of shooting game the Prefect issues during the season a special permit called "Licenza di porto del fucile ad uso di caccia." But this permit does not take the place of that issued by the Prefettura to carry arms outside one's own house which must be obtained in addition.

NOTE: (a) Figures in brackets after statement of offences indicate the number of the relevant article of the Penal Code.

(6) N.S.P.C. = Nuovo Codice Penale Commentato- Vol. iv.

SUMMARY

Art.	OFFENSE	PENALTY	License issued by
695	Unauthorized manufacture of arms	Imprisonment for not more than 1 year and fine of not more than 10,000 lire	For weapons of war: Minister of Interior through the Prefetto.
"	import and export of arms	Imprisonment for not more than 1 year and fine of not more than 10,000 lire	For others: The Questura
"	transferring for sale of arms	Imprisonment for not more than 1 year and fine of not more than 10,000 lire	"
"	collecting for trade of arms	Fine not more than 5,000 lire	No license to buy fire arms.
"	collecting of anti-aircraft arms	Imprisonment for not more than 1 year and fine of not more than 10,000 lire.	Others licenses from Questura
696	hawking of arms	Imprisonment for not more than 1 year and fine of not more than 10,000 lire.	
697	Failure to declare arms	Imprisonment up to 4 months and fine up to 3,000 lire.	
698	Failure to declare arms held to a persons knowledge in his place of habitation.	Fine up to 2000	
699	Failure to declare arms who ordered	Imprisonment for not less than 3 months as fine or not less than 1,000 lire.	
699	Unlawful carrying of arms	Imprisonment up to 6 months	Questura for shot gun; Prefetto for pistols and revolvers.
700	(a) of weapons for which no license allowed	Imprisonment for 6 months to 1 yr. Penalties increase in aggravating circumstances	1
702	Failure to use proper care with arms	Fine up to L. 1000	
703	Dangerous discharge of fire arms and explosives into in crowded place	Fine up to L. 1000 Imprisonment up to 1 month	Local authority of Public Security

B EXPLOSIVES

Art. No.:	Offence	Penalty	License issued by
671	Unlawful manufacture of and trade in explosives	Imprisonment up to 6 months and fine up to 2000	Prefetto
679	Failure to declare explosive materials	Imprisonment up to 4 months and fine up to 3000	-----
679	Failure to declare explo- sives known to be in place of own habitation	Fine up to 2000	-----
679	Infringement of order lawfully given to hand over explosives.	Imprisonment for 1 month to 1 yr and fine from 1.300 to 1.5000.	-----

NOTEAGGRAVATING CIRCUMSTANCES

In both A and B above in all cases the penalty will be increased if the act is committed by any person prohibited from holding a license or whose licenses have been taken away.

