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## Importance of Weapons Amnesties in Slovakia

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Tekst jest udostępniony do wykorzystania w ramach dozwolonego użytku.

## **IMPORTANCE OF WEAPONS AMNESTIES IN SLOVAKIA**

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### **ABSTRACT**

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Weapons amnesty is closely related to internal order and security. These are important attributes that any democratic, based on the rule of law and consolidated state must protect. The ability of the state to sustain an orderly society, where lawlessness is replaced by the compliance with the law, and to protect the lives, health, property, rights and freedoms of citizens. In real life, it is mainly security and protection against crime of all kinds. One of the means of maintaining internal order and security is undoubtedly a tool of weapon amnesties, when everyone who unlawfully holds a firearm weapon may by law in a limited period with impunity decommission the weapon and ammunition.

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### **INTRODUCTION**

Law and order in the country and the safety of its citizens are the permanent prerequisite for the healthy development of any society. The rule of law and respect for the law is the foundation of a free society. Key institu-

tions for citizens' security, order and legality are the police and other law enforcement agencies of the state.

The objective of the legislation is to create a weapons amnesty for a limited period, provided the demise of criminality for concealed weapons, to voluntarily surrender the weapon and ammunition of the defined categories to any police station, that is in the possession of a person without a permit.

By changing the law is followed to reduce the number of illegally possessed weapons and ammunition among the population as well as the identification of weapons that could be used in connection with the commission of crime. Then it follows that these actions have undoubtedly impact on maintaining internal order and security.

#### WEAPONS AMNESTY

The essence of all weapons amnesties is the voluntary surrender of illegal possession of firearms, subsequently, resulting from the Act also its main parts, ammunition or components with impunity in due time to the police department<sup>1</sup>.

#### THE FIRST GUN AMNESTY

Criminalization of concealed weapon disappeared in a person without permission to hold a gun or weapon parts included in the category of prohibited weapons (A), categories of weapons subject to authorization and registration obligations (B) or categories of weapons subject to notification and registration obligations (C) if, within 12 months after the effective date of the Act, i.e., from 14 April 2005 to 14 April 2006 this weapon was handed over to the custody of any police department<sup>2</sup>. During the period of the first weapon amnesty citizens handed over a total of 3,469 weapons. The first gun amnesty did not apply to ammunition<sup>3</sup>.

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<sup>1</sup> J. Čentéš a kol., *Trestný zákon s komentárom*, 2006.

<sup>2</sup> Zákon NR SR č. 190/2003 Z.z. o strelných zbraňach a strelive a o zmene a doplnení niektorých zákonov v znení zmien a doplnkov.

<sup>3</sup> *Od 1. decembra 2014 začne platiť tretia zbraňová amnestia*, 28 november 2014, <http://www.minv.sk/?tlacove-spravy&sprava=od-1-decembra-2014-zacne-platit-tretia-zbranova-amnestia>.

TABLE NO. 1. NUMBER OF RETURNED WEAPONS BY REGIONS IN THE SLOVAK REPUBLIC DURING THE FIRST WEAPON AMNESTY (2005-2006)

Regional Police Headquarters	The number of surrendered weapons
Bratislava region	660
Trnava region	302
Trenčín region	395
Nitra region	399
Banská Bystrica region	466
Žilina region	446
Košice region	417
Prešov region	384
TOTAL	3 469

Source: <http://www.minv.sk/?statistika-kriminality-v-slovenskej-republike-xml>

An examination of firearms found that none of them were used to commit an offense, and 614 pieces of weapons were asked about their legalization.

#### THE SECOND GUN AMNESTY

With hindsight and in the light of empirical and operational information and knowledge, even many holders of illegal weapons did not trust the real possibility of impunity surrender of weapons without subsequent reprisals. At the proposal of the Ministry of Interior the legislature approved a second weapons amnesty, which lasted in the period from 1 November 2009 to 31 May 2010. This gun amnesty lasted seven months and impunity in question within the prescribed period was also extended to the ammunition.

Returned were 4,368 pieces of firearms and 45,684 pieces of ammunition. The possibility of their registration was applied in 1,011 pieces of weapons<sup>4</sup>.

<sup>4</sup> *Od 1. decembra 2014 začne platiť tretia zbraňová amnestia*, 28 november 2014, <http://www.minv.sk/?tlacove-spravy&sprava=od-1-decembra-2014-zacne-platit-tretia-zbranova-amnestia>.

TABLE NO. 2. NUMBER OF RETURNED WEAPONS BY REGIONS IN THE SLOVAK REPUBLIC DURING THE SECOND WEAPON AMNESTY (2009-2010)

<b>Regional Police Headquarters</b>	<b>The number of surrendered weapons</b>	<b>Number of returned items ammunition</b>
Bratislava region	802	11 563
Trnava region	321	3 074
Trenčín region	437	3 792
Nitra region	400	2 572
Banská Bystrica region	849	9 386
Žilina region	632	8 571
Košice region	434	3 354
Prešov region	493	3 372
TOTAL	4 368	45 684

Source: <http://www.minv.sk/?statistika-kriminality-v-slovenskej-republike-xml>

From the two previous amnesties 631 pieces of firearms lapsed to the State, and 323 weapons were included under the category of prohibited weapons which essentially were automatic weapons, military weapons or weapons equipped with prohibited weapons accessories.

### THE THIRD GUN AMNESTY

The demise of the criminality of the act related to concealed weapon extinguished in a person holding a handgun without a permit of category A, category B and category C or ammunition under this Act if, in the period from 1 December 2014 to 31 May 2015 that firearm or ammunition voluntarily handed over for safekeeping any police station<sup>5</sup>.

The aim of the weapon amnesty is to reduce the number of illegally held weapons and ammunition, thereby reducing the risk that they will commit crime. Thanks to the amnesty may also be identified weapons that could be used in connection with criminal offenses. As Interior Minister Robert Kaliňák emphasized just weapons amnesty helped

<sup>5</sup> *Občania odovzdali počas tretej zbraňovej amnestie vyše 3000 zbraní*, 9 jun 2015, <http://www.minv.sk/?tlacove-spravy&csprava=obcania-odovzdali-pocas-tretej-zbranjej-amnestie-vyse-3000-zbrani>.

halve crime committed with a firearm. Specifically, 440 of such acts in 2004 to 214 in 2013<sup>6</sup>.

#### COMPOSITION OF SURRENDERED WEAPONS

Citizens passed during the third weapon amnesty mostly hunting weapons (hunting shotguns, semi-automatic rifles and repetition, combined hunting weapons and small caliber), which make up about 40 percent of surrendered weapons. Another 42 percent were short firearm, especially a variety of pistols and revolvers. Machine rifles, assault rifles and machine guns make up about 8 percent and the remaining 10 percent are other weapons (percussion, illegally modified and home-made guns, air rifles, expansion guns, historical weapons, the main parts and components of weapons). People also brought to the police weapons originating from the 19th century, as well as the 1st and 2nd World War.

TABLE NO. 3. OVERVIEW OF SURRENDERED WEAPONS AND AMMUNITION BY REGION, THIRD WEAPON AMNESTY (2014-2015)

<b>Regional Police Headquarters</b>	<b>The number of surrendered weapons</b>	<b>Number of returned items ammunition</b>
Bratislava region	442	6 761
Trnava region	396	2 886
Trenčín region	214	4 469
Nitra region	427	5 189
Banská Bystrica region	394	3 393
Žilina region	453	3 362
Košice region	347	5 345
Prešov region	362	4 921
<b>TOTAL</b>	<b>3 035</b>	<b>36 326</b>

Source: <http://www.minv.sk/?statistika-kriminality-v-slovenskej-republike-xml>

The overview shows the people of the State to take the opportunity to get rid of weapons, which for many families were burdensome. During the term of three weapons amnesties citizens handed over 10 872 pieces

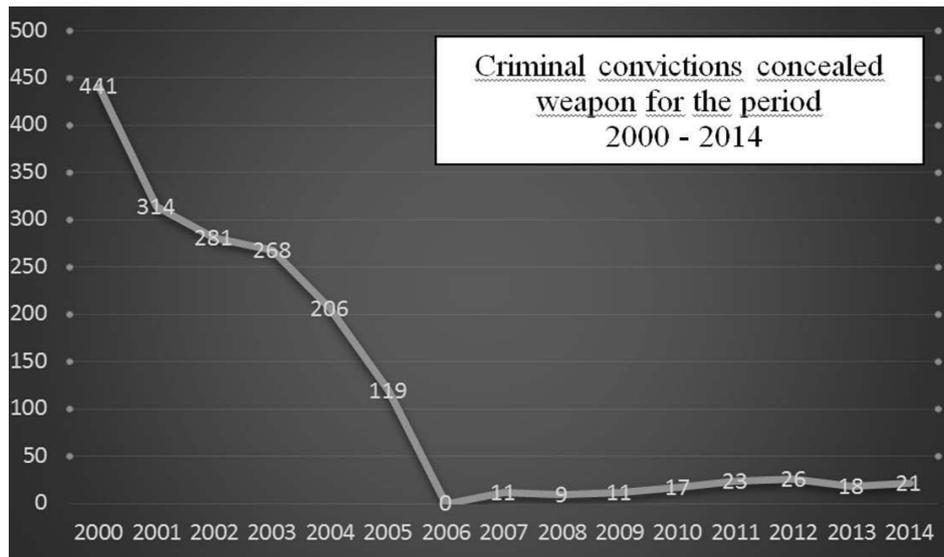
<sup>6</sup> *Kaliňák hodnotil zbraňové amnestie*, 8 may 2015, <http://www.ta3.com/clanok/1063437/kalinak-hodnotil-zbranove-amnestie-statu-odovzdali-aj-raritne-kusky.html>.

of different types of firearms and more than 82 000 pieces of ammunition. It's a very decent arsenal, under certain conditions, misuse could have serious implications for destabilization of internal order and security.

Based on this reflection a hypothesis can be established: weapons amnesties have a substantial impact on reducing crime offenses related to concealed weapon. This should therefore be reflected also on crime statistics, which merits the possession of illegal weapons, ammunition or parts and components.

For this purpose, I processed the statistics of persons sentenced of crimes related to concealed weapon pursuant to section 185 of the Act no. 140/1961 Coll. as amended, and following the codification of the Criminal Law as amended, concealed weapon pursuant to section 295 of the Act no. 300/2005 Coll. based on available statistics of General Prosecutor's Office from 2000 to 2014. The following Graph no. 1 clearly shows a substantial decline in cases of criminal conviction of concealed weapon at the turn of the years 2005 to 2006.

GRAPHIC NO. 1. OVERVIEW OF SENTENCED PERSONS CRIMINAL CONVICTIONS CONCEALED WEAPON FOR THE PERIOD 2000-2014



Source: <http://www.genpro.gov.sk/statistiky/> (Statistical overview of criminal and non-criminal activities for the period r. 2000-2014) - own processing

In this examination I found that, despite the recodification of the Criminal Law in 2005, a concealed weapon diction was actually transferred from section 185 to the new sections implementation, i.e. to sections 294 and 295, but the essence of the wording diction concealed weapon remains unchanged at the core.

## CONCLUSION

In conclusion, I would like to summarize the results based on the processing of the official statistics of General Prosecutor's Office of the Slovak Republic, from which I drew the number of persons sentenced, criminal convictions concealed weapon in the period from 2000 to 2014. Despite the fact that from 2000 onwards, the statistical values on an ongoing basis in the following years had a tendency to decline, the decisive turning point was the year 2006, when, according to the statistics, there was no person convicted of the act in question. The first gun amnesty was determined by the legislator for the period from April 2005 to April 2006. According to Table 1 during the amnesty 3,469 pieces of firearms were handed over.

In this case, the hypothesis can be confirmed that the first gun amnesty had a major impact on the numbers of crimes related to concealed weapon resulting in a final conviction.

The second gun amnesty did not record such a significant change. Nevertheless, 4,368 pieces of firearms and 45,684 pieces of ammunition were returned during seven months of the amnesty, the results concerning the convicted even recorded a slight increase, i.e. from 11 to 17 persons convicted for criminal acts in question. Nevertheless, I consider that negligible compared to the period of 2006.

The third gun amnesty brought the result of 3,035 pieces of firearms and 36,326 pieces of ammunition. The statistics in question for 2015 has not been released yet.

In general, it is possible to state that during the previous amnesties in question 10,872 pieces of firearms and 82,010 pieces of ammunition were handed over. The arsenal of weapons is comparable to the level of an army division.

The content of this processing makes clear that weapons amnesties are instrumental in maintaining internal security of the country.

To the effectiveness of this tool, I suggest that gun amnesty is not limited in time and to anyone who voluntarily hand over weapons, the main

part, ammunition or ammunition components, the demise of criminality relating to concealed weapon.

#### REFERENCES

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