

DECISION

No. 95, dated 04/02/2015.

ON THE PROCEDURES OF ASSESSMENT OF LIFE-THREATENING RISK AND GRANTING OF SPECIAL AUTHORIZATION FOR WEAPON POSSESSION

Pursuant to Article 100 of the Constitution and paragraph 2 of Article 30 of the Law No. 74/2014, dated 10/07/2014, "On weapons", upon the proposal of the Minister of Interior, the Council of Ministers

DECIDED:

1. The State Police shall be responsible for assessing the life-threatening risk for persons who, due to the state functions they hold or specific personal circumstances are exposed to risk of life and are entitled to special protection.

2. The assessment of life-threatening risk and issuance of relevant authorisation for weapon possession shall be performed for the following two categories of persons:

- a) Persons exposed to risk due to the state functions they hold;
- b) Persons exposed to risk due to specific personal circumstances.

3. The State Police shall establish a commission for the risk assessment of persons exposed to risk due to the state functions they have held or currently hold, as well as those persons that are exposed to risk due to specific personal circumstances. This commission shall be composed of 5 persons, as follows:

- a) Director of Public Security chairman
- b) Director for serious crimes member
- b) Director for crimes member
- ç) Lawyer of the Unit member
- d) Head of department for services to third parties member.

4. For purposes of assessing the life-threatening risk, the following documentation shall be administered within 72 hours upon submission of request:

- a) Individual request of the person threatened due to the state function or specific personal circumstances;
- b) Report of the police station of the residence area of that person, regarding the existence of life threats to the person that has held or is currently holding a state function, or due to specific personal circumstances;
- c) Extracts of the information, materials derived from investigation, materials derived from the performance of operations or special investigation techniques etc., that are in the possession of the police or other state institutions and relate to the existence of threat or risk to the life of the person that has submitted the request;
- ç) Copy of the identification document of the threatened person;
- d) Certificate on the credibility of the threatened person, issued by the police station in that person's residence area.

5. These documents administered in the police station, shall be sent within 3 (three) working days to the local police directorate, for purposes of being recorded, and shall be thereafter forwarded to the Central Commission at the General Police Directorate, for approval.

6. Specific personal circumstances shall include:

a) circumstances arising as a result of the existence of a real threat to life, for persons who help the police or other state bodies in the identification of criminal offences, their authors and procurement of other evidence;

b) circumstances arising due to the state function that the threatened person has held or currently holds;

c) circumstances arising as a result of criminal charges in an environment where the response to this move is threatening the life of the person pressing charges.

7. The Commission shall be convened within 5 (five) days as of the receipt of the request and shall review the documents submitted by the local/regional police directorate in the residence area of the person threatened due to the state function or specific personal circumstances.

8. The commission shall make a prior decision, with the majority of votes, on the risk assessment and issuance of the authorisation for the possession of a weapon for self-defence.

9. The authorisation for the possession of a weapon shall be signed by the General Director of the State Police, within 24 hours from the decision being made by Commission.

10. The term for reviewing the requests on special protection and issuance/rejection of the authorisation for the possession of a weapon, shall be 15 (fifteen) days.

11. The validity term of the special authorisation for the possession of a weapon shall last for as long as the life-threatening risk shall exist.

12. Upon issuance of the authorisation for the possession of a weapon, in the cases of risk due to the state function or due to specific circumstances, the documentation along with the decisions of the commission and a copy of the authorisation shall be entered into a specific register and be stored in the archive.

13. In the case of rejection of the authorisation for the possession of a weapon, the related documents shall be retained in the archive for a term of 2 (two) years and thereafter shall be destroyed under relevant minutes, as per the rules applicable for any other type of documents.

14. Minutes shall be kept for all commissions meetings and shall be maintained along with the register and the reviewed documents.

15. The provisions of this decision shall not apply to persons entitled to possess a weapon, under the law.

16. The Ministry of Interior shall be in charge of the enforcement of this decision.

This Decision shall enter into force after its publication in the Official Journal.

PRIME MINISTER

Edi Rama