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<http://www.federalfirearmslicense.com/FFLLinks.html>

Chapter 1

Introduction

History of BATF
About the BATF
Federal Gun Legislation
Federal Licensing in Context
Types of Federal Licenses

History of ATF from Oxford University Press, Inc. 1789 – 1998 U.S.

The U.S. Bureau of Alcohol, Tobacco and Firearms (ATF) is a tax-collecting, enforcement and regulatory arm of the U.S. Department of the Treasury. In common with all other members of the executive branch, ATF's responsibility is established by congressional action. ATF cannot enact a law, nor can it amend the law. Charged as it is with fiscal oversight of some of the most controversial topics in Western civilization, ATF strives to maintain professional neutrality while giving a 35-to-1 return on every dollar it spends. ATF has the best cost-to-collection ratio in the federal family.

ATF is the youngest tax-collecting Treasury agency, separated from the Internal Revenue Service by Treasury Department Order No. 120-1 (former No. 221), effective 1 July 1972. Notwithstanding, ATF traces its roots across two hundred years of American history.

In 1789 under the new Constitution, the first Congress imposed a tax on imported spirits to offset a portion of the Revolutionary War debt assumed from the states. Administration of duties fell to the Department of the Treasury, whose Secretary, Alexander Hamilton, had suggested them. Congressional lawmakers were favorably impressed by the results. The imports tax was augmented by one on domestic production in 1791. Taxpayers had grumbled over import duties. Some of them greeted the domestic levy --- as they do today --- with political resistance, escalating in that early case to the short-lived Whisky Rebellion of 1794. Both revenue sources survived rebellion --- as they do today. Although these particular taxes were eventually abolished, similar devices for revenue came and went as needed until 1862. By Act of 1 July 1862, Congress created an Office of Internal Revenue within the Treasury Department, charging the commissioner with collection, among others, of taxes on distilled spirits and tobacco products that continue, with amendments, today. Because taxation so often does evoke resistance, including criminal evasion, during 1863 Congress authorized the hiring by Internal Revenue of "three detectives to aid in the prevention, detection and punishment of tax evaders." Tax collecting and enforcement were now under one roof. Before decade's end, the Office of Internal Revenue had its own counsel, another component descending in unbroken line to ATF today.

In 1875 federal investigators broke up the "Whisky Ring", an association of grain dealers, politicians and revenue agents that had defrauded the government of millions of dollars in distilled spirits taxes. Responding to the scandal, Congress undertook the first Civil Service reform acts, acknowledging formally that effectiveness of law depends on the quality of its administrators.

The commissioner's annual report for 1877 refers to his office as the Bureau of Internal Revenue, a title that it retained for the next seventy-five years. In 1886, a single employee from the Department of Agriculture came to the Bureau of Internal Revenue under authority of the Oleomargarine Act to establish a Revenue Laboratory. The first samples

received in the laboratory that 29 December were of butter suspected of adulteration with oleomargarine. In its second century, ATF's laboratory staff includes --- but is not limited to --- chemists, document analysts, latent print specialists, and firearms and toolmark examiners, supported by its own highly sophisticated facilities at Rockville, Maryland, Atlanta, Georgia, and Walnut Creek, California. That first chemist would recognize some aspects of laboratory service today (analysis of alcohol and tobacco products, for instance) although tools such as chromatography and electrophoresis might seem magic. There was nothing in 1886 to foreshadow the Laboratory's sought-after forensic skills in arson, explosives, and criminal-evidence examination, a resource now available to law enforcement personnel worldwide.

Ratification of the Eighteenth Amendment to the Constitution in 1919, in combination with the Volstead Prohibition Enforcement Act of that year, brought to prominence those officers --- 'revenuers' --- charged with investigating criminal violations of the Internal Revenue law, including illicit manufacture of liquors, who coalesced by 1920 into the Prohibition Unit. Evolution of this unit reflects the difficulty of enforcing a nation-wide ban on "manufacture, sale or transportation of intoxicating liquors for beverage purposes." Internal Revenue's orientation has been toward collection throughout its history. Enforcement efforts, albeit necessary, never came easily. On April Fool's Day, 1927, Treasury elevated the Prohibition Unit to bureau status within the department. Congress was impatient with the results. On 1 July 1930 Congress created certain confusion for later historians by transferring "the penal provisions of the national prohibition act" from Treasury's Bureau of Prohibition (which then ceased to exist) to the Department of Justice's new Bureau of Prohibition --- with an important exception: tax-related and regulatory activities, "the permissive provisions," remained at Treasury, under a new Bureau of Industrial Alcohol. The most illustrious enforcer during that tumultuous era was Eliot Ness, the "T-man" who toppled Chicago's organized-crime king Al Capone on tax-evasion charges.

The Twenty-first Amendment to the Constitution, repealing Prohibition, achieved ratification with unanticipated speed by 5 December 1933, catching Congress in recess. As an interim measure to manage a burgeoning legitimate alcohol industry, by executive order under the National Industrial Recovery Act, President Franklin Roosevelt established the Federal Alcohol Control Administration (FACA). The FACA, in cooperation with the Departments of Agriculture and Treasury, endeavored to guide wineries and distilleries under a system based on brewers' voluntary codes of fair competition. The FACA was relieved of its burden --- and effectively vanished from history --- after just twenty months, when President Roosevelt in August 1935 signed the Federal Alcohol Administration (FAA) Act. The new FAA received a firm departmental assignment: Treasury once more found itself regulating the alcohol industry.

Although Prohibition was officially over, the era's side effects continued for decades to mold the shape of ATF. On 10 March 1934 Justice's Prohibition enforcement duties folded into the infant Alcohol Tax Unit (ATU), Bureau of Internal Revenue, Department of the Treasury. At the same time, the FAA, functioning independently within Treasury, was carrying forward its mandate to collect data, to establish license and permit

requirements, and define the regulations that ensure an open, fair marketplace for the alcohol industry and the consumer. In 1940 the FAA as an Administration merged with the ATU. The FAA Act continues today as one foundation of ATF's enabling legislation.

National dismay over the weaponry wielded so conspicuously by organized crime during Prohibition led to passage in 1934 of the National Firearms Act, followed in four years by the Federal Firearms Act. The newly regulated articles might be firearms, but taxes were involved as ever. The Miscellaneous Tax Unit, Bureau of Internal Revenue, collected the fees. In 1942 enforcement duties for the "Firearms Program" fell to the ATU, which was accustomed to managing controversial industries. In a major Internal Revenue reorganization of 1952, the nearly-century-old Miscellaneous Tax Unit was dismantled. Its firearms and tobacco tax responsibilities went to the ATU. The Bureau of Internal Revenue became the Internal Revenue Service (IRS) we know today. Acknowledging a portion of ATU's new burden, IRS renamed it the Alcohol and Tobacco Tax Division. This incarnation lasted until 1968 passage of the Gun Control Act, which gave to the laboratory, among other things, responsibility for explosives. The division title shifted to Alcohol, Tobacco and Firearms (ATF) Division. Title XI of the Organized Crime Control Act in 1970 (Title XI) formalized ATF Division explosives expertise. In the same year, moved by a growing perception that the IRS's revenue-collecting bias did not reflect ATF Division's enforcement skills, overtures began toward ATF independence.

Treasury Department Order No. 120-1 (originally No. 221), effective 1 July 1972, transferred to ATF from IRS those functions, powers and duties related to alcohol, tobacco, firearms, and explosives. (During the mid-1970s at Treasury's direction ATF briefly assumed responsibility for wagering laws; that task returned to the IRS in less than 3 years.) Throughout the 1970s, based on determination that accelerants used in arson, when explosions might occur, meet Title XI's definition of explosives, ATF began demonstrating in court its ability to prove arson. In the Anti-Arson Act of 1982, Congress amended Title XI to make it clear that arson is a federal crime, giving ATF responsibility for investigating commercial arson nationwide.

ATF continues a mutually beneficial interface with its legitimate industries, while refining unique enforcement skills. With developments such as the state-of-the-art Integrated Ballistic Identification System (a computerized matching program for weapons and the ammunition fired from them), accelerant- and explosives/weapons-detection canines, and the Gang Resistance Education and Training (GREAT) program (which gives children the tools to resist membership in violent gangs), ATF leads and supports law enforcement internationally.

In its first quarter-century ATF has had only 4 Directors: Rex Davis, G.R. Dickerson, Stephen Higgins, and John Magaw. The director is appointed by the secretary of the Treasury, and reports to the under secretary (enforcement). ATF headquarters are in Washington, D.C., although most personnel and many ATF operations are decentralized throughout the country, with a few stations overseas. ATF agents, inspectors, and support staff are involved in investigating some of the most violent crimes in society, in regulating some of the most important and sensitive industries in America, and in

collecting over \$13 billion in annual revenue. ATF is a young federal agency, yet it is heir to the whole experience and proud tradition of "these United States."

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ATF Snapshot

2001

The Bureau of Alcohol, Tobacco and Firearms (ATF) is a law enforcement agency within the U.S. Department of the Treasury. Its unique responsibilities include protecting the public, reducing violent crime, and collecting revenue. ATF enforces the Federal laws and regulations relating to alcohol, tobacco products, firearms, explosives, and arson. For the last 5 years, the Treasury IG has awarded ATF the highest rating possible for a strong financial internal control structure and a solid record of complying with laws and regulations.

Firearms

ATF regulates approximately 104,000 Federal Firearms Licensees (FFL's) to ensure compliance with Federal firearms laws.

The Armed Violent Criminal Apprehension Program (formerly Achilles) concentrates on identifying and removing the most dangerous armed career criminals and drug traffickers from our communities. In FY99, ATF forwarded 4,628 cases with 6,057 defendants for prosecution.

ATF's Firearms Trafficking Program reduces armed violent crime by identifying and prosecuting individuals who are illegally supplying firearms to violent criminals, gang offenders, and youths. In FY99, it was estimated that 2,161 defendants were responsible for illegally trafficking 30,000 firearms (4,540 of these firearms were recovered in crimes).

Additionally, ATF's Youth Crime Gun Interdiction Initiative (YCGII) traces all firearms recovered from youths/juveniles. YCGII operates in 37 cities nationwide. It is anticipated YCGII will expand to 75 cities in the next few years.

In FY99, ATF's National Tracing Center (NTC) traced over 200,000 crime guns. Firearms trace results are often the crucial piece of evidence that aids Federal, State, and local law enforcement agencies in solving violent crimes.

ATF has used the Integrated Ballistics Identification System (IBIS) to catalog nearly 168,000 bullets and casings which were entered nationwide, resulting in 1,150 matches of ballistic evidence between multiple crime scenes). IBIS units are deployed in 70 cities nationwide and ATF will be converting 150 Drugfire sites to IBIS within the next three years.

Discussion and Analysis

ATF's complex tax collecting, regulatory, and enforcement missions are interwoven with unique responsibilities dedicated to reducing violent crime, collecting revenue, and protecting the public. ATF enforces the federal laws and regulations relating to alcohol, tobacco, firearms, explosives and arson by working directly and in cooperation with other federal, state and local law enforcement agencies.

For management and budgetary purposes, the Bureau combines all criminal and regulatory enforcement activities into three major program areas:

1. Firearms
2. Explosives
3. Alcohol/Tobacco

The Firearms Program

ATF recognizes the role that firearms play in violent crimes and pursues an integrated regulatory and enforcement strategy. Investigative priorities focus on armed violent offenders and career criminals, narcotics traffickers, narco-terrorists, violent gangs, and domestic and international arms traffickers.

Sections 924(c) and (e) of Title 18 of the United States Code provide mandatory and enhanced sentencing guidelines for armed career criminals and narcotics traffickers as well as other dangerous armed criminals. ATF uses these statutes to target, investigate and recommend prosecution of these offenders to reduce the level of violent crime and to enhance public safety. ATF also strives to increase state and local awareness of available federal prosecution under these statutes.

To curb the illegal use of firearms and enforce the Federal firearms laws, ATF issues firearms licenses and conducts firearms licensee qualification and compliance inspections.

In addition to aiding the enforcement of federal requirements for gun purchases, compliance inspections of existing licensees focus on assisting law enforcement to identify and apprehend criminals who illegally purchase firearms.

The inspections also help improve the likelihood that crime gun traces will be successful, since inspectors educate licensees in proper record keeping and business practices. Compliance inspections target licensees likely to divert firearms from legitimate trade to criminal use and dealers with a history of poor compliance.

Leadership
Bradley A. Buckles
Director
Bureau of Alcohol, Tobacco and Firearms
U.S. Department of the Treasury

Brad Buckles was appointed Director of the Bureau of Alcohol, Tobacco and Firearms (ATF) on December 20, 1999. In this capacity, Mr. Buckles oversees a bureau of over 5,000 employees who are responsible for law enforcement, regulatory and tax collection missions relating to alcohol, tobacco, firearms, explosives, and arson.

Prior to his appointment, Mr. Buckles served 4 years as the Deputy Director of ATF where he was responsible for the day-to-day management of the bureau as Chief Operating Officer.

Mr. Buckles began his career as an attorney with ATF in 1974, and served in various positions of responsibility in that office including Assistant Chief Counsel for Litigation, Deputy Chief Counsel, and Chief Counsel.

A native of Wyoming, Mr. Buckles received his bachelor's degree from the University of Wyoming and his Juris Doctor from Washburn University in Topeka, Kansas, in 1974. He is a member of the Kansas State Bar.

Mr. Buckles has been the recipient of numerous commendations, including Presidential Rank Awards as Meritorious Executive in 1992 and 2000 and the Presidential Rank Award as Distinguished Executive in 1997. He also serves on the executive boards of the Treasury Executive Institute and the International Association of Chiefs of Police.

Federal Gun Legislation

Federal laws regulating firearms traffic into, from and within the United States are the Gun Control Act of 1968 (GCA), 18 U.S.C. Chapter 44, the National Firearms Act (NFA), 26 U.S.C. Chapter 53, and the Arms Export Control Act (AECA), 22 U.S.C. 2778. Authority to administer and enforce these laws rests with the Secretary of the Treasury. The Secretary has delegated responsibility to enforce the GCA, the NFA, and the importation provisions of the AECA to the Bureau of Alcohol, Tobacco and Firearms (ATF). The authority to enforce the exportation provisions of the AECA is delegated to the United States Customs Service (USCS).

The GCA was enacted for the purpose of keeping firearms out of the hands of those not legally entitled to possess them because of age, criminal background, or incompetence. The GCA was also designed to make State firearms laws more effective by channeling interstate commerce in firearms through federally licensed businesses and generally confining firearms transactions by nonlicensees to their States of residence.

The NFA regulates certain classes of firearms, such as machineguns, short-barrel rifles, short-barrel shotguns, silencers, and destructive devices. The NFA requires that these weapons be registered by their makers, manufacturers, and importers and imposes taxes on transactions in such weapons.

The Arms Export Control Act (AECA), 22 U.S.C. 2778, gives the President the authority to control imports and exports of "defense articles," including firearms and ammunition, in furtherance of world peace and the security and foreign policy of the United States. The AECA requires permits and licenses to import and export such articles. Imports to and exports from certain "proscribed countries" are prohibited. The Department of the Treasury administers the import controls of the AECA and has delegated this authority to ATF. The State Department and the Customs Service administer and enforce the export controls of the AECA.

Federal Licensing in Context

A license is required under the GCA to engage in business as a manufacturer, importer or dealer in firearms. 18 U.S.C. 922(a)(1), 923(a). A license application (except for collector of curios & relics) must include a photograph and fingerprints of the applicant.

An application will be approved if the applicant --

- (1) is 21 years of age or over;
- (2) is not prohibited from transporting, shipping, or receiving firearms or ammunition in or affecting interstate or foreign commerce;
- (3) has not willfully violated any provision of the GCA;
- (4) has not willfully failed to disclose any material information or made any false statement;
- (5) has in a state premises from which to engage in business; and
- (6) certifies that the business will comply with State and local law and that local law enforcement officials have been notified of the application. 18 U.S.C. 923(d)(1).

Licenses are issued for a 3-year period. Licenses may be revoked, or license renewal applications denied, if the licensee has willfully violated any provision of the GCA. 18 U.S.C. 923(e). Judicial review of administrative license denials and revocations may be obtained in Federal court. 18 U.S.C. 923(f)(3).

A license is required under the AECA for the export, temporary import, and temporary export of defense articles, including firearms and ammunition. The license application must generally be filed by a person registered with the Department of State. The application must include specific information concerning the article being shipped, the destination, the end user, and the end use. An import authorization from the country of end use must also be submitted in support of the application. Licenses are approved for a four-year period and are subject to post-approval reviews and verifications to ensure compliance with the terms of the license.

A Federal firearms license does not provide you with authority to violate State or local law. In fact, it is also a Federal crime to do anything in your firearms business that violates State or local law. For this reason, you will see that one of the first steps in Chapter 2 is to determine your State and local law (State law resources are included in an Appendix – Appendix K as of the time of this writing).

Types of Federal Licenses

Type 01 - DEALER IN FIREARMS

Type 02 - PAWNBROKER

Type 03 - COLLECTOR OF CURIOS AND RELICS

Type 06 - MANUFACTURER OF AMMUNITION FOR FIREARMS

Type 07 - MANUFACTURER OF FIREARMS

Type 08 - IMPORTER OF FIREARMS / AMMUNITION

Type 09 - DEALER IN DESTRUCTIVE DEVICES

Type 10 - MANUFACTURER OF DESTRUCTIVE DEVICES

Type 11 - IMPORTER OF DESTRUCTIVE DEVICES

Type 01 -

DEALER in firearms other than destructive devices.

(includes: rifles, shotguns, pistols, revolvers, gunsmith activities, and National Firearms Act (NFA) weapons.)

18 U.S.C 923(a)(3)(B)

Fee: \$ 200.00 for the first three (3) years. \$ 90.00 on renewal.

Application: ATF Form 7 (5310.12)

Type 02 -

PAWNBROKER in firearms other than destructive devices.

(includes: rifles, shotguns, pistols, revolvers, gunsmith activities, and National Firearms Act (NFA) weapons.)

18 U.S.C 923(a)(3)(B)

Fee: \$ 200.00 for the first three (3) years. \$ 90.00 on renewal.

Application: ATF Form 7 (5310.12)

Type 03 -

COLLECTOR OF CURIOS AND RELICS.

(pertains exclusively to firearms classified as curios and relics, and it's purpose is to facilitate a personal collection. It is NOT a license to buy and sell curios and relics.

18 U.S.C 923(b)

Fee: \$ 30.00 for three (3) years.

Application: ATF Form 7 CR (5310.16)

Type 06 -
MANUFACTURER OF AMMUNITION FOR FIREARMS
other than ammunition for destructive devices or armor piercing ammunition.

18 U.S.C 923(a)(1)(C)

Fee: \$ 30.00 for three (3) years.

Application: ATF Form 7 (5310.12)

Type 07 -
MANUFACTURER OF FIREARMS other than destructive devices.

18 U.S.C 923(a)(1)(B)

Fee: \$ 150 for three (3) years.

Application: ATF Form 7 (5310.12)

Type 08 -
IMPORTER OF FIREARMS other than destructive devices
or AMMUNITION FOR FIREARMS other than destructive devices, or ammunition
other than armor piercing ammunition.

NOTE: Importers of handguns and rifles MUST register with ATF under the provisions of the Arms Export Control Act. Contact the Firearms and Explosives Imports Branch at (202) 927-8320 for further information on registration.

18 U.S.C 923(a)(2)(B)

Fee: \$ 150.00 for three (3) years.

Application: ATF Form 7 (5310.12)

Type 09 -
DEALER IN DESTRUCTIVE DEVICES.

18 U.S.C 923(a)(3)(A)

Fee: \$ 3,000.00 for three (3) years.

Application: ATF Form 7 (5310.12)

Type 10 -
MANUFACTURER OF DESTRUCTIVE DEVICES, AMMUNITION
FOR DESTRUCTIVE DEVICES OR ARMOR PIERCING AMMUNITION.

18 U.S.C 923(a)(1)(A)

Fee: \$ 3,000.00 for three (3) years.

Application: ATF Form 7 (5310.12)

Type 11 -
IMPORTER OF DESTRUCTIVE DEVICES, AMMUNITION FOR
DESTRUCTIVE DEVICES OR ARMOR PIERCING AMMUNITION.

18 U.S.C 923(a)(2)(A)

Fee: \$ 3,000.00 for three (3) years.

Application: ATF Form 7 (5310.12)

Chapter 2

Step by Step Guide To Obtaining Your Federal Firearms License

Quick Start Guide

Checklist

Short List Frequently Asked Questions (FAQ) - Licensing

Applying for Your FFL Quick Start Guide

The key to obtaining your Federal Firearms License as quickly as possible is to collect and submit the right information in the right order.

This Quick Start Guide is divided into four sections:

1. Order the required forms from BATF
2. What to do while waiting for the forms
3. What to do when the forms arrive / submitting the application
4. What to do while waiting for the application to be processed

This Quick Start Guide and related information are located in the FFL Kit eBook. If you ordered the download version, you've already figured out where these are. If you ordered a hard copy, this information is in Chapter 2 of the FFL eBook, which is on the enclosed CD. In addition, Chapter 3 of the eBook covers "Day to Day Oper" Chapter 4 covers "How to Make Money With Your FFL."

The CD is designed with an AutoRun file for Windows-based computers. All of the important files are in Adobe Acrobat format, which is a cross-platform format, so users of Macintosh and other computers should be able to view them.

If you do not have Adobe Acrobat Reader, you can download it for free at:

<http://www.adobe.com/products/acrobat/readstep2.html>

Section 1: Order the Required Forms from BATF

There are two alternatives for ordering the forms: over the phone and on the 'net. I suggest that you use both (okay, the BATF folks would probably not like this suggestion) in case one comes in incomplete, is lost in the mail, or is slow for some reason.

To order on the Internet, go to:

<http://www.atf.treas.gov/dcof/index.htm>

and order F 5300.42, F 5310.12 and FBI FD-258. They should automatically include Form 5330.20, but there is not an order button on that page for it as of the time of this writing.

To order on the phone, call your local office (see Appendix A) or call the Firearms and Explosives Licensing Center in Atlanta, Georgia, (404) 417-2750.

Section 2: While Waiting for the Forms

It will probably take a few days for you to get the application in, but you can most definitely use this time productively.

First you should make sure that you qualify for a Federal Firearms License. The way the law is written, they should issue the license unless they have a reason not to do so.

The reasons for not doing so are specifically outlined. You should review questions 22 and 23 on the sample application and make sure State and local laws allow the business, as these are the most common issues. There is some general information about State laws in Appendix K, but I recommend that you both make contact with your local law enforcement and that you make contact with your local BATF field office to see if they know of any laws that would prevent you from operating your gun dealer business. Often the restrictions are zoning ordinances rather than statutes.

If you are planning to operate the business from your home, you must:

- Have some hours in which you will be “open for business” (see Question 11 on Form 7)
- Designate a particular place as the business premises, and keep all of your records there, post the wall sign there, and so forth.
- You should also make sure that, if you have a homeowners association, they do not have any rules preventing you from operating this business
- If you do not own the property, you should make sure that operating the business is not a violation of your lease / rental agreement

While you are going through the process of figuring out State and local laws, you should find out who your Chief Law Enforcement Officer (CLEO) is, as they will need to receive Copy 2 of your Form 7. In some cases it may not be immediately clear (ex. County Sheriff or City Chief of Police?), and your BATF field office should be able to help you sort this out.

Since you’re already talking to them, find out when they do fingerprints. Your local law enforcement agency can take your fingerprints, and most of them have specific hours and/or people in charge of doing this. Your best bet is to call them, tell them you need to be fingerprinted and the reason for the fingerprinting, and they can take it from there.

Now that you’ve done some preliminary checking around, I recommend that you fill out the Sample Form 7 in Appendix B (the Instructions are in Appendix C). This will help you identify any other issues that may come up so that you can further research them now, rather than after the application arrives.

Lastly before the application arrives, decide what you will use for Gun Storage / Safety (see ATF Form 5300.42).

Section 3: Completing and Submitting the Application

If you've done your job in Section 3, this step should be a piece of cake.

Follow the steps on the Checklist in this chapter to be sure you don't forget anything. Don't forget to sign your check, and don't postdate the check.

Section 4: While Waiting for Application Approval

While waiting for approval of your application, you should have plenty of time to prepare for running your business.

You might want to contact your local ATF office to see if you should preorder any forms or if they will automatically be provided to you.

I recommend that you read through the ATF-provided Federal Firearms Regulations Reference Guide (ATF Publication 5300.4), as it provides the answers to most of your questions. It is in Appendix N if you can't get one for free from the ATF folks.

You also can use this time to line up suppliers, set up websites if you plan to do business on the Internet, and so forth.

If you want to make a few bucks while waiting, see Appendix W.

Checklist for Your FFL Application Process

- Order a copy of the application package from ATF
- Make sure you qualify for an FFL
 - Review Questions 22 and 23 on the Form 7 Application
- Make sure your premises are sufficient for conducting business as an FFL
 - Review State laws in Appendix K
 - Review local laws and, if appropriate, homeowners association rules
 - If you do not own the property, make sure you can do business there
 - You must make at least part of your property available to the public during some time each week
- Figure out who your Chief Law Enforcement Officer (CLEO) is, and their address
- Fill out the sample Form 7 to see if any other issues arise
- Find out where to go to get your fingerprints taken, and their hours
- Make sure you have arranged for appropriate gun safety/storage
- When the application arrives, fill the forms out and get your fingerprints taken
- Send the application to the address on the bottom of the front page of the Form 7 Instructions. Make sure to include:
 - Completed Form 7, signed, with picture(s) attached
 - Completed FD-258 Fingerprint Identification Card
 - \$200 check / application fee
 - Form 5300.42 Certification of Gun Storage or Safety Devices
 - Form 5330.20 Certification of Compliance with 18 U.S.C. 922(g)(5)(B)
- Send Copy 2 of the Form 7 to your CLEO
- While waiting for the application approval, get the rest of your business in order
- Review the Federal Firearms Reference Guide and obtain copies of forms that your local ATF office believes you will need, if they will not be supplied to you upon application approval

Short List Frequently Asked Questions

Licensing FAQ

How does one get a license?

Submit ATF Form 7, Application for License, or ATF Form 7CR, Application for License (Collector of Curios or Relics), with the appropriate fee in accordance with the instructions on the form. These forms may be obtained from the Firearms and Explosives Licensing Center in Atlanta, Georgia, (404) 417-2750, or your local ATF office.

[18 U.S.C. 923, 27 CFR 178.44]

May one license cover several locations?

No. A separate license must be obtained for each location. Storage facilities are not required to be covered by a separate license. However, the records maintained on licensed premises must reflect all firearms held in the separate storage facility. Firearms may be shipped directly to separate storage facilities as long as they are properly recorded as an acquisition in the licensee's records.

[27 CFR 178.50]

Does an importer or manufacturer of firearms also need a dealer's license?

No, as long as he is engaged in business at his licensed premises in the same type of firearms authorized by his license.

[27 CFR 178.41(b)]

If a person timely files an application for renewal of his license and his present license expires prior to receipt of the new license, may he continue to conduct the business covered by his expired license?

Yes. A person who timely files an application for renewal of his license may continue operations authorized by his expired license until his application is finally acted upon. An application is timely filed when it is received at the appropriate P.O. Box in Dallas, Texas with the appropriate renewal fee prior to the expiration date of the license.

If a person does not timely file an application for the renewal of his license and his license expires, he must file ATF Form 7, Application for License, or an ATF Form 7CR,

Application for License (Collector of Curios or Relics), as required by 27 CFR 178.44, submit the application fee applicable to a new business, and obtain the required license before continuing business activity.

[27 CFR 178.45]

Must a licensee's records be surrendered to ATF if the licensee discontinues his business?

If the business is being discontinued completely, the licensed dealer, manufacturer or importer is required, within 30 days, to forward his records to the following address:

Bureau of ATF
Out-of-Business Records Center
882 T.J. Jackson Drive
Falling Waters, West Virginia 25419

Failure to surrender your required records is a felony and could result in the licensee being fined up to \$250,000, imprisoned up to five years, or both. A licensee discontinuing business must immediately notify the licensing center in Atlanta, Georgia.

If someone is taking over the business, the original licensee will underline the final entry in each bound book, note the date of transfer, and forward all records and forms to the successor (who must apply for and receive his own license before lawfully engaging in business) or forward the records and forms to the ATF Out-of-Business Records Center. If the successor licensee receives records and forms from the original licensee, the successor licensee may choose to forward these records and forms to the ATF Out-of-Business Record Center. The successor licensee will begin business with a new set of records reflecting any beginning inventory on hand.

[18 U. S. C. 923(g)(4), 27 CFR 178.127]

What records am I required to forward to ATF upon discontinuance of my business?

The records consist of the licensee's bound acquisition/disposition (A/D) records, ATF Forms 4473, ATF Forms 5300.35 (the Brady forms), ATF Forms 3310.4 (Report of Multiple Sale or Other Disposition of Pistols and Revolvers), and records of transactions in semiautomatic assault weapons. If the licensee was granted a variance to use a computerized recordkeeping system, the licensee is required to provide a complete print-out of his entire A/D records, and an ASCII text file (conforming to common industry standards) along with a file description.

[27 CFR 178.127]

May a successor owner of a business entity, other than one who is a successor under the provisions of 27 CFR 178.56 (for example, the surviving spouse or child, or a receiver or trustee in bankruptcy), commence a firearms business prior to receiving a Federal firearms license in his name?

No. Each person intending to engage in business as a firearms dealer, importer or manufacturer or an ammunition importer or manufacturer must obtain the required Federal firearms license prior to commencing business.

[27 CFR 178.41]

Does a Federal firearms license allow the licensee to carry a firearm in the course of business?

No. A Federal firearms license confers no right or privilege to carry a firearm, concealed or otherwise. Permits to carry are issued by State or local authorities.

[27 CFR 178.58]

May a person obtain a dealer's license to engage in business only at gun shows?

No. A license may only be issued for a permanent premises at which the licensed applicant intends to do business. A person having such license may conduct business at gun shows located in the State in which the licensed premises is located and sell and deliver curio or relic firearms to other licensees at any location.

[18 U.S.C. 923(a) and (j)]

May a licensee change the location of his licensed business or activity?

To change your location, you must file an application for an amended license, ATF Form 5300.38 not less than 30 days prior to the move. You must obtain the amended license before commencing business at the new location. The application for an amended license would include the certification of compliance with State and local laws and notification of local law enforcement officials outlined in Question A2. Tear-out Forms 5300.38 for changing the location of a licensed business are in the back of this publication.

[27 CFR 178.52]

Chapter 3

Day to Day Operations As a Gun Dealer

What You Want the Business to Be
Recordkeeping Requirements
Long List Frequently Asked Questions (FAQ) - General

What You Want The Business To Be

Only you can decide what you want from your gun business to be. This section is designed to open your mind to various opportunities that may be available to you so that you can better decide which one(s) is (are) right for you.

Before we explore the opportunities, it is important to have some idea of the requirements for your business. The paperwork and reporting requirements are certainly a factor in this decision, and you also, of course, need to have some idea of the costs for different business plans.

ATF may conduct a qualification or compliance inspection at any time, so it is vitally important that you pay close attention to complying with any requirements. While any business must be cautious about complying with the law, a gun dealer must be even more careful.

Here are some of the many opportunities you may wish to explore once you have your Federal Firearms License:

- Gun sales to friends and family
- Ammunition and accessory sales to friends and family
- A retail storefront
- Sales through classifieds (including Shotgun News) of new or used guns
- Sales through classifieds of ammunition and accessories
- Focus on niche markets / specialization
- Gunsmithing
- FFL ship to fee collection opportunities (there are many on and offline places that maintain lists for individuals who need to find FFLs for shipping their orders, and it is generally free to add yourself to these lists)
- Sales of books and publications related to firearms, other weapons, martial arts, survival training, etc.
- Selling this FFL Kit (See Appendix W)
- Internet sales (see Chapter 4 and Appendix U)

Since you will have some time between the time you submit your Form 7 Application and the time you are granted your license (assuming it's granted), I strongly encourage that you use the time productively to plan for the type of business you want to run. As a small business owner myself, I certainly recognize the time limitations faced by entrepreneurs, and I would personally welcome some hard to find time for planning. Take advantage of the time while you have it.

Recordkeeping Requirements

The details for each form have now been moved, along with sample copies of the forms, into Appendix F. Please keep in mind that, in many cases (such as the Form 4473), you **MUST** use the forms provided by ATF, and the samples in here are not valid for official use.

Generally speaking, you need to fill out a bound book entry and a Form 4473 each time a gun is sold. If you have sold a pistol or revolver to someone within the last five business days, and are selling them another pistol or revolver, you need to fill out form 3310.4. If the person is not a U.S. citizen, there are different forms and substantiation requirements that you may face. Please see Appendix V for more information on non-citizen sales.

You should keep your Bound Books on file indefinitely, regardless of current or future ATF requirements, as these could be needed for many reasons.

You should keep Forms 4473 on file for 20 years or more.

You should keep Forms 5300.35 and 3310.4 on file for 5 years or more.

If you discontinue operations as a gun dealer, you should forward your records, within 30 days, to the ATF Out-of-Business Records Center, Spring Mills Office Park, 2029 Stonewall Jackson Drive, Falling Waters, WV 25419, unless there is a state or local law requiring that you deliver them somewhere else.

FFL Frequently Asked Questions

- A. GENERAL QUESTIONS**
- B. UNLICENSED PERSONS**
- C. LICENSING**
- D. ATF FORM 4473 - FIREARMS
TRANSACTION RECORD**
- E. RECORDS REQUIRED - LICENSEES**
- F. CONDUCT OF BUSINESS - LICENSEES**
- G. COLLECTORS**
- H. MANUFACTURERS**
- I. GUNSMITHS**
- J. PAWNBROKERS**
- K. AUCTIONEERS**
- L. IMPORTING AND EXPORTING**
- M. FIREARMS - NATIONAL FIREARMS
ACT (NFA)**
- N. MACHINEGUNS - NATIONAL FIREARMS
ACT (NFA)**
- O. SEMIAUTOMATIC ASSAULT WEAPONS
AND LARGE CAPACITY
AMMUNITION FEEDING DEVICES**
- P. BRADY LAW**
- Q. MISDEMEANOR CRIME OF DOMESTIC
VIOLENCE**

A. GENERAL QUESTIONS

(A1) Does the law regulate who can be in the business?

Yes. The Gun Control Act (GCA), administered by the Bureau of Alcohol, Tobacco and Firearms (ATF) of the Department of the Treasury, contains Federal licensing standards for various firearms businesses (manufacturers, importers, and dealers). An example of these standards is that the applicant must have a business premises. [18 U. S. C. 923(d), 27 CFR 178.47]

(A2) Who can get a license?

ATF will approve the application if the applicant:

Is 21 years or more of age;

Is not prohibited from shipping, transporting, receiving or possessing firearms or ammunition;

Has not willfully violated the GCA or its regulations;

Has not willfully failed to disclose material information or willfully made false statements concerning material facts in connection with his application;

Has premises for conducting business or collecting; and,
The applicant certifies that--

(1) the business to be conducted under the license is not prohibited by state or local law in the place where the licensed premises is located;

(2) within 30 days after the application is approved the business will comply with the requirements of state and local law applicable to the conduct of the business;

(3) the business will not be conducted under the license until the requirements of state and local law applicable to the business have been met;

(4) the applicant has sent or delivered a form to the chief law enforcement officer where the premises is located notifying the officer that the applicant intends to apply for a license; and

(5) secure gun storage or safety devices will be available at any place in which firearms are sold under the license to persons who are not licensees (" secure gun storage or safety device" is defined in 18 U. S. C. 921(a)(34)).

Editor's Note

The requirement to certify to the availability of gun storage or safety devices was enacted on October 22, 1998, by Public Law 105-277. The requirement is codified in section 923(d)(1)(G) of the GCA and becomes effective 180 days after the date of enactment.

[18 U. S. C. 923(d)(1), 27 CFR 178.47(b)]

(A3) Does the Federal Government issue a license or permit to carry a concealed weapon?

No. Neither ATF nor any other Federal agency issues such a permit or license. Carrying permits may be issued by a state or local government.

(A4) Do antique firearms come within the purview of the GCA?

No. [18 U. S. C. 921(a)(3) and (16), 27 CFR 178.11 and 178.141(d)]

(A5) What kinds of ammunition are covered by the GCA?

Ammunition includes cartridge cases, primers, bullets or propellant powder designed for use in any firearm other than an antique firearm. Items NOT covered include blank ammunition, tear gas ammunition, pellets and nonmetallic shotgun hulls without primers.

Generally, no records are required for ammunition transactions. However, information about the disposition of armor piercing ammunition is required to be entered into a record by importers, manufacturers, and collectors. A license is not required for dealers in ammunition only. [18 U. S. C. 921(a)(17) and 922(b)(5), 27 CFR 178.11]

(A6) Does the GCA control the sale of firearms parts?

No, except that frames or receivers of firearms are "firearms" as defined in the law and subject to the same controls as complete firearms. Silencer parts are also firearms under the GCA, as well as under the National Firearms Act (NFA). Certain machinegun parts, such as conversion parts or kits, are also subject to the NFA.

The GCA generally prohibits the transfer and possession of large capacity ammunition feeding devices manufactured after September 13, 1994. "Large capacity ammunition feeding devices" are those that can accept more than 10 rounds of ammunition. [18 U. S. C. 921(a)(3), (24), and (31), 922(w), 27 CFR 178.11 and 178.40a]

(A7) Does the GCA prohibit anyone from making a handgun, shotgun or rifle?

With certain exceptions a firearm may be made by a nonlicensee provided it is not for sale and the maker is not prohibited from possessing firearms. However, a person is prohibited from making a semiautomatic assault weapon or assembling a nonsporting semiautomatic rifle or nonsporting shotgun from

imported parts. In addition, the making of an NFA firearm requires a tax payment and approval by ATF. An application to make a machinegun will not be approved unless documentation is submitted showing that the firearm is being made for a federal or state agency. [18 U. S. C. 922(o), (r), (v), and 923, 27 CFR 178.39, 178.40, 178.41 and 179.105]

(A8) Are black powder dealers required to be licensed as an ammunition dealer under the GCA?

No. However, black powder dealers are subject to the provisions of 27 CFR Part 55, Commerce in Explosives, which requires that a dealer in any quantity of black powder must have a license as a dealer in low explosives. [18 U. S. C. 842]

(A9) Q. Are Paintball and/or Airgun Sound Suppressers legal?

A. §921(a)(24) The terms "firearm silencer" and "firearm muffler" mean any device for silencing, muffling, or diminishing the report of a portable firearm, including any combination of parts, designed or redesigned, and intended for use in assembling or fabricating a firearm silencer or firearm muffler, and any part intended only for use in such assembly or fabrication.

Numerous paintball silencers tested by the Firearms Technology Branch have been determined to be, by nature of their design and function, firearm silencers as defined in 18 U.S.C., Section 921(a)(24). An individual wishing to manufacturer a firearm silencer must receive prior approval from ATF by submitting an ATF Form 1 and paying a \$200 making tax.

If I have any further questions as to this classification, who should I contact?

Please send a written request to our Firearms Technology Branch at the following address:

Bureau of ATF
Firearms Technology Branch
650 Massachusetts Avenue, NW
Room 6450
Washington, DC 20226

(A10) Q. How can a person convicted of a felony have his or her gun privileges restored?

A. Under the provisions of the Gun Control Act of 1968 (GCA), convicted felons and certain other persons are prohibited from possessing firearms. (See 18 U.S.C. section 922(g).) The GCA provides the Secretary of the Treasury with the authority to grant

relief from this disability where the Secretary determines that the person is not likely to act in a manner dangerous to the public safety. (See 18 U.S.C. section 925(c).) The Secretary delegated this authority to ATF.

Since October 1992, however, ATF's annual appropriation has continuously prohibited the expending of any funds to investigate or act upon applications for relief from Federal firearms disabilities. This restriction is located in Pub. L. No. 106-554, 114 Stat. 2763, which contains ATF appropriations for fiscal year 2001. As long as this provision is included in current ATF appropriations, the Bureau cannot act upon applications for restoration of Federal firearms privileges submitted by individuals. Consequently, we cannot entertain any individual's request for firearms restoration while this prohibition on the processing of such applications remains in place.

Furthermore, the restriction contained in Pub. L. No. 106-554 does not change the status of prohibited persons. They are still prohibited from possessing, receiving, transporting, or shipping firearms under Federal law.

(A11) Q. Are there any alternatives for restoration of firearms privileges?

A. Current alternatives for restoration of Federal firearms privileges are as follows:

Persons convicted of a Federal offense may apply for a Presidential pardon for restoration of Federal firearms privileges. Sections 1.1 through 1.10 of the Code of Federal Regulations, Title 28, specify the rules governing petitions for obtaining Presidential pardons. You may contact the Pardon Attorney's Office at the U.S. Department of Justice, 500 First Street, NW., Washington, DC 20530, to inquire about the procedures for obtaining a Presidential pardon.

Persons convicted of a State offense may contact the State Attorney General's Office within the State in which they reside for information concerning any alternatives that may be available.

If I have additional questions, what section should I contact?

Please address your questions, in writing, to the ATF Restoration Section at the following address:

Bureau of Alcohol, Tobacco and Firearms
P.O. Box 50220
Tech World Post Office
Washington, DC 20091
ATTN: Restoration Section

(A12) Q. Are there any Federal Regulations regarding the construction, location, etc., of a shooting range?

A. <http://www.atf.treas.gov/firearms/nlc/index.htm> FEDERAL FIREARMS REGULATIONS AND THE OPERATION OF SHOOTING RANGES

Revised: (4/08/02)

ATF concerns pertaining to indoor or outdoor firing ranges are based on the Gun Control Act (GCA), rather than on the entire range of laws, including State laws, that are relevant to firing range enterprises, whether indoor or outdoor. Thus, you would need to contact State and local law enforcement authorities, such as the State Police or the office of your State Attorney General, for general information about shooting ranges in your State, including physical specifications and any State regulations dealing with firearms permits or registration that would affect a shooting range enterprise. (ATF does not register conventional firearms or issue permits for ordinary long guns or handguns.)

With respect to the GCA, ATF jurisdiction would pertain to the acquisition or sale of any firearms involved in this business. If sales or similar transfers of firearms will be involved, you must obtain an application for a Federal firearms license (FFL). Information concerning applications for FFLs is available at the ATF National Licensing Center, Atlanta, Georgia. The full address and phone number are as follows:

ATF National Licensing Center,
2600 Century Parkway NE, Suite 400
Atlanta, GA 30345.
Telephone: 404-417-2750

Website: <http://www.atf.treas.gov/firearms/nlc/index.htm>

Since loans or rentals of firearms may be planned, you should be aware that the GCA does allow clubs, associations, or similar organizations to authorize persons to target shoot temporarily on association premises without the need for an FFL and without licensee recordkeeping requirements such as completion of 4473 firearms transaction documents. This provision is also applicable to private firing range businesses that do not have FFLs. (See 27 Code of Federal Regulations, Section 178.97, Loan or Rental of Firearms.)

For general information about ranges, another contact is the Web site of the National Association of Shooting Ranges (NASR). The site address is: <http://www.rangeinfo.org>

Finally, you should be aware that items of public interest and numerous publications are posted on the ATF Internet site. To check if there is anything else relevant to your interest in a shooting range, simply access this site at <http://www.atf.treas.gov>. You are free to browse, print out, or download any and all publications available.

(A13) Q. Where can I get information regarding the delay or denial I have recently experienced when trying to purchase a firearm from a licensee?

A. As you may know, enforcement of the Gun Control Act of 1968 (GCA) and its subsequent amendments is a prime ATF responsibility. The provisions of the "permanent Brady law," which mandate use of the background check, are part of the GCA.

ATF enforces the GCA, the overall management of the background check is handled by the Federal Bureau of Investigation (FBI), which is sometimes assisted by States that are considered "points of contact" (POCs) for the National Instant Criminal Background Check System (NICS).

To determine whether your State is one of the POCs, double click on the following address for a list of States acting as POCs for all transactions, certain transactions, or no firearms transactions--

http://www.atf.treas.gov/firearms/bradylaw/poc_chart.htm.

A delayed transaction is a result of a name-based background check; it means that more research is required to determine a NICS "Proceed" or "Denied" response. A "Delayed" response to the Federal Firearm Licensee (FFL) indicates that it would be unlawful to transfer the firearm until receipt of a follow-up "Proceed" response from NICS or the expiration of three business days, which occurs first.

A denied response means a firearm transfer is denied based on the NICS response indicating one or matching records were found providing information demonstrating that receipt of a firearm by a prospective transferee would violate 18 U.S. Code(g) or (n) or State law. Individuals who are denied the purchase of a firearm may request that NICS provide the reason for denial through an appeal process.

If a particular State is a contact for your transaction, then you should refer your questions and concerns to the POC that delayed or denied the transaction. Contacts include State Police units or the Office of Attorney General for that State. A complete listing of State Attorneys General office addresses and phone numbers is available in the ATF publication, State Laws and Published Ordinances--Firearms (ATF P 5300.5), pp. ix-x. To access this publication, key directly on the following address--

http://www.atf.treas.gov/pub/fire-explo_pub/statelaws.htm

Under the Brady law, individuals may appeal directly to the U.S. Attorney General.

If your State allows the FBI to handle all background check activities, the first step is to request the reason(s) for your denial by writing the FBI NICS Operations Center. You should include the NICS transaction number (NTN), which you can obtain from the FFL or gun dealer. The appeal information is located at the Internet address below:

<http://www.fbi.gov/programs/nics/index.htm>

Individuals who are denied the purchase of a firearm as a result of a NICS background check may request that NICS provide the reason(s) for the denial. NICS must then provide the reason(s) to the individual in writing within five business days after receipt of the request. Denied individuals may write to the following address:

Federal Bureau of Investigation
NICS Operations Center
Appeal Services Unit
P.O. Box 4278
Clarksburg, West Virginia 26302-4278

(A14) Q. What sources are available from ATF for my research project on firearms-related issues?

A. General reply:

While ATF is not a provider of reference research services for clients, the Bureau does make a variety of publications available on the Internet for those with research-related questions. You should explore the Bureau's website to view the announcements and publications that are relevant to your inquiry. The ATF Internet address is:
<http://www.atf.treas.gov>.

Possible sources of interest available at the ATF Internet site are such publications as Commerce in Firearms in the United States, February 2000; Following the Gun: Enforcing Federal Laws Against Firearms Traffickers (2000); and Crime Gun Trace Reports (1999): National Report. (The latter is published on behalf of ATF's Youth Crime Gun Interdiction Initiative (YCGII), whose other publications may be of use.)

You may access the above-mentioned studies by keying in on "Publications," and then on "Firearms and Explosives Publications ." For the YCGII trace reports, you may also key in directly on--

<http://www.atf.treas.gov/firearms/ycgii/1999html/ycgii/introduction.htm>

You might also want to look at the site of ATF's Gang Resistance Education and Training (GREAT) program at--

<http://www.atf.treas.gov/great/index.htm>

Additionally, you should check the United States Department of Justice's Bureau of Justice Statistics site, located at <http://www.ojp.usdoj.gov/bjs/>. Another possibility is the Library of Congress.

Finally, for questions that might have a local orientation, you should contact State or metropolitan police units throughout your area about any sources for compilations of the statistics or other information you are seeking. Another possible contact is a State entity such as a State Department of Justice or the office your State Attorney General.

(A15) Q. May foreign visitors and other aliens legally in the United States purchase or possess firearms and ammunition while in the United States?

A. Nonimmigrant aliens generally are prohibited from possessing or receiving (purchasing) firearms and ammunition in the United States.

There are exceptions to this general prohibition. The exceptions are as follows:

nonimmigrant aliens who possess a valid hunting license or permit lawfully issued by a State in the United States;

nonimmigrant aliens entering the United States to participate in a competitive target shooting event or to display firearms at a sports or hunting trade show sponsored by a national, State, or local firearms trade organization devoted to the competitive use or other sporting use of firearms;

certain diplomats;

officials of foreign governments or distinguished foreign visitors so designated by the U.S. State Department;

foreign law enforcement officers of friendly foreign governments entering the United States on official law enforcement business; and

persons who have received a waiver from the prohibition from the U.S. Attorney General. Significantly, even if a nonimmigrant alien falls within one of these exceptions, the nonimmigrant alien CANNOT purchase a firearm from a Federal firearms licensee (FFL) unless he or she (1) has an alien number or admission number from the Immigration and Naturalization Service AND (2) can provide the FFL with documentation showing that he or she has resided in a State within the United States for 90 days prior to the firearms transaction.

(A16) Q. Typically, who are "nonimmigrant aliens?"

In large part, nonimmigrant aliens are persons traveling temporarily in the United States for business or pleasure, persons studying in the United States who maintain a foreign residence abroad, and certain foreign workers. Permanent resident aliens are NOT nonimmigrant aliens. (Permanent resident aliens often are referred to as people with "Green Cards").

(A17) Q. How do I obtain a waiver from the Attorney General?

You must contact the Department of Justice for information on that procedure. However, in order to even apply for the waiver you must have resided in the United States continuously for at least 180 days prior to submitting your application.

(A18) Q. I have a "green card" and have lived in Texas for several years. Am I prohibited from purchasing firearms and ammunition in Texas?

As long as you are not otherwise prohibited from purchasing or possessing firearms and ammunition (for example, a felon), Federal law does not prohibit you from purchasing or possessing firearms or ammunition. However, you will need to put your INS-issued alien number or admission number on the Form 4473. Moreover, you must make sure there are no State or local restrictions on such a purchase.

(A19) Q. I am a nonimmigrant alien. I purchased a firearm in this country in early 1998 after providing the Federal firearms dealer proof that I was in the United States legally and had resided in the State for more than 90 days. I was told that this transaction was legal then. Am I entitled to keep that firearm and any ammunition I have on hand? Is there a "grandfather" clause in the new regulations that would protect me from criminal liability?

Since October 21, 1998, when the Gun Control Act was amended to make nonimmigrant aliens a new category of prohibited persons, nonimmigrant aliens generally have not been able to possess firearms and ammunition in the United States. Our regulations simply implement this statutory prohibition. The law does not allow us to create a "grandfather clause" in our regulations. Therefore, unless you obtain a valid State hunting license or permit (or fall within one of the other exceptions), your possession of the firearm and ammunition is NOT legal.

(A20) Q. The notice (TD-ATF-471) states that the temporary regulations give the Secretary of the Treasury or his delegate (the ATF Director) the authority to require nonresidents bringing firearms and ammunition into the United States for hunting or other lawful sporting purposes to first obtain an approved import permit. Does that mean that ATF will exercise that authority, and that all such importations will now require an ATF-approved permit?

All nonimmigrant aliens (with a few exceptions which are listed below) must obtain an import permit from ATF to import firearms and ammunition into the United States. Please note this requirement applies to all nonimmigrant aliens, not all nonresidents. The exceptions to this permit requirement is for certain foreign military personnel, official representatives of foreign governments, distinguished foreign visitors, and foreign law enforcement officers of friendly foreign governments.

(A21) Q. What type of form do I, as a nonimmigrant alien, need to file with ATF to import a firearm or ammunition?

A. You need to file ATF Form 6 Part I (Application and Permit for Importation of Firearms, Ammunition and Implements of War). The Form is both the application and, once approved, the permit you present to the U.S. Customs Service when you enter the United States. The Form 6 can be obtained by calling ATF's Firearms and Explosives Imports Branch at 202-927-8320. It also can be downloaded from ATF's Web site.

(A22) Q. Do I need to attach any particular documentation along with the Form 6? Do I need to show anything other than the approved Form 6 to U.S. Customs when I enter the United States?

Yes. When you file your Form 6 application, you must provide ATF with appropriate documentation demonstrating you fall within an exception to the nonimmigrant alien prohibition, such as a valid State hunting license/permit or an invitation to attend a qualifying target shooting competition or sports or hunting trade show. When you enter the United States, you must show Customs both your approved Form 6 permit and appropriate documentation demonstrating you fall within an exception to the nonimmigrant alien prohibition.

(A23) Q. How long does it usually take for ATF to approve a Form 6?

Six to twelve weeks.

(A24) Q. Can I list more than one firearm on each Form 6? Can I also show ammunition on the same form?

You may list more than one firearm on a Form 6 and may include ammunition on the same form.

(A25) Q. I am a Canadian citizen, live in Canada (Windsor, Ontario), and come across the United States border to the Detroit area once a month for competitive match shooting. Can I file several import permit applications at the same time, get them approved, and then use them one at a time when I enter the U.S.?

Yes.

(A26) Visitors to Canada Firearms Requirements

On January 1, 2001, the procedures for visitors bringing firearms into Canada, or for borrowing firearms while in Canada, changed as a result of mandatory license requirements for all firearms owners and users in Canada.

Prior to January 1, 2001, no Canadian permit or form was required, typically the Canadians asked to see the visitor's U.S. Customs Form CF-4457 that registers the weapon(s) in the United States for customs purposes and makes it easier to demonstrate possession upon return to the U.S.

As of January 1, 2001, visitors bringing firearms into Canada, or planning to borrow and use firearms while in Canada, will be required to declare the firearms in writing using a "Non-Resident Firearm Declaration" form. Multiple firearms can be declared on the same form. At the border, three copies of the unsigned declaration must be presented to a Canadian customs officer. The declaration will serve as a temporary license and registration certificate for up to 60 days. The "Non-Resident Firearm Declaration" will cost C\$50. Those visitors planning only to borrow a weapon in Canada must obtain in advance a "Temporary Firearms Borrowing license"; the cost is C\$30.

Canadian authorities recommend that in order to save time, visitors fill out the declaration form and make copies before arrival at the port-of-entry, noting that, "requests made at the border for photocopies may be denied". The form must be signed in front of the Customs officer at the point of entry and the fee paid, so some delay at the border is likely.

Full details on the new policy are available at the Government of Canada's (GoC) "Canadian Firearms Centre" website www.cfc-ccaf.gc.ca under the heading "Visitors to Canada".

The GoC has three classes of firearms: non-restricted (most ordinary rifles and shotguns); restricted (mainly handguns); and prohibited (full automatics, converted automatics, handguns with a barrel length of 4 inches or less, and .25 or .32 caliber handguns among others).

Prohibited weapons (as well as replica weapons) are not allowed in Canada. A restricted firearm can be brought into Canada by obtaining an "Authorization to Transport" (ATT) from a provincial or territorial Chief Firearms Officer (CFO) before arrival at the point of entry into Canada, but an ATT will not be provided for the purpose of hunting or self-protection.

(A27) What sources are available from ATF for my research project on firearms-related issues?

A. General reply:

While ATF is not a provider of reference research services for clients, the Bureau does make a variety of publications available on the Internet for those with research-related questions. You should explore the Bureau's website to view the announcements and publications that are relevant to your inquiry. The ATF Internet address is:
<http://www.atf.treas.gov>.

Possible sources of interest available at the ATF Internet site are such publications as Commerce in Firearms in the United States, February 2000; Following the Gun: Enforcing Federal Laws Against Firearms Traffickers (2000); and Crime Gun Trace Reports (1999): National Report. (The latter is published on behalf of ATF's Youth Crime Gun Interdiction Initiative (YCGII), whose other publications may be of use.)

You may access the above-mentioned studies by keying in on "Publications," and then on "Firearms and Explosives Publications ." For the YCGII trace reports, you may also key in directly on -- <http://www.atf.treas.gov/firearms/ycgii/1999html/ycgii/introduction.htm>

You might also want to look at the site of ATF's Gang Resistance Education and Training (GREAT) program at--

<http://www.atf.treas.gov/great/index.htm>

Additionally, you should check the United States Department of Justice's Bureau of Justice Statistics site, located at <http://www.ojp.usdoj.gov/bjs/>. Another possibility is the Library of Congress.

Finally, for questions that might have a local orientation, you should contact State or metropolitan police units throughout your area about any sources for compilations of the statistics or other information you are seeking. Another possible contact is a State entity such as a State Department of Justice or the office of your State Attorney General.

B. UNLICENSED PERSONS

(B1) To whom may an unlicensed person transfer firearms under the GCA?

A person may sell a firearm to an unlicensed resident of his or her state, if the buyer is not prohibited by law from receiving or possessing a firearm, or to a licensee in any state. A firearm other than a curio or relic may not be transferred interstate to a licensed collector. [18 U. S. C 922(a)(3) and (5), 922(b)(3), 27 CFR 178.29]

(B2) From whom may an unlicensed person acquire a firearm under the GCA?

A person may only buy a firearm within the person's own state, except that he or she may buy a rifle or shotgun, in person, at a licensee's premises in any state, provided the sale complies with state laws applicable in the state of sale and the state where the purchaser resides. [18 U. S. C 922(a)(3) and (5), 922(b)(3), 27 CFR 178.29]

(B3) May an unlicensed person obtain a firearm from an out-of-state source if the person arranges to obtain the firearm through a licensed dealer in the purchaser's own state?

A person not licensed under the GCA and not prohibited from acquiring firearms may purchase a firearm from an out-of-state source and obtain the firearm if an arrangement is made with a licensed dealer in the purchaser's state of residence for the purchaser to obtain the firearm from the dealer. [18 U. S. C 922(a)(3) and (5), 922(b)(3), 27 CFR 178.29]

(B4) May an unlicensed person obtain ammunition from an out-of-state source?

Yes, provided he or she is not a person prohibited from receiving firearms and ammunition. [18 U. S. C. 922(g) and (n)]

(B5) Are there certain persons who cannot legally receive or possess firearms?

Yes, a person who –

- (1) Has been convicted in any court of, a crime punishable by imprisonment for a term exceeding 1 year;
- (2) Is a fugitive from justice;
- (3) Is an unlawful user of or addicted to any controlled substance;
- (4) Has been adjudicated as a mental defective or has been committed to a mental institution;

- (5) Is an alien illegally or unlawfully in the United states or an alien admitted to the United states under a nonimmigrant visa;
 - (6) Has been discharged from the Armed Forces under dishonorable conditions;
 - (7) Having been a citizen of the United states, has renounced his or her citizenship;
 - (8) Is subject to a court order that restrains the person from harassing, stalking, or threatening an intimate partner or child of such intimate partner; or
 - (9) Has been convicted of a misdemeanor crime of domestic violence cannot lawfully receive, possess, ship, or transport a firearm. A person who is under indictment or information for a crime punishable by imprisonment for a term exceeding 1 year cannot lawfully receive a firearm. Such person may continue to lawfully possess firearms obtained prior to the indictment or information. [18 U. S. C. 922(g) and (n), 27 CFR 178.32(a) and (b)]
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(B6) Do law enforcement officers who are subject to restraining orders and who receive and possess firearms for purposes of carrying out their official duties violate the law?

Not if the firearms are received and possessed for official use only. The law prohibits persons subject to certain restraining orders from receiving, shipping, transporting or possessing firearms or ammunition. To be disabling, the restraining order must:

1. specifically restrain the person from harassing, stalking, or threatening an "intimate partner" of the person (e. g., spouse);
2. be issued after a hearing of which notice was given to the person and at which the person had an opportunity to participate; and
3. include a finding that the person subject to the order represents a credible threat to the "intimate partner" or child of the "intimate partner" OR explicitly prohibits the use, attempted use, or threatened use of force against the partner.

However, the GCA has an exception for the receipt and possession of firearms and ammunition on behalf of a Federal or state agency. Therefore, the GCA does not prohibit a law enforcement officer under a restraining order from receiving or possessing firearms or ammunition for use in performing official duties. Possession of the firearm off duty would be lawful if such possession is authorized by the officer's department. An officer subject to a disabling restraining order would violate the law if the officer received or possessed a firearm or ammunition for other than official use. (See Question Q15 on officers' receipt and possession of firearms and ammunition after a conviction of a misdemeanor crime of domestic violence.) [18 U. S. C. 922(g)(8), 925(a)(1)]

(B7) May a nonlicensee transport firearms for sporting or other lawful purposes?

Yes. Federal law provides a person, who is not prohibited by the GCA from receiving or transporting firearms, the right to transport a firearm under certain conditions, notwithstanding state or local law to the contrary. The firearms must be unloaded and in a locked trunk or, in a vehicle lacking a trunk, in a locked container other than the glove

compartment or console. Also, the carrying and possession must be lawful at the place of origin and destination. [18 U. S. C. 926A, 27 CFR 178.38] 9

(B8) May a nonlicensee ship a firearm through the U. S. Postal Service?

A nonlicensee may mail a shotgun or rifle to a resident of his or her own state or to a licensee in any state. Handguns are not mailable. A common or contract carrier must be used to ship a handgun. A nonlicensee may not transfer any firearm to a nonlicensed resident of another state. The Postal Service recommends that longguns be sent by registered mail and that no marking of any kind which would indicate the nature of the contents be placed on the outside of any parcel containing firearms.

(B9) May a nonlicensee ship a firearm by carrier?

A nonlicensee may ship a firearm by carrier to a resident of his or her own state or to a licensee in any state. A common or contract carrier must be used to ship a handgun. In addition, Federal law requires that the carrier be notified that the shipment contains a firearm and prohibits common or contract carriers from requiring or causing any label to be placed on any package indicating that it contains a firearm. [18 U. S. C. 922(a)(2)(A) and 922(e), 27 CFR 178.31]

(B10) May a nonlicensee ship firearms interstate for his or her use in hunting or other lawful activity?

Yes. A person may ship a firearm to himself or herself in care of another person in the state where he or she intends to hunt or engage in any other lawful activity. The package should be addressed to the owner. Persons other than the owner should not open the package and take possession of the firearm.

(B11) May a person who is relocating out-of-state move firearms with other household goods?

Yes. A person who lawfully possesses a firearm may transport or ship the firearm interstate when changing his or her state of residence. Certain NFA firearms must have prior approval from the Bureau of ATF, NFA Branch, Washington, DC 20226, before they may be moved interstate. The person must notify the mover that firearms are being transported. He or she should also check state and local laws where relocating to ensure that movement of firearms into the new state does not violate any state law or local ordinance. [18 U. S. C. 922(a)(4), 27 CFR 178.28 and 178.31]

(B12) What constitutes residency in a state?

The state of residence is the state in which an individual is present with the intention of making a home in that state. A member of the Armed Forces on active duty is a resident of the state in which his or her permanent duty station is located. If a member of the Armed Forces maintains a home in one state and the member's permanent duty station is in a nearby state to which he or she commutes each day, then the member may purchase a firearm in either the state where the duty station is located or the state where the home is maintained. An alien who is legally in the United States is considered to be a resident of a state only if the alien is residing in that state and has resided in that state continuously for a period of at least 90 days prior to the date of sale of the firearm. [18 U. S. C. 921(b) and 922(b)(3), 27 CFR 178.11]

(B13) May a person who resides in one state and owns property in another state purchase a handgun in either state?

If a person maintains a home in 2 states and resides in both states for certain periods of the year, he or she may, during the period of time the person actually resides in a particular state, purchase a handgun in that state. But simply owning property in another state does not qualify the person to purchase a handgun in that state.

(B14) May foreign visitors and other aliens legally in the United States buy firearms?

An alien legally in the United States who has been admitted into the country under a nonimmigrant visa is generally prohibited from receiving or possessing firearms and a licensee may not lawfully transfer firearms to such alien. In addition, a foreign visitor is not a resident of a state and, therefore, may not purchase and take delivery of a firearm in the United States. A foreign visitor may purchase a firearm and have it exported by a licensee. The licensee must obtain an export license from the State Department for this type of transaction.

In addition, an alien legally in the United States would have a state of residence and may acquire firearms in that state only if he or she is residing in that state and has resided in that state continuously for at least 90 days prior to the purchase. Aliens acquiring firearms from licensees are required to prove their identity and residency by presenting government-issued photo identification and substantiating documentation showing that he or she has resided in the state continuously for the 90-day period, for example, utility bills, lease agreements, credit card statements, pay stubs or other documents from the purchaser's place of employment. [18 U. S. C. 921, 922(b)(3), (d), (g), 27 CFR 178.11, 178.99(a)]

(B15) May a parent or guardian purchase firearms or ammunition as a gift for a juvenile (less than 18 years of age)?

Yes. However, possession of handguns by juveniles (less than 18 years of age) is generally unlawful. Juveniles may only receive and possess handguns with the written permission of a parent or guardian for limited purposes, e. g., employment, ranching, farming, target practice or hunting. [18 U. S. C. 922(x)]

(B16) Are curio or relic firearms exempt from the provisions of the GCA?

No. Curios or relics are still firearms subject to the provisions of the GCA; however, curio or relic firearms may be transferred in interstate commerce to licensed collectors or other licensees.

(B17) What recordkeeping procedures should be followed when two private individuals want to engage in a firearms transaction?

When a transaction takes place between private (unlicensed) persons who reside in the same State, the Gun Control Act (GCA) does not require any record keeping. As noted in FAQs B1 and B2, which are posted on this Web site in the "Firearms" section, a private person may sell a firearm to another private individual in his or her State of residence and, similarly, a private individual may buy a firearm from another private person who resides in the same State. It is not necessary for a Federal firearms licensee (FFL) to assist in the sale or transfer when the buyer and seller are "same-State" residents. Of course, the transferor/seller may not knowingly transfer a firearm to someone who falls within any of the categories of prohibited persons contained in the GCA. See 18 U.S. C. §§ 922(g) and (n). However, as stated above, there are no GCA-required records to be completed by either party to the transfer.

For information about any State or local regulations that may govern this type of transaction, it is advisable to contact State Police units or the office of your State Attorney General.

Please note that if a private person wants to obtain a gun from a private person who resides in another State, the gun will have to be shipped to an FFL in the buyer's State. The FFL will be responsible for record keeping. See FAQ B3 (Firearms).

C. LICENSING

(C1) How does one get a license?

Submit ATF Form 7, Application for License, or ATF Form 7CR, Application for License (Collector of Curios or Relics), with the appropriate fee in accordance with the instructions on the form. These forms may be obtained 11 from the Firearms and Explosives Licensing Center in Atlanta, Georgia or your local ATF office. [18 U. S. C. 923, 27 CFR 178.44]

(C2) May one license cover several locations?

No. A separate license must be obtained for each location. Storage facilities are not required to be covered by a separate license. However, the records maintained on licensed premises must reflect all firearms held in the separate storage facility. Firearms may be shipped directly to separate storage facilities as long as they are properly recorded as an acquisition in the licensee's records. [27 CFR 178.50]

(C3) Does an importer or manufacturer of firearms also need a dealer's license?

No, as long as the importer or manufacturer is engaged in business at the licensed importing or manufacturing premises in the same type of firearms authorized by the license. [27 CFR 178.41(b)]

(C4) If a person timely files an application for renewal of a license and the present license expires prior to receipt of the new license, may the person continue to conduct the business covered by the expired license?

Yes. A person who timely files an application for renewal of a license may continue operations authorized by the expired license until the application is finally acted upon. An application is timely filed when it is received at the appropriate P. O. Box in Dallas, Texas with the appropriate renewal fee prior to the expiration date of the license. If a person does not timely file a license renewal application and the license expires, the person must file ATF Form 7, Application for License, or an ATF Form 7CR, Application for License (Collector of Curios or Relics), as required by 27 CFR 178.44, submit the application fee applicable to a new business, and obtain the required license before continuing business activity. [27 CFR 178.45]

(C5) Must a licensed importer's, manufacturer's, or dealer's records be surrendered to ATF if the licensee discontinues business?

If the business is being discontinued completely, the licensed dealer, manufacturer or importer is required, within 30 days, to forward the business records to the following address:

Bureau of ATF Out-of-Business Records Center
2029 Stonewall Jackson Drive
Falling Waters, West Virginia 25419

Failure to surrender your required records is a felony and could result in the licensee being fined up to \$250,000, imprisoned up to 5 years, or both. A licensee discontinuing business must immediately notify the Licensing Center in Atlanta, Georgia.

If someone is taking over the business, the original licensee will underline the final entry in each bound book, note the date of transfer, and forward all records and forms to the successor (who must apply for and receive his or her own license before lawfully engaging in business) or forward the records and forms to the ATF Out-of-Business Records Center. If the successor licensee receives records and forms from the original licensee, the successor licensee may choose to forward these records and forms to the ATF Out-of-Business Record Center. The successor licensee will begin business with a new set of records reflecting any beginning inventory on hand. [18 U. S. C. 923(g)(4), 27 CFR 178.127]

(C6) What records am I required to forward to ATF upon discontinuance of my business?

The records consist of the licensee's bound acquisition/ disposition (A/ D) records, ATF Forms 4473, ATF Forms 5300.35 (the Brady forms), ATF Forms 3310.4 (Report of Multiple Sale or Other Disposition of Pistols and Revolvers), ATF Forms 3310.11 (Federal Firearms Licensee Theft/ Loss Report), records of transactions in semiautomatic assault weapons, and law enforcement certification letters. If the licensee was granted a variance to use a computerized recordkeeping system, the licensee is required to provide a complete print-out of the entire A/ D records, and an ASCII text file (conforming to common industry standards) along with a file description. [27 CFR 178.127]

(C7) May a successor owner of a business entity, other than one who is a successor under the provisions of 27 CFR 178.56 (for example, the surviving spouse or child, or a receiver or trustee in bankruptcy), commence a firearms business prior to receiving a Federal firearms license in the successor's name?

No. Each person intending to engage in business as a firearms dealer, importer or manufacturer or an ammunition importer or manufacturer must obtain the required Federal Firearms License prior to commencing business. [27 CFR 178.41]

(C8) Does a Federal firearms license allow the licensee to carry a firearm in the course of business?

No. A Federal firearms license confers no right or privilege to carry a firearm, concealed or otherwise. Permits to carry are issued by state or local authorities. [27 CFR 178.58]

(C9) May a person obtain a dealer's license to engage in business only at gun shows?

No. A license may only be issued for a permanent premises at which the license applicant intends to do business. A person having such license may conduct business at gun shows located in the state in which the licensed premises is located and sell and deliver curio or relic firearms to other licensees at any location. [18 U. S. C. 923(a) and (j)]

(C10) May a licensee change the location of the licensed business or activity?

To change your location, you must file an application for an amended license, ATF Form 5300.38, not less than 30 days prior to the move. You must obtain the amended license before commencing business at the new location. The application for an amended license would include the certification of compliance with state and local laws and notification of local law enforcement officials as outlined in Question A2.

D. ATF FORM 4473 - FIREARMS TRANSACTION RECORD

(D1) Where can a dealer get ATF Forms 4473?

They are available free of charge from the ATF Distribution Center. The current address is P. O. Box 5950, Springfield, VA 22150-5950. Please order a quantity of forms estimated for 6 months use.

(D2) Is an ATF Form 4473 needed in the transfer of a firearm by a nonlicensee?

No. ATF Form 4473 is required only for transfers by a licensee. [27 CFR 178.124]

(D3) Does a dealer have to execute ATF Form 4473 to take a weapon out of the dealer's inventory for his or her own use?

No. However, the "bound book" must be properly posted to reflect the disposition of the firearm from business inventory to personal use. [27 CFR 178.124, 178.125a]

(D4) Who signs ATF Form 4473 for the seller?

ATF Form 4473 must be signed by the person who verified the identity of the buyer. [27 CFR 178.124(c)]

(D5) Is a Social Security card a proper means of identification?

No. A Social Security card, alien registration card, or military identification alone does not contain sufficient information to identify a firearms purchaser. However, a purchaser may be identified by any combination of documents which together establish all of the required information: Name, residence address, date of birth or age, signature, and photograph of the holder. In addition, the documents used to establish the purchaser's identity must have been issued by a government agency. [27 CFR 178.124(c)]

(D6) When must the ATF Form 4473 be signed?

Part I (yellow) used for over-the-counter sales must be completed, signed and dated by the buyer prior to delivery of the firearm. Part II (green) used for intrastate non-over-the-counter sales must be completed, signed and dated in duplicate by the buyer at the time of sale. [27 CFR 178.124(c), 178.124(f)]

(D7) What is ATF's position on electronic versions of ATF Form 4473?

Licensees who find an electronic version of ATF Form 4473, "Firearms Transaction Record," on a website should not use it in conducting their business. ATF has not authorized anyone to display the Form 4473 over the Internet. Therefore, there is no guarantee that a Form 4473 posted on a website is identical to the Government-issued Form 4473. If you use such a form, you risk violating the Gun Control Act (GCA) by failing to complete and keep required GCA records.

If you need additional copies of Form 4473, you may get them free of charge from the ATF Distribution Center (P.O. Box 5950, Springfield, Virginia 22150-5950; telephone no.: 703-455-7801.) In addition, if you would like to use an electronic version of this form, you may apply to ATF for a variance pursuant to 27 CFR § 178.22. Please note that among other requirements needed for approval, your request for a variance only will be granted if your computer-generated Form 4473 is identical to the Government-printed form. Accordingly, it must have the Important Notices, Instructions, and Definitions attached to those portions that the buyer and seller complete.

E. RECORDS REQUIRED - LICENSEES

(E1) What is a "bound book?"

A "bound book" is a permanently bound book or an orderly arrangement of loose-leaf pages which must be maintained on the business premises. In either event, the format must follow that prescribed in the regulations and the pages must be numbered consecutively. [27 CFR 178.125]

(E2) May a dealer keep more than one "bound book" at the same time?

Yes. A dealer in firearms is not limited to using only one "bound book." A few dealers account for different brands or types of firearms in separate "bound books." Many maintain a separate repair "bound book." [27 CFR 178.125]

(E3) Does the Government sell a record book for licensees to use in recording their receipts and dispositions of firearms?

No. Certain trade associations have them available at nominal cost. Your supplier should be able to tell you about this.

(E4) What is the dealer's responsibility where a variation from normal regulatory practice has been authorized?

The ATF letter authorizing the variation must be kept at the licensed premises and available for inspection. For businesses with more than a single licensed outlet, each outlet covered by the variation must have a copy of the letter authorizing the change. [27 CFR 178.22, 178.125(h)]

(E5) How much time does a dealer have to record acquisitions and dispositions of firearms in his or her "bound book"?

If commercial records are kept containing the required information, are available for inspection, and are separate from other commercial documents, dealers have 7 days from the time of receipt or disposition to record the receipt or disposition in the "bound book." Receipts not covered by these records must be entered in the "bound book" by the close of the next business day after the acquisition or purchase. If a disposition is made before

the acquisition has been entered in the "bound book," the acquisition entry must be made at the same time as the disposition entry. [27 CFR 178.125(d)-(i)]

(E6) Are the ammunition recordkeeping requirements the same as for firearms?

No. No records are required for ammunition other than armor piercing ammunition. Disposition records must be kept by licensed manufacturers, importers, and collectors for transactions in armor piercing ammunition. [27 CFR 178.125]

(E7) Are rental firearms subject to recordkeeping control?

Yes, but the recordkeeping is not imposed on the loan or rental of firearms for use only on the premises.[27 CFR 178.97]

(E8) May a licensee who has firearms in his or her private collection sell any of these firearms without making firearms record entries?

No. A licensee may sell a firearm from his or her personal collection, subject only to the restrictions on firearm sales by unlicensed persons, provided the firearm has been entered in the licensee's bound book and transferred to the licensee's private collection at least 1 year prior to the sale. On selling the personal firearm after 1 year, the sale must be recorded in a "bound book" for disposition of personal firearms, but no ATF Form 4473 is required. [27 CFR 178.125a]

(E9) May a licensee maintain computer records in lieu of the "bound book"?

Yes. The Regional Director (Compliance) or other designated ATF official must approve a request for a recordkeeping variance before the licensee may use a computer system in lieu of the "bound book" record required by the regulations. [27 CFR 178.22 and 178.125(h)]

F. CONDUCT OF BUSINESS - LICENSEES

(F1) Does the Federal Firearms Law require licensees to comply with state laws and local published ordinances which are relevant to the enforcement of the GCA?

Yes. It is unlawful for any licensed importer, licensed manufacturer, licensed dealer, or licensed collector to sell or deliver any firearm or ammunition to any person if the person's purchase or possession would be in violation of any state law or local published ordinance applicable at the place of sale or delivery. (See Question A2 for requirement to comply with state and local law to qualify for a license.) [18 U. S. C. 922(b)(2), 27 CFR 178.99(b)(2)]

(F2) May a licensed dealer sell a firearm to a nonlicensee who is a resident of another state?

Generally, a firearm may not be lawfully sold by a licensed dealer to a nonlicensee who resides in a state other than the state in which the seller's licensed premises is located. However, the sale may be made if the firearm is shipped to a licensed dealer whose business is in the purchaser's state of residence and the purchaser takes delivery of the firearm from the dealer in his or her state of residence. In addition, a licensee may sell a rifle or shotgun to a person who is not a resident of the state where the licensee's business premises is located in an over-the-counter transaction, provided the transaction complies with state law in the state where the licensee is located and in the state where the purchaser resides and provided the sale complies with all applicable federal laws. [18 U. S. C. 922(b)(3)]

(F3) May a dealer sell firearms to law enforcement agencies and individual officers in another state?

Yes. Sales and deliveries of firearms to out-of-state police and sheriff departments are not prohibited by the GCA. A dealer may also sell or ship firearms, other than NFA firearms, to an individual law enforcement officer, regardless of age, if the dealer has a signed statement of the officer's agency, stating that the items are to be used in the buyer's official duties and that the officer has not been convicted of a misdemeanor crime of domestic violence. ATF Form 4473 need not be executed, and the Brady Law is not applicable; however, the bound book must be properly posted, and the signed statement included in the dealer's records. (For information on sales of semiautomatic assault weapons to individual law enforcement officers, (see Question O11.) For further information on sales of firearms to law enforcement officers, see Item 4, "Sales of Firearms to Law Enforcement Officers", under Items of Interest. [27 CFR 178.141]

(F4) May an employee of a licensed dealer, such as a manager or clerk, who is under 21 years of age, sell handguns and ammunition suitable for use in handguns for the licensee?

Yes, if the employee is not a prohibited person (e. g., a felon). However, to sell handguns, a person less than 18 years of age must have the prior written consent of a parent or guardian and the written consent must be in the person's possession at all times. Also, the parent or guardian giving the written consent may not be prohibited by law from possessing a firearm. [18 U. S. C. 922(x)]

(F5) As a licensed dealer, must I advise ATF if I sell more than one handgun to an individual?

If you sell more than one handgun to any nonlicensee during a period of 5 consecutive business days, the sale must be reported on ATF Form 3310.4, Report of Multiple Sale or Other Disposition of Pistols and Revolvers, and forwarded to the ATF office specified on the form no later than the close of business on the day the second handgun was sold. A copy of the form must also be sent to the state police or the local law enforcement agency where the sale occurred. A copy must also be kept in the records of the dealer. [18 U. S. C. 923(g)(3), 27 CFR 178.126a]

(F6) Does a customer have to be a certain age to buy firearms or ammunition from a licensee?

Yes. Longguns and longgun ammunition may be sold only to persons 18 years of age or older. Sales of handguns and ammunition for handguns are limited to persons 21 years of age and older. Although some state and local ordinances have lower age requirements, dealers are bound by the minimum age requirements established by the GCA. If state law or local ordinances establish a higher minimum age, the dealer must observe the higher age requirement. [18 U. S. C. 922(b)(1), 27 CFR 178.99(b)]

(F7) May a licensee sell interchangeable ammunition such as .22 cal. rimfire to a person less than 21 years old?

Yes, provided the buyer is 18 years of age or older, and the dealer is satisfied that it is for use in a rifle. If the ammunition is intended for use in a handgun, the 21 year old minimum age requirement is applicable. [18 U. S. C. 922(b)(1), 27 CFR 178.99(b)]

(F8) In transactions between licensees, how is the seller assured that a purchaser of a firearm is a licensed dealer?

Verification must be established by the transferee furnishing to the transferor a certified copy of the transferee's license and by any other means the transferor deems necessary. [27 CFR 178.94]

(F9) Must a multi-licensed business submit a certified copy of each of its licenses when acquiring firearms?

No. It need only provide the seller a list, certified to be true, correct and complete, containing the name, address, and license number and expiration date for each location. [27 CFR 178.94]

(F10) May a licensee continue to deliver to a business whose license has expired?

Yes, for a period of 45 days following the expiration date of the license. After the 45-day period, the transferor is required to verify the licensed status of the transferee with the Chief, Firearms and Explosives Licensing Center. If the transferee's license renewal application is still pending, the transferor must obtain evidence from the Regional Director (Compliance) that a license renewal application has been timely filed by the transferee and is still pending. [27 CFR 178.94]

(F11) Is a license required to engage in the business of selling small arms ammunition?

No. A license is not required for a dealer in ammunition only, but a manufacturer or an importer must be licensed.

(F12) May licensed dealers sell firearms at gun shows?

Generally, a licensee may sell firearms at a gun show located only in the same state as that specified on the seller's license. However, a licensee may sell curio or relic firearms to another licensee at any location. The transfer of NFA firearms may be lawfully made only upon an ATF approved transfer application. [18 U. S. C. 923(j), 27 CFR 178.100]

(F13) What may a licensed dealer do at an out-of-state gun show?

A licensed dealer may sell and deliver curio or relic firearms to another licensee at an out-of-state gun show. With respect to other firearms transactions, a licensed dealer may only display and take orders for firearms at an out-of-state gun show. In filling any orders for firearms, the dealer must return the firearms to his or her licensed premises and

deliver them from that location. Any firearm ordered by a nonlicensee must be delivered or shipped from the licensee's premises to a licensee in the purchaser's state of residence, and the purchaser must obtain the firearm from the licensee in the purchaser's state. Except for sales of curio or relic firearms to other licensees, sales of firearms and simultaneous deliveries at the gun show, whether to other licensees or to nonlicensees, violate the law because the dealer would be unlawfully engaging in business at an unlicensed location. [18 U. S. C. 922(a)(1), (b)(3), 923(a), (j)] 18

(F14) Who may ship firearms through the U. S. Postal Service?

Federal firearm licensees may deposit an unloaded firearm in the mails for conveyance to any officer, employee, agent, or watchman who is eligible under 18 U. S. C. 1715 to receive pistols, revolvers, and other firearms capable of being concealed on the person for use in connection with his or her official duties.

However, any person proposing to mail a handgun must file with the postmaster, at the time of mailing, an affidavit signed by the addressee stating that the addressee is qualified to receive the firearm, and the affidavit must bear a certificate stating that the firearm is for the official use of the addressee. See the current Postal Manual for details. The Postal Service recommends that all firearms be sent by registered mail and that no marking of any kind which would indicate the nature of the contents be placed on the outside of any parcel containing firearms. (See also Question B8.)

(F15) Must a dealer record firearms received on consignment?

Yes. Firearms received for sale on consignment must be entered in the dealer's "bound book." Sales of the firearms are handled in the same manner as other firearm sales. Return of the remaining firearms by the licensee to the consignor is entered in the dealer's disposition record, and the consignor must complete an ATF Form 4473 if the consignor is a nonlicensee. It should also be noted that the sale of such firearms or their return to the consignor must also comply with the Brady Law.

(F16) To whom does a dealer report stolen firearms?

A theft or lost of firearms must be reported to your local police as well as to ATF within 48 hours after the discovery. Licensees should notify ATF on the 24-hour, 7 days week toll free line at 1-800-800-3855 and by preparing and submitting ATF Form 3310.11, Federal Firearms Licensee Theft/ Loss Report. Theft or loss of NFA firearms should also be reported to the NFA Branch, (202) 927-8330, immediately upon discovery. [18 U. S. C. 923(g)(6), 27 CFR 178.39a and 179.141]

(F17) If my firearms are stolen, what do I do about my records?

Take an inventory of stock on hand and enter "stolen" and the date in the disposition section of the "bound book" for those stolen firearms. In addition, at the time a licensee reports the theft on the ATF toll free line, the licensee will be provided a control number that should be placed in the records as well as on ATF Form 3310.11, Federal Firearms Licensee Theft/ Loss Report. [18 U. S. C. 923(g)(6), 27 CFR 178.39a]

(F18) How many copies of the ATF Form 3310.4, Report of Multiple Sale or Other Disposition of Pistols and Revolvers, must be completed and what becomes of each copy?

ATF Form 3310.4 must be completed in triplicate (3 copies). The original is sent to ATF's National Tracing Center by FAX at 1-877-283-0288 or by mail to Box 1061, Falling Waters, West Virginia 25419-1061. A copy is to be sent to the designated state police or the local law enforcement agency in the jurisdiction where the sale took place. The remaining copy is to be retained in the records of the dealer and held for not less than 5 years. [27 CFR 178.126a, 178.129]

(F19) What is my responsibility to respond to a request to trace a firearm?

A licensee must provide the requested information immediately and in no event later than 24 hours after receipt of a request by ATF for information required to be kept. Failure to respond to the request for trace information can result in monetary fines, imprisonment, and/ or revocation of the licensee's Federal firearms license. [18 U. S. C. 923(g)(7), 27 CFR 178.25a]

(F20) Does the requirement to give written notification to handgun transferees about juvenile handgun possession apply to a licensed dealer who returns firearms to their owners, for example, handguns that the dealer repaired?

Yes. The requirement to give written notification to nonlicensees to whom handguns are transferred applies to the return of handguns, as well as to their sale. However, the requirement does not apply where a handgun is delivered to a customer through another licensee. The licensee who delivers the handgun must provide the notification. [18 U. S. C. 922(x), 27 CFR 178.103]

(F21) Does the requirement to post a sign on the licensed premises about juvenile handgun possession apply to a licensed dealer who only disposes of handguns to nonlicensees who do not appear at the dealer's premises?

No. The sign posting requirement does not apply where the licensee only disposes of handguns to nonlicensees who do not appear at the licensed premises, for example, the licensee ships repaired or replacement handguns to nonlicensees. [18 U. S. C. 922(x), 27 CFR 178.103]

G. COLLECTORS

(G1) Is there a specific license which permits a collector to acquire firearms in interstate commerce?

Yes. The person may obtain a collector's license; however, this license applies only to transactions in curio or relic firearms. [27 CFR 178.41(c), (d), 178.50(b) and 178.93]

(G2) Does a collector's license afford any privileges to the licensee with respect to acquiring or disposing of firearms other than curios or relics in interstate or foreign commerce?

No. A licensed collector has the same status under the GCA as a nonlicensee except for transactions in curio or relic firearms. [27 CFR 178.93]

(G3) Does a license as a collector of curio or relic firearms authorize the collector to engage in the business of dealing in curios or relics?

No. A dealer's license must be obtained to engage in the business of dealing in any firearms, including curios or relics. A collector's license only enables the collector to obtain curio and relic firearms interstate. [18 U. S. C. 922(a) and 923(a)(1), 27 CFR 178.41]

(G4) Since a licensed firearms dealer may legally receive firearms interstate, including curios or relics, is there any reason why a dealer would need both a dealer's license and collector's license?

No. [27 CFR 178.50(b)]

(G5) Are licensed collectors required to execute ATF Form 4473 for transactions in curio or relic firearms?

No. Licensed collectors are only required to keep a "bound book" record. [27 CFR 178.125(f)]

(G6) Are licensed collectors' transfers of curio or relic firearms subject to the Brady law, including the provision for making background checks on transferees?

No, but it is unlawful to transfer a firearm to any person knowing or having reasonable cause to believe that such person is a felon or is within any other category of person prohibited from receiving or possessing firearms. (See also Questions P13 and P14.) [18 U. S. C. 922(d), 27 CFR 178.32(d)]

(G7) Are licensed collectors required to comply with the requirements that written notification be given to handgun transferees and signs be posted on juvenile handgun possession?

The requirement that written notification concerning juvenile handgun possession be given by licensees to a nonlicensee to whom a handgun is delivered applies to curio or relic handguns transferred by licensed collectors. However, the sign posting requirement does not apply to licensed collectors. In the case of collectors, a requirement to post signs at the licensed premises would serve no purpose because the premises is not a business premises open to the public and licensed collectors may lawfully dispose of curio or relic handguns away from their licensed premises. [18 U. S. C. 922(x), 27 CFR 178.103]

(G8) Are licensed collectors required to turn in their acquisition/ disposition records to ATF if their collector's license is not renewed or they discontinue their collecting activity?

No. The GCA requires the delivery of required records to the Government within 30 days after a firearms "business" is discontinued. A license as a collector of curios or relics does not authorize any business with respect to firearms. This is in contrast to firearms importers, manufacturers, and dealers who are licensed to engage in a firearms business. Therefore, the records required to be kept by licensed collectors under the law and regulations are not business records and are not required to be turned in to ATF when collector's licenses are not renewed or collecting activity under such licenses is discontinued.[18 U. S. C. 923(g)(4), 27 CFR 178.127]

H. MANUFACTURERS

(H1) Must a person who engages in the business of manufacturing and importing firearms have a separate license to cover each type of business?

Yes. A separate license is required to cover each of these types of businesses. [27 CFR 178.41]

(H2) May a person licensed as a manufacturer of ammunition also manufacture firearms?

No. A person licensed as a manufacturer of ammunition may not manufacture firearms unless he or she obtains a license as a firearms manufacturer.

(H3) May a person licensed as a manufacturer of firearms also manufacture ammunition?

Yes. The person may also manufacture ammunition (not including destructive device ammunition or armor piercing ammunition) without obtaining a separate license as a manufacturer of ammunition.

(H4) Is one who reloads ammunition required to be licensed as a manufacturer?

Yes, if the person engages in the business of selling or distributing reloads for the purposes of livelihood or profit. No, if the person reloads only for personal use. [27 CFR 178.41]

(H5) Must a licensed manufacturer pay excise taxes?

Yes. Licensed manufacturers incur excise tax on the sale of firearms and ammunition manufactured.

I. GUNSMITHS

(11) Is a license needed to engage in the business of engraving, customizing, refinishing or repairing firearms?

Yes. A person conducting such activities as a business is considered to be a gunsmith within the definition of a dealer. [27 CFR 178.11]

(12) Does a gunsmith need to enter in a permanent "bound book" record every firearm received for adjustment or repair?

If a firearm is brought in for repairs and the owner waits while it is being repaired or if the gunsmith is able to return the firearm to the owner during the same business day, it is not necessary to list the firearm in the "bound book" as an "acquisition." If the gunsmith has possession of the firearm from one business day to another or longer, the firearm must be recorded as an "acquisition" and a "disposition" in the permanent "bound book" record. [27 CFR 178.125(e)]

(13) Is ATF Form 4473 required when a gunsmith returns a repaired firearm?

No, provided the firearm is returned to the person from whom received. [27 CFR 178.124(a)]

(14) May a gunsmith make immediate repairs at locations other than his or her place of business?

Yes.

(15) May a licensed gunsmith receive an NFA firearm for purposes of repair?

Yes, for the sole purpose of repair and subsequent return to its owner. It is suggested that the owner obtain permission from ATF for the transfer by completing and mailing ATF Form 5 to the NFA Branch and receive approval prior to the delivery. The gunsmith should do the same prior to returning the firearm. Only the face of the form need be completed in each instance. ATF Forms 5 may be obtained from the Bureau of ATF, NFA Branch, Washington, DC 20226, (202) 927-8330.

(16) Is a licensed gunsmith required to comply with the requirements to give written notification to handgun transferees and post signs on juvenile handgun possession?

The requirement that written notification on juvenile handgun possession be given to a nonlicensee to whom a handgun is delivered applies to all Federal firearms licensees. It also applies to the return of handguns to their owners, as well as to their sale. Thus, a gunsmith who repairs or customizes a nonlicensee's handgun must provide the notification to the nonlicensee when the handgun is returned. The sign posting requirement also applies to gunsmiths, unless the gunsmith only disposes of handguns to nonlicensees who do not appear at the gunsmith's licensed premises, for example, when repaired handguns are shipped to nonlicensees. [18 U. S. C. 922(x), 27 CFR 178.103]

(17) Is a licensed gunsmith's return of repaired or customized firearms to their owners subject to the Brady law, including the provision for making background checks on transferees?

No, but it is unlawful to transfer a firearm to any person knowing or having reasonable cause to believe that such person is a felon or is within any other category of person prohibited from receiving or possessing firearms. (See also Question P25.) [18 U. S. C. 922(d), 27 CFR 178.32(d)]

J. PAWNBROKERS

(J1) What disposition records must be kept by a pawnbroker upon the redemption of a pawned firearm?

The redemption of a pawned firearm is a "disposition" of a firearm under Federal firearms law and is subject to all the recordkeeping requirements under the GCA. Disposition must be properly entered in the pawnbroker's "bound book," and ATF Form 4473 must be executed in connection with the redemption. (See also Question J4.) [27 CFR 178.124 and 178.125]

(J2) What is the procedure for a licensed pawnbroker to return a firearm?

The procedure varies, depending upon the firearm and the situation.

Some Examples -

(1) Pawnbroker and nonlicensee are residents of the same state: The pawnbroker may return a handgun or longgun to either the person who pawned it or a holder of the pawn ticket who resides in the pawnbroker's state. Use ATF Form 4473, Part I (yellow) at the time of redemption.

(2) Pawnbroker and nonlicensee are not residents of the same state:

- a. The pawnbroker may return a handgun only to the person who pawned it, using ATF Form 4473, Part I (yellow) at the time of redemption.
 - b. The pawnbroker may return a rifle or shotgun to the person who pawned it.
 - c. The pawnbroker may transfer a rifle or shotgun to the holder of a pawn ticket who did not pawn it at the licensed premises, provided that the transaction complies with the law of the state where the pawnbroker's business is located and the law of the state where the pawn ticket holder resides. An ATF Form 4473, Part I (yellow) is used for this transaction. [18 U. S. C. 922(a)(2) and 922(b)(3)]
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(J3) Are there prohibited categories of persons from whom a pawnbroker should not accept firearms?

Yes. The pawnbroker cannot lawfully return a firearm to a person who is underage or within a prohibited category of persons to whom the sale or other disposition of the firearm would be unlawful. For example, a pawnbroker cannot lawfully return a pawned handgun to a person who is less than 21 years of age, nor can he or she return a firearm to a convicted felon or to anyone else who is prohibited from receiving the firearm. (See also Question J5.) [18 U. S. C. 922(d), 27 CFR 178.99]

(J4) Are licensed pawnbrokers required to comply with the requirements that written notification be given to handgun transferees and signs be posted on juvenile handgun possession?

The requirement that written notification on juvenile handgun possession be given to a nonlicensee to whom a handgun is delivered applies to all types of Federal firearms licensees. It also applies to the return of handguns to their owners, as well as to their sale. Thus, a pawnbroker who returns a handgun to its owner upon its redemption from pawn must provide the notification to the owner. The sign posting requirement also applies to licensed pawnbrokers. [18 U. S. C. 922(x), 27 CFR 178.103]

(J5) Are licensed pawnbrokers' firearms sales or return of firearms redeemed from pawn subject to the Brady law, including the provision for making background checks of transferees?

Yes. As provided by Public Law 105-277, enacted on October 21, 1998, a licensed pawnbroker may also contact the National Instant Criminal Background Check System (NICS) for a background check on a person at the time the person offers to pawn a firearm. If NICS advises the pawnbroker that receipt or possession of the firearm by the person attempting to pawn the firearm would violate the law, the pawnbroker must advise local law enforcement within 48 hours after receipt of the information. A pawnbroker who contacts NICS about a person prior to accepting the person's firearm in pawn must still comply with the requirements of the Brady law at the time of the firearm's redemption, i. e., NICS must again be contacted for a background check on the person at the time of redemption. (See also questions P18 through P24.)

K. AUCTIONEERS

(K1) Does an auctioneer who is involved in firearms sales need a dealers license?

Generally speaking, there are two types of auctions: estate-type auctions and consignment auctions. In estate-type auctions, the articles to be auctioned (including firearms) are being sold by the executor of the estate of an individual. In these cases the firearms belong to and are possessed by the executor. The auctioneer is acting as an agent of the executor and assisting the executor in finding buyers for the firearms. The firearms are controlled by the estate, and the sales of firearms are being made by the estate. In these cases, the auctioneer does not meet the definition of engaging in business as a dealer in firearms and would not need a license. An auctioneer who has a license may perform this function away from his or her licensed premises.

In consignment-type auctions, an auctioneer often takes possession of firearms in advance of the auction. These firearms are generally inventoried, evaluated, and tagged for identification. The firearms belong to individuals who have entered into a consignment agreement with the auctioneer giving that auctioneer authority to sell the firearms. The auctioneer has possession and control of the firearms. Under these circumstances, an auctioneer would generally need a license. An auctioneer who buys firearms for purposes of resale will also need a license.

(K2) If a licensed auctioneer is making sales of firearms, where may those sales be made?

Firearms may be displayed at an auction site away from the auctioneer's licensed premises and sales of the firearms can be agreed upon at that location, but delivery may only be made to purchasers after the firearms have been returned to the auctioneer's licensed premises. The simultaneous sale and delivery of the auctioned firearms away from the licensed premises would violate the law, i. e., engaging in business at an unlicensed location. However, if the auctioneer is assisting an estate dispose of firearms, the estate is the seller of the firearms, and the estate is in control and possession of the firearms, the firearms would not have to be returned to the licensed premises prior to their delivery. (See also Question K1.)

L. IMPORTING AND EXPORTING

(L1) May a licensed dealer who does not have an importer's license make an occasional importation?

Yes. A licensee may make an occasional importation of a firearm for a nonlicensee or for the licensee's personal use (not for resale). The licensee must first submit an ATF Form 6, Part I to the Imports Branch for approval. The licensee may then present the approved Form 6 and completed ATF Form 6A to the U. S. Customs Service. Contact the Bureau of ATF, Imports Branch, Washington, DC 20226, (202) 927-8320 for forms.

(L2) Does a licensee need an export license to export a firearm?

The GCA does not provide for an export license. However, firearms and ammunition shall be exported in accordance with provisions of the Arms Export Control Act of 1976 and a license must be obtained from the Office of Defense Trade Controls, PM/ DTC, SA-6, Room 228, U. S. Department of state, Washington, DC 20522-0602; (703) 875-6644. In the case of exporting NFA firearms, a permit, ATF Form 9, must be obtained from ATF.

The export of sporting shotguns is regulated by the U. S. Department of Commerce. For further information, contact them at their nearest district office or the Bureau of Export Administration, Export Counseling Division, U. S. Department of Commerce, 14 th St. & Pennsylvania Ave. N. W., Washington, DC 20230, (202) 482-4811. [22 U. S. C. 2778, 27 CFR 179.114-179.116]

(L3) Does ATF regulate gas masks?

Yes. Gas masks are "defense articles" subject to regulation under the Arms Export Control Act. ATF regulates the importation of gas masks and generally requires an import permit for lawful importation of these items.

(L4) What must I do to import gas masks for resale?

A commercial importer must be registered in accordance with the Arms Export Control Act. You can download the application to register, ATF F 5330.4 (4587), Application to Register as an Importer of U.S. Munitions Import List Articles at <http://www.atf.treas.gov/forms/pdfs/f4587.pdf>. There is a fee and the processing time is 2-4 weeks.

(L5) Once I am a Registered Importer, are there any other forms required to import gas masks?

Yes. You must submit to ATF by mail an ATF Form 6 Part I, (F 5330.3A), Application and Permit for Importation of Firearms, Ammunition and Implements of War. The standard processing time is 4-6 weeks from the date ATF's Firearms and Explosives Imports Branch receives a complete Form 6. You can download the Form 6 at <http://www.atf.treas.gov/forms/pdfs/f53303a.pdf>

(L6) Are there any countries that I cannot import gas masks from?

Yes. Per 27 CFR 47.52, gas masks manufactured in or exported from proscribed countries or countries with which the United States maintains an arms embargo are prohibited from importation into the United States:

§47.52 Import restrictions applicable to certain countries. (a) It is the policy of the United States to deny licenses and other approvals with respect to defense articles and defense services originating in certain countries or areas. This policy applies to Cuba, Iran, Iraq, Libya, Mongolia, North Korea, Sudan, Syria, Vietnam, and some of the states that comprised the former Soviet Union (Armenia, Azerbaijan, Belarus, and Tajikistan). This policy applies to countries or areas with respect to which the United States maintains an arms embargo (e.g., Burma, China, the Federal Republic of Yugoslavia (Serbia and Montenegro), Haiti, Liberia, Rwanda, Somalia, Sudan, UNITA (Angola), Zaire, and Afghanistan. It also applies when an import would not be in furtherance of world peace and the security and foreign policy of the United States.

(L7) Are there any types of gas masks that are not importable?

Yes. Defense articles such as gas masks that were manufactured with U.S. technical data and/or were manufactured under a U.S. technical assistance agreement, are not importable without written retransfer authorization from the Department of State, Office of Regional Security and Arms Transfer Policy.

(L8) Are there any exceptions to the ATF Form 6 requirements?

Yes, there is one. Paragraph 47.41(c) states that a permit is not required for the importation of gas masks into the United States from Canada. This exception does not apply, however, if the gas masks originated in a proscribed country for which the U.S. maintains an embargo. See section 47.53 and question L6.

(L9) If I have any further questions, whom should I contact?

For further assistance, please contact our Firearms and Explosives Imports Branch at 202-927-8320.

M. FIREARMS - NATIONAL FIREARMS ACT (NFA)

(M1) The types of firearms that must be registered in the National Firearm Registration and Transfer Record are defined in the NFA and in 27 CFR Part 179. What are some examples?

Some examples of the types of firearms that must be registered are:

- Machineguns;
- The frames or receivers of machineguns;
- Any combination of parts designed and intended for use in converting weapons into machineguns;
- Any part designed and intended solely and exclusively for converting a weapon into a machinegun;
- Any combination of parts from which a machinegun can be assembled if the parts are in the possession or under the control of a person;
- Silencers and any part designed and intended for fabricating a silencer;
- Short-barreled rifles;
- Short-barreled shotguns;
- Destructive devices; and,
- "Any other weapons."

A few examples of destructive devices are:

- Molotov cocktails;
- Anti-tank guns (over caliber .50);
- Bazookas; and,
- Mortars.

A few examples of "any other weapon" are:

- H& R Handyguns;
- Ithaca Auto-Burglar guns;
- Cane guns; and,
- Gadget-type firearms and "pen" guns which fire fixed ammunition.

(M2) How can an individual legally acquire NFA firearms?

Basically, there are 2 ways that an individual (who is not prohibited by Federal, state, or local law from receiving or possessing firearms) may legally acquire NFA firearms:

(1) By lawful transfer of a registered weapon from its lawful owner residing in the same state as the transferee. Obtain any forms needed from the Bureau of ATF, NFA Branch, Washington, DC 20226.

(2) By obtaining prior approvals to make NFA firearms. [27 CFR 179.84-179.87 and 179.62-179.67]

(M3) What is the tax on making an NFA firearm?

The tax is \$200 for making any NFA firearm, including "any other weapon."

(M4) How is this tax paid?

A money order or check made payable to the Bureau of ATF together with the application forms are to be mailed to the Bureau of ATF, NFA Branch, Washington, DC 20226.

(M5) What is an unserviceable firearm?

An unserviceable firearm is defined as one which is incapable of discharging a shot by means of an explosive and which is incapable of being readily restored to a firing condition. An acceptable method of rendering most firearms unserviceable is to fusion weld the chamber closed and fusion weld the barrel solidly to the frame. Certain unusual firearms require other methods to render the firearms unserviceable.

An unserviceable NFA firearm is still subject to the controls of the NFA, but may be transferred tax free as a curio or ornament. Contact the Bureau of ATF, Firearms Technology Branch, Washington, DC 20226, (202) 927-7910 for instructions. [27 CFR 179.11 and 179.91]

(M6) What is the status of an unregistered NFA firearm acquired through seizure or abandonment by a state?

When NFA firearms are desired for official use, they must be registered by filing ATF Form 10 with the Bureau of ATF, NFA Branch, Washington, DC 20226. Since approval is conditioned on an "official use only" basis, subsequent transfers on ATF Form 5 cannot be approved except to a government agency for official use. [27 CFR 179.104]

(M7) May a private citizen who owns an NFA firearm which is not registered have the firearm registered?

No. An unregistered NFA firearm is a contraband firearm and it is unlawful to possess the weapon. The possessor should contact the nearest ATF office to arrange for its disposition. [26 U. S. C. 5861(d)]

(M8) What can happen to someone who has an NFA firearm which is not registered to him?

Violators may be fined not more than \$250,000, and imprisoned not more than 10 years, or both. In addition, any vessel, vehicle or aircraft used to transport, conceal or possess an unregistered NFA firearm is subject to seizure and forfeiture, as is the weapon itself. [49 U. S. C. 781-788, 26 U. S. C. 5861, 26 U. S. C. 5872]

(M9) What should a person do if he or she comes into possession of an unregistered NFA firearm?

Contact the nearest ATF office immediately.

(M10) Are there any exemptions from the making or transfer tax provisions of the NFA?

Yes. These are noted below, along with the required form number. You will have to contact the Bureau of ATF, NFA Branch, Washington, DC 20226, (202) 927-8330. Completed forms must be approved by the NFA Branch prior to the making or transfer:

(1) Tax exempt transfer and registration of a firearm between special (occupational) taxpayers: ATF Form 3.

(2)

(a) Tax-exempt making of a firearm on behalf of a Federal or state agency: ATF Form 1. Tax-exempt transfer and registration of the firearm: ATF Form 5.

(b) A licensed manufacturer under contract to make NFA firearms for the U. S. Government may be granted exemption from payment of the special (occupational) tax as a manufacturer of NFA firearms and exemption from all other NFA provisions (except importation) with respect to the weapons made to fulfill the contract. Exemptions are obtained by writing the NFA Branch, stating the contract number(s) and the anticipated date of termination. This exemption must be renewed each year prior to July 1.

(3) Tax-exempt transfer and registration of an unserviceable firearm which is being transferred as a curio or ornament; tax exempt transfer of a firearm to a lawful heir: ATF Form 5. 28 [26 U. S. C. 5851, 27 CFR 179.69, 179.70, 179.88, 179.89, 179.90 and 179.91]

(M11) How does a person qualify to import, manufacture, or deal in NFA firearms?

The person must be licensed under the GCA and pay the required special (occupational) tax imposed by the NFA. In addition, an importer (except importers of sporting shotguns and shotgun ammunition) must also be registered with ATF under the Arms Export Control Act of 1976.

After becoming licensed under the GCA, he or she must file ATF Form 5630.7 with the appropriate tax payment in the entire amount with ATF. [26 U. S. C. 5801, 18 U. S. C. 923, 27 CFR 47.31, 178.41, 179.34 and 179.193]

(M12) When must firearms special (occupational) taxes be paid, how much are the taxes, and how are they paid?

On first engaging in business and thereafter on or before the first day of July, these taxes must be paid in full. The current taxes are set out in the following table. Taxes are paid in the manner discussed in Question M11, above.

SPECIAL (OCCUPATIONAL) TAX RATES UNDER THE NFA CLASS OF ANNUAL TAXPAYER FEE

- 1 Importer of Firearms (Including "Any Other Weapons") \$1000.00
- 2 Manufacturer of Firearms (Including "Any Other Weapons") \$1000.00
- 3 Dealer of Firearms (Including "Any Other Weapons") \$ 500.00
- 4 Importer of Firearms (Including "Any Other Weapons") \$ 500.00 REDUCED*
- 5 Manufacturer of Firearms (Including "Any Other Weapons") \$ 500.00 REDUCED*

* REDUCED = Rates which apply to certain taxpayers whose total gross receipts in the last taxable year are less than \$500,000.

(M13) Does a single special (occupational) tax payment entitle a person or firm to import and manufacture firearms?

No. A separate special (occupational) tax payment must be made for each of these activities. However, Class 1 and Class 2 special (occupational) taxpayers are qualified to deal in NFA firearms without also having to pay special (occupational) tax as a Class 3 dealer. [27 CFR 179.39]

(M14) May a licensed collector obtain NFA firearms in interstate commerce?

Only if the firearms are classified as curios or relics, are registered, and are transferred in accordance with the provisions of the NFA. In addition, the collector must meet the requirements set forth under Question

(M15) What are the required transfer procedures for an individual who is not qualified as a manufacturer, importer, or dealer of NFA firearms?

ATF Form 4 (5320.4) must be completed, in duplicate. The transferor must first complete the face of the form. The transferee must complete the transferee's certification on the reverse of the form and have the "Law Enforcement Certification" completed by the chief law enforcement officer.

The transferee is to affix, on each copy of the form, a 2-inch by 2-inch photograph of the transferee taken within the past year (proofs, group photographs or photocopies are unacceptable). The transferee's address must be a street address, not a post office box. If there is no street address, specific directions to the residence must be included.

If state or local law requires a prior permit or license to purchase, possess, or receive NFA firearms, a copy of the transferee's permit or license must accompany the application. A check or money order for \$200 (\$ 5 for transfer of "any other weapon") shall be made payable to ATF by the transferor. All signatures on both copies must be in ink. Submit fingerprints on FBI Form FD-258, in duplicate. Fingerprints must be taken by a person qualified to do so, and must be clear and classifiable. If wear or damage to the fingertips do not allow clear prints, and if the prints are taken by a law enforcement official, a statement on his or her official letterhead giving the reason why good prints are unobtainable should accompany the fingerprints.

Forward completed information and appropriate tax payment to the Bureau of ATF, P. O. Box 73201, Chicago, IL 60673. Transfer of the NFA firearm may be made only upon approval of the ATF Form 4 by the NFA Branch. If the application is approved, the original of the form with the cancelled stamp affixed showing approval will be returned to the applicant. Otherwise, the tax will be refunded.

Upon approval of the ATF Form 4, the transferor should transfer the firearm as soon as possible, since the firearm is now registered to the transferee. [26 U. S. C. 5812, 27 CFR 179.83-179.86]

(M16) How does an individual obtain authorization to make an NFA firearm?

Prior to making the firearm, the individual must submit ATF Form 1, Application to Make and Register a Firearm, to the Bureau of ATF, NFA Branch, Washington, DC 20226, and receive approval. The applicant must follow the procedures described in Question M15 concerning completion of the form, including photographs, fingerprints and certifications. The applicant must forward the original and a duplicate of the form along with a check or money order for \$200 made payable to the Bureau of ATF. If the application is approved, the original of the form with the cancelled stamp affixed showing approval will be returned to the applicant. Otherwise, the tax will be refunded. [26 U. S. C 5822, 27 CFR 179.62-179.65]

(M17) Are parts which would convert a firearm into an NFA firearm subject to registration?

Yes.

Examples:

An M-2 conversion kit;

Any part designed and intended solely and exclusively to convert a weapon into a machinegun. (See Question M1.)

(M18) May a licensed firearms dealer, qualified to deal in NFA firearms, transfer a firearm to an unlicensed person in another state?

No. The GCA generally prohibits the interstate transfer of a firearm from a licensed dealer to a nonlicensee, except for an over-the-counter sale of a longgun to an unlicensed person where the sale complies with the legal requirements in the states of both buyer and seller. [18 U. S. C. 922(a)(2) and (b)(3), 27 CFR 178.29-178.30]

(M19) What law enforcement officials' certifications on an application to transfer or make an NFA weapon are acceptable to ATF?

As provided by regulations, certifications by the local chief of police, sheriff of the county, head of the state police, or state or local district attorney or prosecutor are acceptable. The regulations also provide that certifications of other officials are appropriate if found in a particular case to be acceptable to the Director. Examples of such other officials include state attorneys general and judges of state courts having authority to conduct jury trials in felony cases. [27 CFR 179.63, 179.85]

(M20) Is the chief law enforcement officer required to sign the law enforcement certification?

No. Although ATF cannot approve an application to make or transfer an NFA weapon without a law enforcement certification, no official is required to sign the certification.

(M21) If the chief law enforcement official whose jurisdiction includes the proposed transferee's residence refuses to sign the "law enforcement certification," will the signature of an official in another jurisdiction be acceptable?

No.

(M22) Does the registered owner of a destructive device, machinegun, short barreled shotgun, or short barreled rifle need authorization to lawfully transport such items interstate?

Yes, unless the owner is a qualified dealer, manufacturer or importer, or a licensed collector transporting only curios or relics. Prior approval must be obtained, even if the move is temporary, and is requested by either submitting a letter application containing all necessary information, or by submitting ATF Form 5320.20 to the Bureau of ATF, NFA Branch, Washington, DC 20226. Possession of the firearms must still comply with state and local laws. [27 CFR 178.28]

(M23) If an individual is changing his or her state of residence and the individual's application to transport the NFA firearm cannot be approved, what options does a lawful possessor have?

NFA firearms may be left in a safe deposit box in his or her former state of residence. Also, the firearm could be left or stored in the former state of residence at the house of a friend or relative in a locked room or container to which only the registered owner has a key. The friend or relative should be supplied with a copy of the registration forms and a letter from the owner authorizing storage of the firearm at that location. The NFA Branch must be notified of the location at which the firearms are stored.

The firearms may also be transferred under the procedures referred to in Question M15 or abandoned to ATF.

(M24) May a transferor submit an application to transfer an NFA firearm prior to the date on which the transferor receives the weapon?

No.

(M25) If a person has a pistol and an attachable shoulder stock, does this constitute possession of an NFA firearm?

Yes, unless the barrel of the pistol is at least 16 inches in length (and the overall length of the firearm with stock attached is at least 26 inches). However, certain stocked handguns, such as original semiautomatic Mauser "Broomhandles" and Lugers, have been removed from the purview of the NFA as collectors' items. [27 CFR 179.11]

(M26) Does the owner of a registered NFA firearm have to have any evidence to show it is registered lawfully to him or her?

Yes. The approved application received from ATF serves as evidence of registration of the NFA firearm in the owner's name. This document must be kept available for inspection by ATF officers. It is suggested that a photocopy of the approved application be carried by the owner when the weapon is being transported.

(M27) What is the status of deactivated, unloaded or dummy grenades, artillery shell casings and similar devices?

Such devices would merely be ornaments and not within the purview of the NFA. However, such devices would have to be cut or drilled in such a manner as to preclude possible use as ammunition components for destructive devices.

(M28) Are muzzleloading cannons classified as destructive devices?

Generally, no. Muzzleloading cannons not capable of firing fixed ammunition and manufactured in or before 1898 and replicas thereof are antiques and not subject to the provisions of either the GCA or the NFA. [26 U. S. C. 5845, 27 CFR 179.11]

(M29) Are grenade and rocket launcher attachments destructive devices?

Grenade and rocket launcher attachments for use on military type rifles generally do not come within the definition of destructive devices. However, the grenades and rockets used in these devices are generally within the definition. [26 U. S. C. 5845, 27 CFR 179.11]

(M30) What is a "conversion kit?"

A conversion kit is any part or combination of parts designed and intended for use in converting a weapon into a machinegun. A conversion kit is a machinegun for purposes of the NFA. [26 U. S. C. 5845, 27 CFR 179.11]

N. MACHINEGUNS -NATIONAL FIREARMS ACT (NFA)

(N1) May an unlicensed person make a machinegun?

Generally, no. But, in the event that documentation can be provided, along with the Application to Make a Machinegun, which establishes that the weapon is being made for distribution to a Federal or state agency, an individual may be permitted to make the machinegun. [18 U. S. C. 922(o)(2), 27 CFR 179.105(e)]

(N2) May machineguns be transferred from one registered owner to another?

Yes. If the machinegun was lawfully registered and possessed before May 19, 1986, it may be transferred pursuant to an approved ATF Form 4. [18 U. S. C. 922(o)(2)]

O. SEMIAUTOMATIC ASSAULT WEAPONS AND LARGE CAPACITY AMMUNITION FEEDING DEVICES

(O1) What restrictions does Federal law impose on semiautomatic assault weapons?

It is generally unlawful for a person to manufacture, transfer, or possess semiautomatic assault weapons after September 13, 1994, the effective date of the law. See the exceptions listed in Question O5. [18 U. S. C. 922(v)(1)]

(O2) How does the law define the term "semiautomatic assault weapon?"

The term "semiautomatic assault weapon" is defined to include 19 named models of firearms and semiautomatic rifles, semiautomatic pistols, and semiautomatic shotguns that have at least 2 of the features specified in the law. Frames or receivers for firearms are not regulated as semiautomatic assault weapons, since they could be assembled as a firearm other than the 19 named models of firearms. Likewise, frames or receivers are not semiautomatic assault weapons under the "features" test of the law because they do not yet have the features necessary to bring them within the definition.

Semiautomatic assault weapons in knockdown (disassembled) condition consisting of a receiver and all parts needed to assemble a complete semiautomatic assault weapon are subject to regulation if the parts are segregated or packaged together and held by a person as the parts for the assembly of a particular firearm. [18 U. S. C. 921(a)(30)]

(O3) What restrictions does Federal law impose on large capacity ammunition feeding devices?

It is generally unlawful for a person to transfer or possess a large capacity ammunition feeding device manufactured after September 13, 1994, the effective date of the law. See the exceptions listed in Question O5. [18 U. S. C. 922(w)(1)]

(O4) How does the law define the term "large capacity ammunition feeding device?"

The term "large capacity ammunition feeding device" is defined as a magazine, belt, drum, feed strip, or similar device manufactured after September 13, 1994, that has a capacity of, or that can be readily restored or converted to accept, more than 10 rounds of ammunition. Large capacity ammunition feeding devices in knockdown - disassembled) condition consisting of all parts needed to assemble a complete large capacity ammunition feeding device are subject to regulation if the parts are segregated or

packaged together and held by a person as the parts for the assembly of a particular device. [18 U. S. C. 921(a)(31)]

(05) What exceptions from the prohibitions on semiautomatic assault weapons and large capacity ammunition feeding devices are provided in the law?

Exceptions are provided for semiautomatic assault weapons and large capacity ammunition feeding devices -

- (1) lawfully possessed on or before the date of enactment;
- (2) manufactured for, transferred to, or possessed by governmental entities or law enforcement officers employed by governmental entities for official use;
- (3) transferred to licensees maintaining on-site security at a nuclear power plant required by Federal law, or possession by an employee or contractor of such licensee on-site for such purposes or off-site for purposes of licensee-authorized training or transportation of nuclear materials;
- (4) transferred to law enforcement officers by the officer's agency upon the officer's retirement; and
- (5) manufactured, transferred, or possessed by licensed manufacturers or licensed importers for the purposes of testing or experimentation as authorized by ATF.

Ammunition feeding devices having a capacity of more than 10 rounds of ammunition that were manufactured on or before September 13, 1994, are excluded from the definition of "large capacity ammunition feeding device" and, therefore, are not subject to the prohibitions. [18 U. S. C. 922(v)(2), (v)(4), (w)(2) and (w)(3)]

(06) If an NFA firearm has 2 or more of the features specified in the law for semiautomatic assault weapons, will the firearm be regulated under both statutes?

Any firearm that falls within the definition of "semiautomatic assault weapon" and the NFA definition of "firearm" is subject to both laws.

(07) Are replacement parts for grandfathered semiautomatic assault weapons and large capacity ammunition feeding devices subject to regulation under the law?

No. Parts may be replaced in grandfathered semiautomatic assault weapons and grandfathered feeding devices without violating the law. However, if the frame or a receiver for a semiautomatic assault weapon is defective, the replacement must be made by the weapon's manufacturer or importer. The replacement receiver must be marked with the same serial number as the original receiver, and the original receiver must be destroyed. However, a manufacturer or importer who is unable to mark the replacement receiver with the same serial number as the original receiver may seek a marking variance in accordance with 27 CFR 178.92. In addition, the permanent records of the

manufacturer or importer should indicate that the receiver for the weapon has been replaced.

(O8) May law enforcement officers purchase and possess semiautomatic assault weapons and high capacity ammunition feeding devices?

Yes. The law provides exceptions for law enforcement officers purchasing assault weapons and magazines for official use. However, assault weapons may not be lawfully distributed to, or received or possessed by, an officer having been convicted of a misdemeanor crime of domestic violence. A licensee may lawfully transfer these items to a law enforcement officer and the officer may lawfully receive and possess them if:

- (1) the officer is a "peace officer" having the authority to arrest persons for violations of the law and to obtain and execute search warrants;
 - (2) the officer is employed by a government agency; and
 - (3) in the case of a semiautomatic assault weapon, the officer has not been convicted of a misdemeanor crime of domestic violence.
-

(O9) May law enforcement officers keep their semiautomatic assault weapons (SAWs) and large capacity ammunition feeding devices (LCAFDs) when they retire or leave their employment with a law enforcement agency?

Under certain circumstances. In general, it is unlawful to possess SAWs and LCAFDs. However, there is an exception that allows a retired law enforcement officer (LEO) to possess a SAW or a LCAFD if the item belongs to the law enforcement agency and the LEO's agency transfers it to the LEO when he retires. The law of the jurisdiction where the officer was employed governs whether he is considered "retired." The exception does not cover officers who leave an agency for reasons other than retirement. It also does not allow retired officers to acquire additional SAWs/LCAFDs after retirement.

We recognize some law enforcement officers have to purchase their own service weapons. Such an officer still can fall within the exception for retired officers if the LEO gives his service SAW/LCAFD back to his agency before retiring, following the agency's rules/guidelines for such a transfer. We recommend that both the officer and his agency keep records of any such transfer, in case it later must be established that the transfer was not a sham to avoid the general prohibition.

Any officer who does not fall within the retired officer exception should transfer any SAWs/LCAFDs he owns to an FFL or another qualified officer when he retires or otherwise leaves the agency.

(O10) If a person is in possession of a frame or receiver for a semiautomatic assault weapon on the date of enactment, may the person acquire the rest of the parts and assemble a complete semiautomatic assault weapon? [Back]

No. It is unlawful to make such weapon after the law's effective date. [18 U. S. C. 922(v)(1)]

(O11) What documentation must a manufacturer, importer, or dealer obtain from law enforcement officers who purchase semiautomatic assault weapons and large capacity ammunition feeding devices for official use?

Licensees may transfer semiautomatic assault weapons and large capacity ammunition feeding devices to law enforcement officers with the following documentation:

(1) a written statement from the purchasing officer, under penalty of perjury, stating that the weapon or device is being purchased for use in performing official duties and that the weapon or device is not being acquired for personal use or for purposes of transfer or resale; and

(2) a written statement from a supervisor of the purchasing officer, under penalty of perjury, stating that the purchasing officer is acquiring the weapon or feeding device for use in official duties, that the weapon or device is suitable for use in performing official duties, and that the weapon or device is not being acquired for personal use or for purposes of transfer or resale. In the case of a transfer of a semiautomatic assault weapon, the supervisor's written statement must also state that a records check reveals that the purchasing officer has no convictions for misdemeanor crimes of domestic violence. In the case of semiautomatic assault weapons, licensees are required to retain the above statements in their permanent records for a period of 5 years. [27 C. F. R. 178.129, 178.132, 178.134]

(O12) May licensed manufacturers, licensed importers, and licensed dealers stockpile semiautomatic assault weapons for future sales to law enforcement agencies and law enforcement officers employed by such agencies?

Yes. Semiautomatic assault weapons may be transferred directly to law enforcement agencies with a purchase order. Licensed manufacturers and licensed dealers may transfer semiautomatic assault weapons to any Federal firearms licensee upon obtaining evidence that the weapons will only be disposed of to law enforcement agencies and law enforcement officers for official use. Examples of acceptable evidence include the following:

1. Contracts between the manufacturer and dealers stating that the weapons may only be sold to law enforcement agencies and law enforcement officers.
2. Copies of purchase orders submitted to the licensee by law enforcement agencies.
3. Copies of letters submitted to the licensee by government agencies or law enforcement officers expressing an interest in purchasing the weapons.

4. Letters from dealers to the manufacturer stating that sales will only be made to law enforcement agencies or law enforcement officers.
5. Letters from law enforcement officers as described in Question O11.

The above evidence must be maintained in the records of Federal firearms licensees for a period of 5 years.

ATF Form 6 applications for the importation of nonsporting weapons, including semiautomatic assault weapons, are approved only if the importer submits a purchase order from a governmental entity. Therefore, importers and dealers may not maintain an inventory of imported assault weapons. [18 U. S. C. 922(v)(4), 27 C. F. R. 178.40, 178.129(e); ATF Rul. 80-8]

(O13) Will manufacturers, importers, and dealers in large capacity ammunition feeding devices be permitted to stockpile devices for sale to governmental entities?

Yes. Possession and transfer of these devices by manufacturers, importers, or dealers will be presumed to be lawful if they maintain evidence that the devices are possessed and transferred for sale to government agencies and law enforcement officers employed by such agencies. Examples of acceptable evidence are the same as those set forth in Question O11, relating to semiautomatic assault weapons. The importation of ammunition feeding devices requires an approved ATF Form 6 issued by ATF. ATF will approve an ATF Form 6 application to import such devices when submitted with a purchase order from a law enforcement agency or evidence that the device is being imported for sale to a government agency or law enforcement officer employed by such agency. A Form 6 will also be approved when an application is submitted with a statement by the importer that the devices are being acquired for resale to law enforcement agencies and/ or law enforcement officers for official use. ATF will stamp or type a restriction on the Form 6 stating that the devices are approved for importation and sale only to law enforcement agencies or law enforcement officers in accordance with 18 U. S. C. 922(w)(3). A Form 6 will also be approved if there is physical or documentary evidence establishing that the magazines were manufactured on or before September 13, 1994. Examples of such evidence are listed in 27 CFR 178.119(c)(7). Imported magazines manufactured on or before September 13, 1994, may be sold without restriction. [18 U. S. C. 922(w)(3), 27 CFR 178.40a and 178.119]

(O14) What markings must appear on semiautomatic assault weapons manufactured after September 13, 1994?

In addition to the markings required of all firearms pursuant to 27 C. F. R. 178.92(a)(1), the frames or receivers for semiautomatic assault weapons must be marked "RESTRICTED LAW ENFORCEMENT/ GOVERNMENT USE ONLY" or, in the case of weapons manufactured for export, "FOR EXPORT ONLY." [18 U. S. C. 923(i), 27 CFR 178.92(a)(2)]

(O15) What markings must appear on large capacity ammunition feeding devices manufactured after September 13, 1994?

Persons who import large capacity ammunition feeding devices manufactured after September 13, 1994, or manufacture large capacity ammunition feeding devices must legibly identify each device imported or manufactured by serial number and other prescribed markings. The same serial number may be used for all devices manufactured or imported. Such devices must also be marked "RESTRICTED LAW ENFORCEMENT/ GOVERNMENT USE ONLY" or, in the case of devices manufactured for export, "FOR EXPORT ONLY." Domestically made devices must also be marked with the name, city and state of the manufacturer. Imported devices must be marked with the name of the manufacturer, country of origin, and name, city and state of the importer. Persons who manufacture or import metallic links for use in the assembly of belted ammunition are only required to place the prescribed identification marks on the containers used for packaging the links. [18 U. S. C. 923(i), 27 CFR 178.92(c)]

(O16) Are fixed magazines for weapons specified in APPENDIX A to 18 U. S. C. 922 and fixed magazines for manually operated firearms which hold more than 10 rounds of ammunition "large capacity ammunition feeding devices?"

The law specifically provides that the prohibition on semiautomatic assault weapons shall not apply to any of the firearms specified in Appendix A or any firearm that is manually operated by bolt, pump, lever, or slide action. Accordingly, weapons listed in Appendix A with fixed magazines and manually operated firearms with fixed magazines are exempt from both the assault weapon and feeding device provisions of the law. [18 U. S. C. 922(v)(3), 922(w)]

(O17) What evidence is sufficient for Federal firearms licensees to be sure that particular semiautomatic assault weapons are "grandfathered" weapons which are not subject to the restrictions on possession and transfer?

The requirement that semiautomatic assault weapons be marked "RESTRICTED LAW ENFORCEMENT/ GOVERNMENT USE ONLY" was not effective until July 5, 1995. Thus, semiautomatic assault weapons manufactured from September 13, 1994-July 4, 1995, may not be marked with the restrictive markings. Additionally, sporting weapons may have been modified after September 13, 1994, so that they are semiautomatic assault weapons, e. g., a pistol grip and magazine extension are installed on a sporting shotgun. Licensees obtaining semiautomatic assault weapons which do not have the restrictive marking should obtain from the seller an invoice, bill of sale, or other documentation indicating that the weapon in its present configuration was lawfully possessed on or before September 13, 1994. [27 CFR 178.92(a)(2)]

(O18) May semiautomatic assault weapons which have been classified as curios or relics be imported?

Not unless they are being imported for sale to a government agency or law enforcement officer employed by such agency for official use. Since ATF will not approve an importation which would place the importer in violation of the law, ATF would not authorize the importation of semiautomatic assault weapons, even if classified as curios or relics, unless the importer provided evidence that the weapons were being imported for sale to a governmental entity or other exempt purchaser. [18 U. S. C. 922(v)]

(O19) May a licensed dealer lawfully acquire semiautomatic assault weapons manufactured after September 13, 1994, remove the features that bring them within the definition of such weapons in the law, and sell the weapons to the public?

No. The law prohibits possession of semiautomatic assault weapons manufactured after September 13, 1994. However, an exception is provided for licensed dealers possessing and dealing in such weapons that have been manufactured for and are possessed for transfer to government agencies. A dealer's possession of the weapons for sale or transfer to the public is not among the exceptions to the prohibition on their possession. Thus, a dealer who acquires such weapons for the purpose of stripping them of their assault weapon features and selling the modified weapons to the public violates the law. This is true even if the dealer strips the assault weapon features from the weapons so that they no longer meet the definition of semiautomatic assault weapon. The dealer may also have violated the law by making false statements to a supplier that the weapons were being acquired under an exception to the prohibition, e. g., for sales to law enforcement agencies or law enforcement officers. [18 U. S. C. 922(v), 27 CFR 178.40(c)]

P. BRADY LAW

Editor's Note:

Unless otherwise noted, these questions and answers relate to the permanent provisions of the Brady law found in section 922(t) of the Gun Control Act. These provisions, including the requirement for licensees to initiate background checks of individuals to whom all types of firearms are transferred by contacting the National Instant Criminal Background Check System (NICS), became effective on November 30, 1998. They replace the interim provisions of the Brady law that imposed a Federal 5-day waiting period on licensees' sales of handguns and required the sending of Brady forms to state or local officials.

(P1) Does the Brady law require a 5-day waiting period before a firearm can be transferred?

No. Instead of waiting 5 days for a background check through a local law enforcement officer, licensees will initiate a background check through the National Instant Criminal Background Check System (NICS). For the most part, these background checks will be immediate. In some circumstances, however, licensees will have to wait up to 3 business days before getting a response from NICS.

(P2) Who must comply with the requirements of the Brady law?

Federally licensed firearms importers, manufacturers, and dealers must comply with the Brady law prior to the transfer of any firearm to a nonlicensed individual.

(P3) When did the provisions of the permanent Brady law take effect?

The permanent Brady law went into effect on November 30, 1998. Accordingly, any transfer occurring on or after November 30, 1998, is subject to the requirements of this law.

(P4) Is NICS operated by ATF?

No. NICS is operated by the Federal Bureau of Investigation (FBI).

(P5) Do all NICS checks go through the FBI's NICS Operations Center?

No. In many states, licensees initiate NICS checks through the state point of contact (POC). In some cases, the state POC is also the agency that does background checks for firearms transactions under state law.

(P6) If the state is acting as a point of contact (POC), does that mean that all NICS checks go through the POC rather than the FBI?

That depends on the state. In some states, the POC conducts background checks for all firearms transactions. In other states, licensees must contact the POC for handgun transactions and the FBI for longgun transactions. In some states, NICS checks for pawn redemptions are handled by the FBI.

(P7) How does a licensee know whether to contact the FBI or a state point of contact (POC) in order to initiate a NICS check?

Prior to November 30, 1998, ATF sent an open letter to licensees in each state, providing the licensees with instructions as to how to initiate a NICS check in their state. Your local ATF office can also advise you on the appropriate point of contact for NICS checks.

(P8) Is there a charge for NICS checks?

The FBI does not charge a fee for conducting NICS checks. However, states that act as points of contact for NICS checks may charge a fee consistent with state law.

(P9) Must licensees enroll with the FBI to get access to NICS?

Licensees must be enrolled with the FBI before they can initiate NICS checks through the FBI's NICS Operations Center. Licensees who have not received an enrollment package from the FBI should call the FBI NICS Operations Center at 1-877-444-6427 and ask that an enrollment package be sent to them. Licensees in states where a state agency is acting as a point of contact for NICS checks should contact the state for enrollment information.

(P10) Does the Brady law apply to the transfer of long guns as well as handguns?

Yes.

(P11) Does the Brady law apply to the transfer of antique firearms?

No. Licensees need not comply with the Brady law when transferring a weapon that meets the Gun Control Act's definition of an "antique firearm."

(P12) Does the Brady law apply to the transfer of firearms between two licensees?

No. The Brady law only applies when a licensed importer, manufacturer, or dealer is transferring a firearm to a nonlicensee.

(P13) Must licensed collectors comply with the Brady law prior to transferring a curio or relic firearm?

No. Transfers of curio or relic firearms by licensed collectors are not subject to the requirements of the Brady law.

(P14) Is the transfer of a firearm by a licensed dealer to a licensed collector subject to the Brady law?

The Brady law does not apply to the transfer of a curio or relic firearm to a licensed collector. However, a licensed collector who acquires a firearm other than a curio or relic from a licensee would be treated like a nonlicensee, and the transfer would be subject to Brady requirements.

(P15) Must a licensed importer, manufacturer or dealer comply with the Brady law when selling firearms from his or her own personal collection?

No, provided the licensee has maintained the firearm as part of his or her personal collection for at least 1 year from the date the firearm was transferred from the business inventory into the personal collection or otherwise acquired as a personal firearm and the licensee complies with the recordkeeping requirements in 27 CFR 178.125a.

(P16) Do the provisions of the Brady law apply to a licensee's loan or rental of a firearm to a nonlicensee?

If the firearm is loaned or rented for use on the licensee's premises, the transaction is not subject to the Brady law. However, if the firearm is loaned or rented for use off the premises, the licensee must comply with the Brady law.

(P17) Must licensees conduct NICS checks for sales of firearms to nonlicensees at gun shows?

Yes. A licensed importer, manufacturer, or dealer may not transfer a firearm to a nonlicensee at a gun show without first complying with the requirements of the Brady law.

(P18) Is the redemption of a pawned firearm subject to the Brady law?

Yes. Unlike the interim Brady law, the permanent Brady law that went into effect on November 30, 1998 does not contain an exemption for the return of a firearm to the individual from whom it was received. Accordingly, the redemption of a pawned firearm is considered a transfer subject to the permanent Brady law.

(P19) What should a licensed pawnbroker do with a firearm he or she has in pawn when the NICS check results in a "denied" transaction?

The licensee cannot transfer the firearm to the transferee without violating the law and placing the transferee in violation of the law. Licensees with additional questions should contact their local ATF office.

(P20) If an individual repeatedly pawns the same firearm, is the FFL required to do a NICS check each time the firearm is redeemed?

Yes. The fact that the transferee has redeemed the firearm before does not excuse the pawnbroker from complying with the Brady law.

(P21) Can licensed pawnbrokers conduct NICS checks prior to accepting a firearm in pawn?

Yes. The law provides that a NICS check may be done, on an optional basis, prior to accepting a firearm in pawn. If the check results in a "denied" response, the licensee is required to notify local law enforcement officials within 48 hours after receipt of the "denied" response.

(P22) If a pawnbroker conducts an optional NICS check prior to receiving a firearm in pawn, should the owner of the firearm complete a Form 4473?

ATF is developing a new form to cover these transactions. Until this form is distributed, ATF suggests that licensees have the owner complete Section A of the Form 4473, record

the results of the NICS check on the form, and retain the form in their records for at least 5 years. These issues were addressed in greater detail in an open letter ATF sent to pawnbrokers.

(P23) What should a licensed pawnbroker do when he or she gets a "denied" response from an optional NICS check conducted prior to the receipt of a firearm in pawn?

The licensee is required to notify local law enforcement officials within 48 hours after receipt of the "denied" response. If the licensee has taken possession of the firearm, he or she may not return it to the individual who offered it for pawn.

(P24) If a licensed pawnbroker conducts a NICS check prior to accepting a firearm in pawn, and gets an "approved" response from NICS, must the pawnbroker conduct another NICS check if the firearm is redeemed from pawn? What if it is redeemed from pawn the same day?

The law provides that another NICS check must be done at the time of redemption, regardless of how recently the pre-pawn NICS check was conducted. Even if the firearm is redeemed the same day, a separate NICS check must be conducted at the time of redemption.

(P25) A firearm is delivered to a licensee by an unlicensed individual for the purpose of repair. Is the return of the repaired firearm subject to the requirements of the Brady law? Would the transfer of a replacement firearm from the licensee to the owner of the damaged firearm be subject to the requirements of the Brady law?

Neither the transfer of a repaired firearm nor the transfer of a replacement firearm would be subject to the requirements of the Brady law. Furthermore, the regulations provide that a Form 4473 is not required to cover these transactions. However, the licensee's permanent acquisition and disposition records should reflect the return of the firearm or the transfer of a replacement firearm.

(P26) Is a licensee's return of a consigned firearm to an unlicensed individual subject to permanent Brady?

Yes.

(P27) Do the requirements of the Brady law apply to sales of firearms to law enforcement officials for official use?

Transfers of firearms to law enforcement officials for their official use are exempt from the provisions of the Brady law when the transaction complies with the conditions set forth in the regulations at 27 CFR 178.134. In general, the purchaser must provide a certification on agency letterhead, signed by a person in authority within the agency (other than the officer purchasing the firearm), stating that the officer will use the firearm in official duties, and that a records check reveals that the purchasing officer has no convictions for misdemeanor crimes of domestic violence. If these conditions are met, the purchasing officer is not required to complete a Form 4473 or undergo a NICS check. However, the licensee must record the transaction in his or her permanent records and retain a copy of the certification letter.

(P28) Do the requirements of the Brady law apply to the sale of a firearm to a law enforcement official for his or her personal use?

Yes. In such transactions, the law enforcement official is treated no differently from any other unlicensed transferee, and a NICS check must be conducted.

(P29) Are there exceptions to the Brady law's requirement for a NICS check prior to a licensee's transfer of a firearm to an unlicensed individual?

Firearm transfers are exempt from the requirement for a NICS check in 3 situations. These include transfers (a) to buyers having a state permit that has been recognized by ATF as an alternative to a NICS check; (b) of National Firearms Act weapons approved by ATF; and (c) certified by ATF as exempt because compliance with the NICS check requirement is impracticable.

(P30) What steps must be followed by an FFL prior to transferring a firearm subject to the requirements of the Brady law?

The following steps must be followed prior to transferring a firearm:

1. The licensee must have the transferee complete and sign ATF Form 4473, Firearms Transaction Record.
2. The licensee must verify the identity of the transferee through a government-issued photo identification.
3. The licensee must contact NICS (through either the FBI or a state point of contact). The licensee will get either a "proceed", "denied" or "delayed" response from the system. If the licensee gets a "delayed" response and there is no additional response from the system, the licensee may transfer the firearm after 3 business days have elapsed. Of course, the licensee must still comply with any waiting period requirements under state law.

(P31) What form of identification must a dealer obtain from a purchaser under the Brady law?

The identification document presented by the purchaser must have a photograph of the purchaser, as well as the purchaser's name, address, and date of birth. The identification document must also have been issued by a governmental entity for the purpose of identification of individuals. An example of an acceptable identification document is a driver's license.

(P32) Under the Brady law, may a licensee transfer a firearm to a nonlicensed individual who does not appear in person at the licensed premises?

In any transaction that is subject to the requirement for a NICS check, the firearm may only be sold over-the-counter. Unless the purchaser appears in person at the licensed premises, the licensee cannot comply with the requirement in the Brady law that the identity of the purchaser be verified by means of a government-issued photo identification document.

(P33) If no NICS check is required, may a licensee transfer a firearm to a nonlicensed individual who does not appear in person at the licensed premises?

Yes, assuming the transaction otherwise complies with Federal law. For example, a licensee may still ship firearms to out-of-state law enforcement officials for official use, as long as the transaction complies with the alternate procedure set forth in the regulations. Furthermore, licensees may ship firearms intrastate to state residents who have valid permits that have been recognized as alternatives to the NICS check requirements, in compliance with the procedures set forth in 27 CFR 178.96(b).

(P34) Do gun purchasers have to fill out a Brady Form under the permanent Brady law?

No. The Brady Form and ATF Form 4473 have been combined into one form, a revised Form 4473.

(P35) Can licensees continue to use old versions of ATF Form 4473 on or after November 30, 1998?

Beginning November 30, 1998, licensees should use the forms dated 10/ 98. The old forms are obsolete. Licensees who have not yet received their new forms should contact their local ATF office to get copies of the form faxed to them. In addition, licensees may order copies of ATF Form 4473 from the ATF Distribution Center.

(P36) Is the transferee required to provide his or her social security number on the ATF Form 4473?

No. This information is solicited on an optional basis. However, providing this information will help ensure the lawfulness of the sale and avoid the possibility that the transferee will be incorrectly identified as a felon or other prohibited person.

(P37) Will NICS provide an instant response?

NICS will not always provide an instant response. Licensees will receive either a "proceed", "denied" or "delayed" response from NICS. If a "proceed" response is received, the transfer may proceed. If a "denied" response is received, then the transfer may not proceed. If a "delayed" response is received, then the transfer must be delayed until a final response is received from NICS or until after the lapse of 3 business days.

(P38) For purposes of the Brady law, what is meant by a "business day"?

A business day is defined as any day on which state offices are open.

(P39) If a licensee contacts NICS on Thursday, December 3, 1998, and gets a "delayed" response, when may the licensee transfer the firearm if no further response is received from NICS?

The firearm may be transferred on Wednesday, December 9, 1998. Assuming state offices are open on Friday, Monday, and Tuesday, and closed on Saturday and Sunday, 3 business days would have elapsed at the end of Tuesday, December 8, 1998. Therefore, the licensee may transfer the firearm at the start of business on Wednesday, December 9, 1998. (The 3 business days do not include the day the NICS check is initiated.)

(P40) What should a licensee do if he or she gets a "denied" response from NICS or a state point of contact after 3 business days have elapsed, but prior to the transfer of the firearm?

If the licensee receives a "denied" response at any time prior to the transfer of the firearm, he or she may not transfer the firearm.

(P41) What should an FFL tell a transferee who is denied by NICS?

The FFL should inform the transferee that the NICS check indicates that the transfer of the firearm should not be made, but that it does not provide a reason for the denial. The FFL should provide the transferee with the NICS or state transaction number and an

appeals brochure. The FBI will provide FFLs with brochures that outline the transferee's appeal rights and responsibilities.

(P42) If a transferee receives a "denied" response from NICS, can the transferee find out why he or she was denied? [Back]

Yes. Although the FFL will not know the reason for the denial, the transferee may contact the FBI or the state point of contact in writing to request the reason for denial.

(P43) What information do FFLs have to record on ATF Form 4473 once they hear back from NICS or the state point of contact? [Back]

FFLs must record any "proceed", "delayed", or "denied" response received, as well as any transaction number provided.

(P44) What should licensees do if no transaction number is provided? [Back]

The FBI's NICS Operations Center will always provide a transaction number at the time of the initial inquiry. Some state points of contact (POC) may not provide a transaction number for denied transactions. If a state POC does not provide a transaction number for a denied transaction, then the licensee should just record the response without a transaction number. Licensees should note, however, that a transaction number is required if the firearm is being transferred within 3 business days of the initiation of a NICS check.

(P45) Do FFLs have to keep a copy of ATF Form 4473 if the transaction is denied or for some other reason is not completed? [Back]

FFLs must keep a copy of each ATF Form 4473 for which a NICS check has been initiated, regardless of whether the transfer of the firearm was made. If the transfer is not made, the FFL must keep the Form 4473 for 5 years after the date of the NICS inquiry. If the transfer is made, the FFL must keep the Form 4473 for 20 years after the date of the sale or disposition. Forms 4473 with respect to a transfer that did not take place must be separately maintained.

(P46) When should FFLs contact NICS? [Back]

FFLs should contact NICS after the transferee has completed Section A of the ATF Form 4473.

(P47) For what period of time is a NICS check valid?

A NICS check is valid for 30 calendar days, as long as it applies to a single transaction. An FFL may not rely on a NICS check that was conducted more than 30 calendar days prior to the transfer of the firearm.

Example: A NICS check is initiated on December 15, 1998. The FFL receives a "proceed" from NICS. The purchaser does not return to pick up the firearm until January 22, 1999. The FFL must conduct another NICS check before transferring the firearm to the purchaser, and must record the results of the check on the Form 4473.

(P48) Is a NICS check valid for 30 days from when the check was initiated, or from when a "proceed" is issued?

The NICS check is valid for 30 days from when the check was initiated.

Example: A NICS check is initiated on December 15, 1998. The FFL receives a "proceed" response from NICS on December 17, 1998. The purchaser does not return to pick up the firearm until January 16, 1999. The FFL must conduct another NICS check before transferring the firearm to the purchaser.

Example: A NICS check is initiated on December 15, 1998. The FFL receives a "delayed" response from NICS; no further response is received. The purchaser does not return to pick up the firearm until January 16, 1999. The FFL must conduct another NICS check before transferring the firearm to the purchaser.

(P49) A purchaser places an order for a custom-made firearm, which will not be ready for at least 60 days. Should the NICS check be initiated on the date the order is placed or the day the firearm is ready for delivery?

If the licensee knows that it will be more than 30 days before the firearm is ready, the licensee may choose to wait until the firearm is ready for delivery to have the purchaser complete Section A of the Form 4473 and contact NICS for a background check. If the purchaser completes Section A of the Form 4473 on the date the order is placed, and a NICS check is initiated on that day, the licensee will have to conduct a second NICS check prior to transferring the firearm.

(P50) Can one NICS check cover two or more separate firearms transactions?

No. An FFL must initiate separate NICS checks for separate transactions. However, an individual may purchase several firearms in one transaction.

Example: A purchaser completes an ATF Form 4473 for a single firearm on February 15, 1999. The FFL receives a "proceed" from NICS that day. The FFL signs the form, and the firearm is transferred. On February 20, 1999, the purchaser returns to the FFL's premises and wishes to purchase a second firearm. The purchase of the second firearm is a separate transaction. Therefore, a new NICS check must be initiated by the FFL.

Example: A purchaser completes ATF Form 4473 for a single firearm on February 15, 1999. The FFL receives a "proceed" from NICS that day. The purchaser does not return to pick up the firearm until February 20, 1999. Before the FFL signs the Form 4473 for the first firearm, the purchaser decides to purchase an additional firearm. The second firearm may be recorded on the same Form 4473, in which case the purchase of the 2 firearms is considered a single transaction. Therefore, the licensee is not required to conduct a new NICS check prior to transferring the second firearm.

Example: A purchaser wishes to purchase 1 rifle and 1 handgun. state law requires that a background check be conducted on the sales of all handguns. The state is acting as a point of contact (POC) for NICS checks for handgun sales, while the FBI is conducting NICS checks for longgun transactions in that state. To comply with state law, the dealer initiates a background check through the state POC. There is no need to initiate a separate background check through the FBI for the sale of the rifle, since the 2 firearms are being transferred in one transaction.

(P51) If no exceptions to the NICS check apply, must an FFL always wait 3 business days before transferring a firearm to a transferee?

No. An FFL may transfer a firearm to a transferee as soon as he or she receives a "proceed" from NICS (assuming that the transaction would be in compliance with state law). However, if the FFL does not receive a final "proceed" or "denied" response from NICS, he or she must wait until 3 business days have elapsed prior to transferring the firearm.

(P52) Will a state "instant check" or "point of sale check" system qualify as an alternative to a NICS check?

No. However, it should be noted that many states with their own background check requirements are also acting as points of contact for NICS checks.

(P53) What happens if the transferee successfully appeals the NICS denial but more than 30 calendar days have elapsed since the initial background check was initiated?

The FFL must initiate another NICS check before the firearm may be transferred.

(P54) Are permits to carry concealed firearms included under the permit exception to the NICS check (assuming they meet the other requirements of the exception)?

Yes. The exception includes permits to carry concealed firearms and permits specifically authorizing the purchase of a firearm.

(P55) How does a licensee know whether a permit may be accepted as an alternative to a NICS check?

Prior to November 30, 1998, ATF sent an open letter to licensees in each state, advising them of what permits in that state qualified as alternatives to a NICS check at the time of transfer. Licensees having questions whether particular state permits are acceptable alternatives to NICS checks should contact their local ATF office.

(P56) Does a permit qualify as an alternative to a NICS check if the purchaser is using it to purchase a type of firearm that is not covered by the permit?

Yes, assuming the transaction complies with state law.

Example: ATF recognizes the permit to purchase a handgun and the concealed weapons permit as alternatives to a NICS check in state A. Any purchaser who displays a permit to purchase a handgun or a concealed weapons permit is not required to undergo a NICS check prior to purchasing a rifle, assuming the transaction complies with state law.

Example: In that same state, a person with a concealed weapons permit wants to purchase a handgun. state law prohibits the sale of any handgun to a person unless he or she has a permit to purchase. Accordingly, the licensee cannot lawfully sell the handgun unless the purchaser has a permit to purchase a handgun.

(P57) ATF has recognized the concealed weapons permits in state A and state B as valid alternatives to a NICS check. Can a resident of state A use a concealed weapons permit issued by state A to purchase a longgun in state B without undergoing a NICS check?

No. A permit qualifies as a NICS alternative only if it was issued by the state in which the transfer is to take place.

(P58) ATF's open letter to licensees in state C states that while concealed weapons permits issued by state C were recognized as alternatives to the background check required by the interim Brady law, concealed weapons permits issued by state C on or after November 30, 1998, will not be recognized as alternatives to the NICS check required by the permanent Brady law. Why will these permits no longer be recognized as Brady alternatives?

The change in the status of the permits is probably due to one of the following circumstances:

- (1) the state does not conduct NICS checks prior to issuing permits; or
 - (2) the state does not disqualify all permit applicants prohibited from possessing firearms under Federal law.
-

(P59) On December 1, 1998, can a licensee accept as a NICS alternative a "grandfathered" concealed weapons permit that was issued by state C on January 1, 1993?

No. The permit must have been issued within the past 5 years.

(P60) If state law provides that permits are only valid for 2 years, can a licensee accept as a NICS alternative a permit that was issued 4 years ago?

No. The permit must be still valid under state law in order to qualify as an alternative to a NICS check.

(P61) If the state has its own instant check system, must the licensee comply with state requirements for a background check as well as the Brady law?

Yes. If the state is not acting as a point of contact for NICS checks, the licensee may have to initiate 2 background checks by contacting (1) the FBI's NICS Operations Center, and (2) the state system.

(P62) If a licensee gets a "proceed" response from NICS, does he or she still have to wait until the expiration of the state waiting period before transferring the firearm?

Yes. Compliance with the Brady law does not excuse a licensee from compliance with state law.

(P63) If a state is acting as a NICS point of contact (POC), and state law has separate requirements regarding the amount of time that a licensee must wait before transferring a firearm after contacting the state, should the licensee comply with the state requirements, the Federal requirements, or both?

The licensee must comply with both state and Federal requirements.

Example: State D is acting as a POC for NICS checks. state law requires a background check prior to the transfer of any firearm. state law also requires the licensee to wait 10 days to get a response from the state. The licensee must contact the state POC for a NICS check and a state background check. The licensee must comply with both Federal and state law by waiting 10 days for a response prior to transferring the firearm. If the licensee has not received a response from the state after 10 days, he or she may transfer the firearm.

Example: State E is acting as a POC for NICS checks. state law requires a background check prior to the transfer of any firearm. Under state law, the licensee may transfer the firearm if he or she gets no final response from the state by the next day. The licensee contacts the state POC for a NICS check, and gets a "delayed" response. Assuming that the licensee gets no further response from the state POC, the licensee must comply with both Federal and state law by waiting until 3 business days have elapsed prior to transferring the firearm.

(P64) Does an individual licensee have to conduct a NICS check on himself or herself prior to transferring a firearm to his or her own personal collection?

No. The regulations do not require a licensee to complete a Form 4473 prior to transferring a firearm to his or her own personal collection; accordingly, a NICS check is not required either. Such transfers must be recorded in the manner prescribed by the regulations at 27 CFR 178.125a.

(P65) Is a NICS check required for the sale of firearms registered under the National Firearms Act (NFA)?

No, assuming all NFA requirements have been satisfied.

(P66) An organization without a firearms license wishes to acquire a firearm from a licensee for the purpose of raffling the firearm at an event. How does the licensee comply with the Brady law?

The licensee must comply with the Brady law by conducting a NICS check on the transferee. If the licensee wishes to transfer the firearm to the organization, a representative of the organization must complete a Form 4473, and a NICS check must

be conducted on that representative prior to the transfer of the firearm. Alternatively, if the licensee transfers the firearm directly to the winner of the raffle, the winner must complete a Form 4473, and a NICS check must be conducted on the raffle winner prior to the transfer.

Example: A licensee transfers a firearm to the organization sponsoring the raffle. The licensee must comply with the Brady law by requiring a representative of the organization to complete the Form 4473 and undergo a NICS check. Once the firearm has been transferred to the organization, the organization can subsequently transfer the firearm to the raffle winner without a Form 4473 being completed or a NICS check being conducted. This is because the organization is not an FFL; therefore, its transfer of a firearm is not subject to the Brady law.

Example: The licensee or his or her representative brings a firearm to the raffle, so that the firearm can be displayed. After the raffle, the firearm is returned to the licensee's premises. The licensee must comply with the Brady law prior to transferring the firearm directly to the winner of the raffle by requiring the winner to complete the Form 4473 and undergo a NICS check at the licensee's premises prior to the transfer of the firearm.

Example: The raffle meets the definition of an "event" at which a licensee is allowed to conduct business under 27 CFR 178.100(b). The licensee attends the event and transfers the firearm at the event to the winner. The licensee must comply with the Brady law prior to transferring the firearm to the winner by requiring the winner to complete a Form 4473 and undergo a NICS check.

Q. MISDEMEANOR CRIME OF DOMESTIC VIOLENCE

(Q1) What is a "misdemeanor crime of domestic violence"?

A "misdemeanor crime of domestic violence" means an offense that:

- (1) is a misdemeanor under Federal or state law;
- (2) has, as an element, the use or attempted use of physical force, or the threatened use of a deadly weapon; and
- (3) was committed by a current or former spouse, parent, or guardian of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited with the victim as a spouse, parent, or guardian, or by a person similarly situated to a spouse, parent, or guardian of the victim. However, a person is not considered to have been convicted of a misdemeanor crime of domestic violence unless:
 - (1) the person was represented by counsel in the case, or knowingly and intelligently waived the right of counsel in the case; and
 - (2) in the case of a prosecution for which a person was entitled to a jury trial in the jurisdiction in which the case was tried, either -
 - (a) the case was tried by a jury, or
 - (b) the person knowingly and intelligently waived the right to have the case tried by a jury, by guilty plea or otherwise.

In addition, a conviction would not be disabling if it has been expunged or set aside, or is an offense for which the person has been pardoned or has had civil rights restored (if the law of the jurisdiction in which the proceedings were held provides for the loss of civil rights upon conviction for such an offense) unless the pardon, expunction, or restoration of civil rights expressly provides that the person may not ship, transport, possess, or receive firearms, and the person is not otherwise prohibited by the law of the jurisdiction in which the proceedings were held from receiving or possessing firearms. [18 U. S. C. 921(a)(33), 27 CFR 178.11]

(Q2) What is the effective date of this disability?

The law was effective September 30, 1996. However, the prohibition applies to persons convicted of such misdemeanors at any time, even if the conviction occurred prior to the law's effective date. [18 U. S. C. 922(g)(9), 27 CFR 178.32(a)(9)]

(Q3) Does application of the law to persons convicted prior to the law's effective date violate constitutional rights?

No. This provision is not being applied retroactively or in violation of the ex post facto clause of the Constitution. This is because the law does not impose additional punishment upon persons convicted prior to the effective date, but merely regulates the future possession of firearms on or after the effective date. The provision is not retroactive merely because the person's conviction occurred prior to the effective date. [18 U. S. C. 922(g)(9), 27 CFR 178.32(a)(9)]

(Q4) X was convicted of misdemeanor assault on October 10, 1996 for beating his wife. The crime of assault does not make specific mention of domestic violence. May X still lawfully possess firearms or ammunition?

No. X may no longer legally possess firearms or ammunition. [18 U. S. C. 922(g)(9), 27 CFR 178.32(a)(9)]

(Q5) X was convicted of a misdemeanor crime of domestic violence on September 20, 1996, 10 days before the effective date of the new statute. He possesses a firearm on October 10, 1996. Does X lawfully possess the firearm?

No. If a person was convicted of a misdemeanor crime of domestic violence at any time, he or she may not lawfully possess firearms or ammunition on or after September 30, 1996. [18 U. S. C. 922(g)(9), 27 CFR 178.32(a)(9)]

(Q6) In determining whether a conviction in a state court is a "conviction" of a misdemeanor crime of domestic violence, does Federal or state law apply?

State law applies. If a conviction of a disqualifying misdemeanor does not occur under state law, the person has not been "convicted" of a misdemeanor crime of domestic violence. Therefore, if the state does not consider the person to be convicted, the person would not have the disability. [18 U. S. C. 921(a)(33), 27 CFR 178.11]

(Q7) What state and local offenses are "misdemeanors" for purposes of 18 U. S. C. 922(d)(9) and (g)(9)?

The definition of misdemeanor crime of domestic violence in the GCA includes any offense classified as a "misdemeanor" under Federal or state law. In states that do not classify offenses as misdemeanors, the definition includes any state or local offense punishable by imprisonment for a term of 1 year or less. For example, if state A has an offense classified as a "domestic violence misdemeanor" that is punishable by up to 5 years imprisonment, it would be a misdemeanor crime of domestic violence as defined. If

state B does not characterize offenses as misdemeanors, but has a domestic violence offense that is punishable by no more than 1 year imprisonment, this offense would be a misdemeanor crime of domestic violence as defined. [18 U. S. C. 921(a)(33), 27 CFR 178.11]

(Q8) Are local criminal ordinances "misdemeanors under state law" for purposes of sections 922(d)(9) and (g)(9)?

Yes, assuming a violation of the ordinance meets the definition of "misdemeanor crime of domestic violence" in all other respects. [18 U. S. C. 921(a)(33), 27 CFR 178.11]

(Q9) Does the definition of "misdemeanor crime of domestic violence" include offenses that are punishable only by a fine?

Yes, assuming the offense meets the definition of "misdemeanor crime of domestic violence" in all other respects. Nothing in the language of the definition limits the term to offenses punishable by imprisonment. The legislative history of the definition illustrates that the prohibition on firearm possession by persons convicted of such offenses was to be as broad as possible, for example, covering individuals who plead guilty to minor offenses. [18 U. S. C. 921(a)(33), 27 CFR 178.11]

(Q10) What is meant by the "similarly situated to a spouse" provision in the definition of a misdemeanor crime of domestic violence?

The phrase means 2 persons who share the same domicile in an intimate relationship, with "domicile" being one's fixed place of dwelling where one intends to reside more or less permanently. Such persons do not have to be married or in a "common law" marriage relationship. However, they must be in more than a "dating" relationship. Furthermore, the "similarly situated to a spouse" provision applies to anyone who was domiciled in an intimate relationship with the victim of the offense either at the time of, or at any time prior to, the offense. [18 U. S. C. 921(a)(33), 27 CFR 178.11]

(Q11) In order for an offense to qualify as a "misdemeanor crime of domestic violence", does it have to have as an element the relationship part of the definition (e. g., committed by a spouse, parent, or guardian)?

No. The "as an element" language in the definition of "misdemeanor crime of domestic violence" only applies to the use of force provision of the statute and not the relationship provision. However, to be disabling, the offense must have been committed by one of the defined parties. [18 U. S. C. 921(a)(33), 27 CFR 178.11]

(Q12) Is a person who received "probation before judgment" or some other type of deferred adjudication subject to the disability?

What is a conviction is determined by the law of the jurisdiction in which the proceedings were held. If the state law where the proceedings were held does not consider probation before judgment or deferred adjudication to be a conviction, the person would not be subject to the disability. [18 U. S. C. 921(a)(33), 27 CFR 178.11]

(Q13) What should a licensee do if he or she has been convicted of a misdemeanor crime of domestic violence?

Federal firearms licensees should verify that they are disabled under the prohibition. A licensee convicted of a disqualifying misdemeanor may not lawfully possess firearms or ammunition. In addition, a licensee who incurs firearms disabilities during the term of a license by reason of such a misdemeanor conviction may not continue operations under the license for more than 30 days after incurring the disability unless the licensee applies for relief from Federal firearms disabilities. [18 U. S. C. 922(g)(9) and 925(c), 27 CFR 178.144(c)(8) and (i)]

(Q14) What should an individual do if he or she has been convicted of a misdemeanor crime of domestic violence?

Individuals subject to this disability should immediately dispose of their firearms and ammunition. ATF recommends that such persons transfer their firearms and ammunition to a third party who may lawfully receive and possess them, such as their attorney, a local police agency, or a Federal firearms dealer. The continued possession of firearms and ammunition by persons under this disability is a violation of law and may subject the possessor to criminal penalties. In addition, such firearms and ammunition are subject to seizure and forfeiture. [18 U. S. C. 922(g)(9) and 924(d)(1), 27 CFR 178.152]

(Q15) Does the disability apply to law enforcement officers?

Yes. The Gun Control Act was amended so that employees of government agencies convicted of misdemeanor crimes of domestic violence would not be exempt from disabilities with respect to their receipt or possession of firearms or ammunition. Thus, law enforcement officers and other government officials who have been convicted of a disqualifying misdemeanor may not lawfully possess or receive firearms or ammunition for any purpose, including performance of their official duties. The disability applies to firearms and ammunition issued by government agencies, purchased by government employees for use in performing their official duties, and personal firearms and ammunition possessed by such employees. [18 U. S. C. 922(g)(9) and 925(a)(1), 27 CFR 178.32(a)(9) and 178.141(a)]

Chapter 4

How To Make Money With Your FFL

Shipping and Receiving as an FFL
Buying and Wholesale Sources
Selling, Including Internet Sales
Gunsmithing
Other Revenue Streams

Appendix A

BATF Region Map and Field Office Contact Information

Latest Version

BATF Field Division Map



The Bureau of Alcohol, Tobacco and Firearms field divisions are located throughout the United States. Some of the field offices have jurisdiction in surrounding states.

All of their field offices may be contacted 24 hours a day, seven days a week. Visit the following pages for phone numbers for the ATF field office closest to you (can click on map).

Atlanta Field Division

Atlanta Field Division:	404-417-2600
Atlanta, GA (Group I)	404-331-6436
Atlanta, GA (Group II Arson)	404-331-4851
Atlanta, GA (Group III)	404-730-3355
Atlanta, GA (Group IV)	404-815-4400
Atlanta, GA (Group V - Industry Operations)	404-417-2670
Atlanta, GA (Group VI)	404-417-2600
Atlanta, GA (Southeast Bomb Task Force)	404-320-8145
Macon, GA	478-474-0477
Savannah, GA	912-652-4251

Baltimore Field Division

Baltimore Field Division:	410-779-1700
Baltimore, MD (Group I Arson)	410-779-1710
Baltimore, MD (Group II)	410-579-5011
Baltimore, MD (Group III)	410-779-1730
Baltimore, MD (Group IV)	410-779-1740
Baltimore, MD (Group V - Industry Operations)	410-779-1750
Hyattsville, MD	202-927-3200
Wilmington, DE	302-573-6102
Wilmington, DE (Satellite Office - Industry Operations)	302-573-6102

Boston Field Division

Boston Field Division:	617-557-1200
Boston, MA (Group I Arson)	617-557-1210
Boston, MA (Group II)	617-557-1220
Boston, MA (Group IV)	617-557-1240
Boston, MA (Group V - Industry Operations)	617-557-1250
Burlington,VT	802-951-6593
Concord, NH (Satellite Office)	603-225-1547
Hartford, CT (Industry Operations)	860-240-3400
New Haven, CT	203-773-2060
Portland, ME	207-780-3324
Providence, RI	401-528-4366
Providence, RI (Satellite Office - Industry Operations)	401-528-4366
Springfield, MA (Satelite Office)	413-785-0007
Worcester, MA	508-793-0240

Charlotte Field Division

Charlotte Field Division:	704-716-1800
Charleston, SC	843-727-4275
Charlotte, NC (Group I)	704-716-1810
Charlotte, NC (Group II)	704-716-1820
Charlotte, NC (Group III - Industry Operations)	704-716-1830
Charlotte, NC (Group IV)	704-716-1840
Charlotte, NC (Violent Crime Task Force)	704-716-1850
Columbia, SC	803-765-5723
Columbia, SC (Satellite Office - Industry Operations)	803-765-5722
Fayetteville, NC	910-483-3030
Fayetteville, NC (Satellite Office - Industry Operations)	910-483-3030
Greensboro, NC (Group I)	336-547-4224
Greensboro, NC (Group II - Industry Operations)	336-547-4150
Greenville, SC (Satellite Office - Industry Operations)	864-232-3221
Raleigh, NC	919-856-4366
Wilmington, NC (Satellite Office)	910-815-4936

Chicago Field Division

Chicago Field Division:	312-353-6935
Chicago, IL (Group I)	312-886-7391
Chicago, IL (Group II)	312-886-5429
Chicago, IL (Group III)	312-353-8113
Chicago, IL (Group IV Arson)	312-886-5441
Chicago, IL (Group V)	312-886-0604
Fairview Heights, IL	618-632-9380
Fairview Heights, IL (Satellite Office - Industry Operations)	618-632-0704
Oakbrook, IL (Group I)	630-268-0986
Oakbrook, IL (Group III)	630-268-0965
Oakbrook, IL (Group IV - Industry Operations)	630-268-1282
Peoria, IL (Satellite Office - Industry Operations)	309-671-7108
Rockford, IL (Satellite Office)	815-987-4310
Springfield, IL (Group I)	217-492-4273
Springfield, IL (Group II - Industry Operations)	217-492-4383

Columbus Field Division

Columbus Field Division:	614-469-5303
Cincinnati, OH (Group I)	513-684-3354
Cincinnati, OH (Group II - Industry Operations)	513-684-3351
Cleveland, OH (Group I)	216-522-3080
Cleveland, OH (Group II)	216-522-3786
Cleveland, OH (Group III - Industry Operations)	216-522-3374
Columbus, OH	614-469-6717
Columbus, OH (Satellite Office - Industry Operations)	614-469-2225
Fort Wayne, IN	260-424-4440
Indianapolis, IN	317-226-7464
Indianapolis, IN (Satellite Office - Industry Operations)	317-248-4002
Merrillville, IN	219-791-0702
Toledo, OH	419-259-7520
Youngstown, OH	330-747-8285

Dallas Field Division

Dallas Field Division:	469-227-4300
Dallas, TX (Group I)	469-227-4350
Dallas, TX (Group II Arson)	469-227-4370
Dallas, TX (Group III)	469-227-4395
Dallas, TX (Group IV)	972-915-9570
Dallas, TX (Group V - Industry Operations)	469-227-4415
El Paso, TX	915-534-6449
El Paso, TX (Satellite Office - Industry Operations)	915-534-6475
Fort Worth, TX	817-978-2771
Fort Worth, TX (Satellite Office - Industry Operations)	817-978-2771
Lubbock, TX (Group I)	806-798-1030
Lubbock, TX (Satellite Office - Industry Operations)	806-798-1030
Oklahoma City, OK (Group I - Industry Operations)	405-297-5060
Oklahoma City, OK (Group II)	405-297-5060
Tulsa, OK	918-581-7731
Tyler, TX	903-590-1475

Detroit Field Division

Detroit Field Division:	313-259-8050
Detroit, MI (Group I)	313-259-8110
Detroit, MI (Group II)	313-259-8120
Detroit, MI (Group III Arson)	313-259-8140
Detroit, MI (Group IV)	313-259-8320
Detroit, MI (Group V - Industry Operations)	313-259-8390
Detroit, MI (Group VI)	313-259-8760
Flint, MI	810-766-5010
Flint, MI (Satellite Office - Industry Operations)	810-766-5010
Grand Rapids, MI (Group I)	616-456-2566
Grand Rapids, MI (Group II - Industry Operations)	616-456-2566

Houston Field Division

Houston Field Division:	281-372-2900
Austin, TX	512-349-4545
Beaumont, TX	409-835-0062
Beaumont, TX (Satellite Office - Industry Operations)	409-835-0062
Corpus Christi, TX	361-888-3392
Houston, TX (Group I)	281-372-2990
Houston, TX (Group II)	281-372-2960
Houston, TX (Group III Arson)	281-372-2930
Houston, TX (Group IV)	281-372-2980
Houston, TX (Group V)	281-372-3010
Houston, TX (Group VI - Industry Operations)	281-372-2950
McAllen, TX	956-687-5207
San Antonio, TX (Group I)	210-805-2727
San Antonio, TX (Group II - Industry Operations)	210-805-2777
Waco, TX (Satellite Office)	254-741-9900

Kansas City Field Division

Kansas City Field Division:	816-559-0700
Cape Girardeau, MO (Satellite Office)	573-335-3163
Des Moines, IA	515-284-4372
Des Moines, IA (Satellite Office - Industry Operations)	515-284-4857
Kansas City, MO (Group I Arson)	816-559-0710
Kansas City, MO (Group II)	816-559-0720
Kansas City, MO (Group III - Industry Operations)	816-559-0730
Kansas City, MO (Group IV)	816-559-0740
Omaha, NE	402-493-3651
Omaha, NE (Satellite Office - Industry Operations)	402-493-4183
Springfield, MO	417-864-4707
St. Louis, MO (Group I)	314-539-7100
St. Louis, MO (Group II)	314-539-7440
St. Louis, MO (Group III - Industry Operations)	314-539-2252
Wichita, KS	316-269-6229

Los Angeles Field Division

Los Angeles Field Division:	213-534-2450
Los Angeles , CA (Group I - Metro)	213-534-1050
Los Angeles, CA (Group II)	213-534-1070
Los Angeles, CA (Group III Arson)	213-534-6480
Los Angeles, CA (Group IV - Industry Operations)	213-534-2430
Riverside, CA	909-276-6031
San Diego, CA (Group I)	619-446-0700
San Diego, CA (Group II)	619-446-0700
San Diego, CA (Group III - Industry Operations)	619-446-0740
Santa Ana, CA (Group I)	714-246-8210
Santa Ana, CA (Group II - Industry Operations)	714-246-8252
Van Nuys, CA	818-756-4350
Van Nuys, CA (Satellite Office - Industry Operations)	818-756-4364

Louisville Field Division

Louisville Field Division:	502-753-3400
Ashland, KY	606-329-8092
Bardstown, KY (Satellite Office - Industry Operations)	502-348-3829
Bowling Green, KY	270-781-7090
Charleston, WV	304-347-5249
Charleston, WV (Satellite Office - Industry Operations)	304-347-5172
Frankfort, KY (Industry Operations)	502-223-3350
Lexington, KY	859-233-2771
London, KY (Satellite Office)	606-877-2114/2115
Louisville, KY (Group I)	502-753-3450
Louisville, KY (Group II - Industry Operations)	502-753-3500
Louisville, KY (Group III)	502-753-3550
Martinsburg, WV (Satellite Office - Industry Operations)	304-260-3400
Owensboro, KY (Satellite Office - Industry Operations)	270-684-5995
Wheeling, WV	304-232-4170

Miami Field Division

Miami Field Division:	305-597-4800
Fort Lauderdale, FL	954-356-7369
Fort Lauderdale, FL HIDTA	954-938-2960
Hato Rey San Juan, PR (Group I - HIDTA)	787-277-8720
Hato Rey San Juan, PR (Group II)	787-766-5084
Hato Rey San Juan, PR (Group III - Industry Operations)	787-766-5584
Mayaguez, PR (Satellite Office - Industry Operations)	787-831-3442/48
Miami, FL (Group I)	305-597-4777
Miami, FL (Group II)	305-597-4778
Miami, FL (Group IV)	305-597-4809
Miami, FL (Group V - HIDTA)	305-716-3019
Miami, FL (Group VI - Industry Operations)	305-597-4771
St. Thomas, VI	340-774-2398
West Palm Beach, FL	561-835-8878

Nashville Field Division

Nashville Field Division:	615-781-5364
Birmingham, AL (Group I)	205-731-1111
Birmingham, AL (Group II - Industry Operations)	205-731-0070
Birmingham, AL (Group III)	205-731-0400
Chattanooga, TN	423-855-6422
Huntsville, AL (Satellite Office)	256-539-0623
Johnson City, TN (Satellite Office)	423-283-7262/7104
Knoxville, TN	865-545-4505
Memphis, TN	901-544-0321
Mobile, AL	251-441-5338
Mobile, AL (Satellite Office - Industry Operations)	251-441-6126/6127
Montgomery, AL	334-223-7507
Nashville, TN (Group I)	615-565-1400
Nashville, TN (Group II - Industry Operations)	615-565-1420
Nashville, TN (Group III)	615-565-1430

New Orleans Field Division

New Orleans Field Divison:	504-841-7000
Baton Rouge, LA	225-389-0485
Biloxi, MS	228-388-5092
Fort Smith, AR	501-709-0872
Jackson, MS	601-965-4205
Jackson, MS (Satellite Office - Industry Operations)	601-965-4200
Little Rock, AR	501-324-6181
Little Rock, AR (Satellite Office - Industry Operations)	501-324-6457
New Orleans, LA (Group I)	504-841-7040
New Orleans, LA (Group II)	504-841-7080
New Orleans, LA (Group III - Industry Operations)	504-841-7120
New Orleans, LA (Group IV)	504-841-7160
Oxford, MS (Group I)	662-234-3751
Shreveport, LA	318-676-3301
Shreveport, LA (Satellite Office - Industry Operations)	318-676-3534

New York Field Division

New York Field Division:	718-650-4000
Albany, NY (Criminal)	518-431-4182
Albany, NY (Satellite Office - Industry Operations)	518-431-4188
Bath, NY (Satellite Office - Industry Operations)	607-776-4549
Buffalo, NY (Group I - Criminal)	716-551-4041
Buffalo, NY (Group II - Industry Operations)	716-551-4048
Melville, NY	631-694-8372
Melville, NY (Satellite Office - Industry Operations)	631-694-1366
New York, NY (Group I)	718-254-7845
New York, NY (Group II)	718-254-7854
New York, NY (Group III Arson)	718-896-6400
New York, NY (Group IV)	718-650-4040
New York, NY (Group V)	718-650-4050
New York, NY (Group VI - Industry Operations)	718-650-4060
New York, NY (Group VII)	718-650-4070
Rochester, NY (Satellite Office)	716-263-5720
Syracuse, NY (Criminal)	315-448-0889
Syracuse, NY (Satellite Office - Industry Operations)	315-448-0898
West Patterson, NJ (NJ Group I)	973-247-3010
West Patterson, NJ (NJ Group II Arson)	973-247-3020
West Patterson, NJ (NJ Group III- Industry Operations)	973-247-3030
White Plains, NY	914-682-6164
White Plains, NY (Satellite Office - Industry Operations)	914-682-6164

Philadelphia Field Division

Philadelphia Field Division:	215-597-7266
Atlantic City, NJ (Satellite Office)	609-487-2110
Camden, NJ	856-968-4884
Harrisburg, PA	717-221-3402
Kingston, PA (Satellite Office - Industry Operations)	570-826-6551
Lansdale, PA (Industry Operations)	215-362-1840
Philadelphia, PA (Group I)	215-717-4710
Philadelphia, PA (Group II Arson & Explosives)	215-597-9080
Philadelphia, PA (Group III)	215-560-1631
Philadelphia, PA (Group IV - Industry Operations)	215-597-2203
Philadelphia, PA (Group V)	215-717-4750
Philadelphia, PA (Group VI - Ceasefire)	215-717-4760
Pittsburgh, PA (Group I and Group II Arson)	412-395-6911
Pittsburgh, PA (Group III - Industry Operations)	412-395-6918
Reading, PA (Satellite Office)	610-320-5222
Trenton, NJ (Arson and Explosives)	609-989-2155
Trenton, NJ (Satellite Office - Industry Operations)	609-989-2142

Phoenix Field Division

Phoenix Field Division:	602-776-5400
Albuquerque, NM	505-346-6914
Albuquerque, NM (Satellite Office - Industry Operations)	505-346-6910
Cheyenne, WY	307-772-2346
Colorado Springs, CO	719-473-0166
Denver, CO (Group I)	303-844-7540
Denver, CO (Group II Arson)	303-844-7570
Denver, CO (Group III- Industry Operations)	303-844-7545
Phoenix, AZ (Group I)	602-776-5440
Phoenix, AZ (Group II)	602-776-5460
Phoenix, AZ (Group III - Industry Operations)	602-776-5480
Phoenix, AZ (Group IV)	602-776-5500
Salt Lake City, UT	801-524-7000
Salt Lake City, UT (Satellite Office - Industry Operations)	801-524-7012
Tucson, AZ (Group I)	520-670-4725
Tucson, AZ (Satellite Office - Industry Operations)	520-670-4804

San Francisco Field Division

San Francisco Field Division:	415-947-5100
Bakersfield, CA (Satellite Office)	661-861-4420
Fresno, CA (Group I)	559-487-5393
Fresno, CA (Group II - Industry Operations)	559-487-5093
Las Vegas, NV	702-388-6584
Modesto, CA (Satellite Office - Industry Operations)	209-522-6925
Napa, CA (Satellite Office - Industry Operations)	707-224-7801
Oakland, CA (Group I)	510-637-3431
Oakland, CA (Satellite Office - Industry Operations)	510-637-3441
Reno, NV	775-784-5251
Reno, NV (Satellite Office - Industry Operations)	775-784-5136
Sacramento, CA (Group I)	916-498-5100
Sacramento, CA (Group II - Industry Operations)	916-498-5095
San Francisco, CA (Group I)	415-436-8020
San Francisco, CA (Group II Arson)	415-947-5130
San Francisco, CA (Group III - Industry Operations)	415-947-5150
San Francisco, CA (Group IV)	415-947-5170
San Jose, CA (Group I)	408-535-5015
San Jose, CA (Group II - Industry Operations)	408-291-7464
Santa Rosa, CA (Industry Operations)	707-576-0184

Seattle Field Division

Seattle Field Division:	206-220-6440
Anchorage, AK	907-271-5701
Anchorage, AK (Satellite Office - Industry Operations)	907-271-5701
Boise, ID	208-334-1160
Boise, ID (Satellite Office - Industry Operations)	208-334-1164
Hagatna, Guam	671-472-7129
Honolulu, HI	808-541-2670
Honolulu, HI (Satellite Office - Industry Operations)	808-541-2670
Portland, OR (Group I Arson and Explosives)	503-326-2171
Portland, OR (Group II)	503-326-5115
Portland, OR (Group III - Industry Operations)	503-231-2331
Seattle, WA (Group I)	206-220-6450
Seattle, WA (Group II - Industry Operations)	206-220-6456
Seattle, WA (Group III - Arson & Explosives)	206-220-6452
Seattle, WA (Group IV)	206-220-6442
Spokane, WA (Group I)	509-324-7866
Spokane, WA (Group II - Industry Operations)	509-324-7881
Yakima, WA	509-454-4403

St. Paul Field Division

St. Paul Field Division:	651-726-0200
Billings, MT (Group I)	406-657-6886
Fargo, ND	701-239-5176
Helena, MT (Group I)	406-441-1100
Helena, MT (Group II - Satellite Office, Industry Operations)	406-441-1100
Madison, WI (Satellite Office)	608-250-5430
Milwaukee, WI (Group I)	414-297-3937
Milwaukee, WI (Group II - Industry Operations)	414-297-3991
Milwaukee, WI (Group III)	414-297-3937
Sioux Falls, SD (Group I)	605-330-4368
St. Paul, MN (Group I)	651-726-0300
St. Paul, MN (Group II- Industry Operations)	651-726-0220

Tampa Field Division

Tampa Field Division:	813-202-7300
Fort Myers, FL (Group I Satellite Office)	941-334-8086
Fort Myers, FL (Group II Satellite Office - Industry Operations)	941-334-8086
Gainesville, FL (Satellite Office)	352-374-9503
Jacksonville, FL	904-232-3468
Jacksonville, FL (Satellite Office - Industry Operations)	904-232-2868
Orlando FL	407-648-6136
Pensacola, FL	850-435-8485
Tallahassee, FL	850-942-9660
Tampa, FL (Group I)	813-202-7310
Tampa, FL (Group II - Industry Operations)	813-202-7320
Tampa, FL (Group III)	813-202-7330

Washington Field Division

Washington Field Division:	202-927-8810
Bristol, VA	540-466-2727
Falls Church, VA (Group I Arson)	703-285-2551
Falls Church, VA (Group II)	703-285-2547
Falls Church, VA (Satellite Office - Industry Operations)	703-285-2544
Norfolk, VA	757-441-3190
Norfolk, VA (Satellite Office - Industry Operations)	757-441-3192
Richmond, VA (Group I)	804-560-0005
Richmond, VA (Group II - Industry Operations)	804-560-0157
Roanoke, VA	540-857-2300
Roanoke, VA (Satellite Office - Industry Operations)	540-857-2304
Washington, DC (Group I)	202-305-8189
Washington, DC (Group II)	202-927-7105
Washington, DC (Group III)	703-658-7842
Washington, DC (Group IV Arson Task Force)	202-927-0890

Appendix B

Printable Information Sheet for Your FFL Application

Current Version, Not Valid for Application - Use Official Form

THIS IS A SAMPLE FORM 7 ONLY. IT IS NOT VALID FOR SUBMISSION TO THE BATF, BUT IS INCLUDED SOLELY FOR PURPOSES OF SPEEDING THE PROCESS SO YOU CAN PREPARE ALL THE REQUIRED INFORMATION WHILE YOU WAIT TO RECEIVE THE ACTUAL FORM FROM ATF.

This is a sample Form 7 only. The sample instructions are included in a separate appendix.

Form 7 is the application you will fill out to apply for your federal license as a gun dealer. Chapter 2 of this publication covers the steps for obtaining your license, and includes any hints or suggestions for completing this or other forms related to the application.

Because of legal reasons, and the requirement of fingerprint cards and photographs, official versions of the Form 7 are not available. Any sample forms provided are not official and are solely for informational purposes. You must complete the official Form 7 as outlined in Chapter 2.

DEPARTMENT OF THE TREASURY BUREAU OF ALCOHOL, TOBACCO AND FIREARMS APPLICATION FOR LICENSE UNDER 18 U.S.C. CHAPTER 44, FIREARMS	FOR ATF USE ONLY
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1. NAME OF OWNER OR CORPORATION (if partnership, include name of each partner)		ATTACH 2X2 PHOTOGRAPH(S) HERE <i>(See Instruction #9)</i>
2. TRADE OR BUSINESS NAME, IF ANY	3. EMPLOYER IDENTIFICATION NUMBER/SOCIAL SECURITY NUMBER	
4. NAME OF COUNTY IN WHICH BUSINESS IS LOCATED		
5. BUSINESS ADDRESS (RFD or street no., city, state, zip)	6. MAILING ADDRESS (if different from address in item #5)	
7. TELEPHONE NUMBER (include area code) BUSINESS (Daytime) _____ RESIDENCE _____ 24 hour Emergency # (if different) _____		

8. APPLICANT'S BUSINESS IS

INDIVIDUALLY OWNED
 A CORPORATION
 A PARTNERSHIP
 OTHER (Specify) _____

9. DESCRIBE SPECIFIC ACTIVITY APPLICANT IS ENGAGED IN, OR INTENDS TO ENGAGE IN, WHICH WILL REQUIRE A FEDERAL FIREARMS LICENSE. (Sales of ammunition alone do not require a license)	9a. DO YOU INTEND TO ENGAGE IN PAWNBROKING? <input type="checkbox"/> YES <input type="checkbox"/> NO
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10. APPLICATION IS MADE FOR A LICENSE UNDER 18 U.S.C. CPATER 44 AS A: (Place an "X" on the appropriate line. Submit the fee shown with the application. Licenses are issued for a 3-year period.)

TYPE*	DESCRIPTION OF LICENSE TYPE (a)	FEE (b)
01/02	DEALER (01), INCLUDING PAWNBROKER (02), IN FIREARMS OTHER THAN DESTRUCTIVE DEVICES (INCLUDES: Rifles, Shotguns, Pistols, Revolvers, Gunsmith activities and National Firearms Act (NFA) Weapons)	\$200 <input type="checkbox"/>
06	MANUFACTURER OF AMMUNITION FOR FIREARMS OTHER THAN AMMUNITION FOR DESTRUCTIVE DEVICES OR ARMOR PIERCING AMMUNITION	\$30 <input type="checkbox"/>
07	MANUFACTURER OF FIREARMS OTHER THAN DESTRUCTIVE DEVICES	\$150 <input type="checkbox"/>
08	IMPORTER OF FIREARMS OTHER THAN DESCTRUCTIVE DEVICES OR AMMUNITION FOR FIREARMS OTHER THAN DESTRUCTIVE DEVICES, OR AMMUNITION OTHER THAN ARMOR PIERCING AMMUNITION (NOTE: Importer of handguns and rifles, see item 7 of instruction sheet)	\$150 <input type="checkbox"/>
09	DEALER IN DESTRUCTIVE DEVICES	\$3000 <input type="checkbox"/>
10	MANUFACTURER OF DESTRUCTIVE DEVICES, AMMUNITION FOR DESTRUCTIVE DEVICES OR ARMOR PIERCING AMMUNITION	\$3000 <input type="checkbox"/>
11	IMPORTER OF DESTRUCTIVE DEVICES, AMMUNITION FOR DESTRUCTIVE DEVICES OR ARMOR PIERCING AMMUNITION	\$3000 <input type="checkbox"/>
TOTAL FEES \$		

11. HOURS OF OPERATION OF APPLICANT'S BUSINESS								12. IS APPLICANT PRESENTLY ENGAGED IN A BUSINESS REQUIRING A FEDERAL FIREARMS LICENSE? (If "Yes", answer 14a.)	
TIME	SUN	MON	TUES	WED	THU	FRI	SAT	<input type="checkbox"/> YES <input type="checkbox"/> NO	
OPEN									
CLOSE								12a. PRESENT LICENSE NUMBER	

13. APPLICANT'S PREMISES ARE: <input type="checkbox"/> OWNED <input type="checkbox"/> LEASED/RENTED <input type="checkbox"/> MILITARY IF RENTED OR LEASED, PLEASE PROVIDE THE NAME, ADDRESS AND TELEPHONE NUMBER OF THE OWNER OF THE PROPERTY. NAME AND ADDRESS _____ TELEPHONE NUMBER _____	14. INDICATE TYPE OF BUSINESS PREMISES ZONED COMMERCIAL: ZONED RESIDENTIAL: <input type="checkbox"/> STORE FRONT <input type="checkbox"/> <input type="checkbox"/> OFFICE <input type="checkbox"/> <input type="checkbox"/> ROD & GUN CLUB <input type="checkbox"/> <input type="checkbox"/> MILITARY BASE <input type="checkbox"/> <input type="checkbox"/> OTHER (Specify) _____
--	--

15. DO YOU INTEND TO MAKE A PROFIT FROM YOUR BUSINESS?
 YES NO

15a. DO YOU INTEND TO SELL FIREARMS ONLY AT GUN SHOWS? <input type="checkbox"/> YES <input type="checkbox"/> NO	16. DO YOU INTEND TO USE YOUR LICENSE ONLY TO ACQUIRE PERSONAL FIREARMS? <input type="checkbox"/> YES <input type="checkbox"/> NO
--	--

IF BUSINESS OBTAINED FROM SMOEONE ELSE, GIVE

17. NAME	18. FEDERAL FIREARMS LICENSE NUMBER
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19. IF YOU HAVE SERVED IN THE ARMED FORCES, FILL IN THE SERVICE NUMBER AND MILITARY BRANCH.	MILITARY BRANCH	SERVICE SERIAL NUMBER
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LIST BELOW THE INFORMATION REQUIRED FOR EACH INDIVIDUAL OWNER, PARTNER, AND OTHER RESPONSIBLE PERSONS IN THE BUSINESS. IF A FEMALE, LIST GIVEN, MARRIED, AND MAIDEN NAMES (e.g., "MARY ALICE (SMITH) JONES," NOT "MRS. JOHN JONES.") (If additional space is needed, use a separate sheet.)
EACH PERSON LISTED IN ITEM #1 MUST COMPLETE ALL INFORMATION IN THIS SECTION

FULL NAME	POSITION AND SOCIAL SECURITY NO.	HOME ADDRESS* (Include ZIP Code) <i>*Sole proprietors and responsible persons are required to provide all states resided in for the last 5 years. Use a separate sheet if necessary.</i>	PLACE OF BIRTH	DATE OF BIRTH	RACE	SEX

GIVE FULL DETAILS ON SEPARATE SHEET FOR ALL "YES" ANSWERS IN ITEMS 21, 22, AND 23.

		YES	NO
21. HAS APPLICANT OR ANY PERSON REFERRED TO IN ITEM 20 ABOVE:	A. HELD A FEDERAL FIREARMS LICENSE?		
	B. BEEN DENIED A FEDERAL FIREARMS LICENSE?		
	C. BEEN AN OFFICER IN A CORPORATION HOLDING A FEDERAL FIREARMS LICENSE?		
	D. BEEN AN EMPLOYEE OF A FEDERAL FIREARMS LICENSEE?		
	E. HAD A FEDERAL FIREARMS LICENSE REVOKED?		
22. IS APPLICANT OR ANY PERSON NAMED IN ITEM 20 ABOVE:	A. CHARGED BY INFORMATION OR UNDER INDICTMENT IN ANY COURT FOR A CRIM PUNISHABLE BY IMPRISONMENT FOR A TERM EXCEEDING ONE YEAR? (1)		
	B. A FUGITIVE FROM JUSTICE?		
	C. AN ALIEN WHO IS ILLEGALLY OR UNLAWFULLY IN THE UNITED STATES?		
	D. UNDER 21 YEARS OF AGE?		
	E. AN UNLAWFUL USER OF OR ADDICTED TO MARIJUANA OR ANY DEPRESSANT, STIMULANT OR NARCOTIC DRUG, OR ANY CONTROLLED SUBSTANCE?		
	F. SUBJECT TO A COURT ORDER RESTRAINING HIM/HER FROM HARASSING, STALKING OR THREATENING AN INTIMATE PARTNER OR CHILD OF SUCH PARTNER?		
23. HAS APPLICANT OR ANY PERSON NAMED IN ITEM 20 EVER:	A. BEEN CONVICTED IN ANY COURT OF A CRIME PUNISHABLE BY IMPRISONMENT FOR A TERM EXCEEDING ONE YEAR? (2)		
	B. BEEN DISCHARGED FROM THE ARMED FORCES UNDER DISHONORABLE CONDITIONS?		
	C. BEEN ADJUDICATED AS A MENTAL DEFECTIVE OR BEEN COMMITTED TO ANY MENTAL INSTITUTION?		
	D. RENOUNCED UNITED STATES CITIZENSHIP?		
	E. BEEN CONVICTED IN ANY COURT OF A MISDEMEANOR CRIME OF DOMESTIC VIOLENCE? (3)		

(1) Information - A formal accusation of a crime made by a prosecuting attorney, as distinguished from an indictment presented by a grand jury.
(2) A YES answer is required if the judge could have given a sentence of more than one year. You may answer NO if (a) you have been pardoned for the crime or (b) the conviction has been expunged or set aside or (c) your civil rights have been restored AND you are not prohibited from possessing or receiving any firearms under the law where the conviction occurred.
(3) This includes any misdemeanor conviction involving the use or attempted use of physical force committed by a current or former spouse, parent, or guardian of the victim or by a person with a similar relationship with the victim.

24. APPLICANT CERTIFICATION (Please read and initial each box)

- The business to be conducted under the Federal firearms license is not prohibited by State or local law at the premises shown in Item 5. This includes compliance with zoning ordinances.
- Within 30 days after the application is approved the business will comply with the requirements of State and local law applicable to the conduct of business.
- Business will not be conducted under the license until the requirements of State and local law applicable to the business have been met.
- A completed copy of this form has been sent or delivered to the Chief Law Enforcement Officer of the locality in which the premises are located.

NAME (Chief Law Enforcement Officer (CLEO))

ADDRESS (Include no., street, city, county, State and ZIP Code of CLEO)

25. **CERTIFICATION:** Under the penalties imposed by 18 U.S.C. 924, I declare that I have examined this application and the documents submitted in support thereof, and to the best of my knowledge and belief, they are true, correct and complete. This signature, when presented by a duly authorized representative of the Department of the Treasury, will constitute my consent and authority to examine and obtain copies and abstracts of records and to receive statements and information regarding my background. Specifically, I hereby authorize the release of the following records to ATF: Employment information, military information/records, medical information/records, police and criminal records.

SIGN HERE	TITLE	DATE
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FOR ATF USE ONLY

26. APPLICATION IS <input type="checkbox"/> APPROVED <input type="checkbox"/> DISAPPROVED	REASONS FOR DISAPPROVED APPLICATION
SIGNATURE OF LICENSING OFFICIAL	DATE

INFORMATION FOR THE CHIEF LAW ENFORCEMENT OFFICER

This form provides notification of a person's intent to apply for a Federal firearms license. It requires no action on your part. However, should you have information that may disqualify the person from obtaining a Federal firearms license, please contact the Firearms and Explosives Licensing Center at (404) 679-5040. A "Yes" answer to questions #22 and #23 could disqualify a person for a license. Also, ATF may not issue a license if the business would be in violation of State or local law.

THIS FORM IS A SAMPLE ONLY FOR PURPOSES OF COLLECTING INFORMATION. IT IS NOT VALID FOR SUBMISSION TO THE BATF.

Appendix C

Instructions for Completing the FFL Application

Current Version

These are the instructions for Form 7. The sample Form 7 (see below) is included in a separate appendix.

Form 7 is the application you will fill out to apply for your federal license as a gun dealer. Chapter 2 of this publication covers the steps for obtaining your license, and includes any hints or suggestions for completing this or other forms related to the application.

Because of legal reasons, and the requirement of fingerprint cards and photographs, official versions of the Form 7 are not available. Any sample forms provided are not official and are solely for informational purposes. You must complete the official Form 7 as outlined in Chapter 2.

**DEPARTMENT OF THE TREASURY
BUREAU OF ALCOHOL, TOBACCO AND FIREARMS
APPLICATION FOR LICENSE
UNDER 18 U.S.C. CHAPTER 44, FIREARMS**

INSTRUCTION SHEET FOR ATF FORM 7

1. PRINT with ball-point pen or typewriter. All attached sheets must:
 - a. Be identified with your name, address and Employer Identification Number/Social Security Number at the top of the page.
 - b. Refer to the question being answered
2. A license under 18 U.S.C. Chapter 44:
 - a. Is NOT a license to carry, use, or possess a firearm.
 - b. Confers NO right or privilege to conduct business or activity contrary to State or other law.
 - c. Is a business license and will not be issued to an applicant solely intending to enhance a personal firearms collection. Applicants for a collector of curios or relics license must use ATF F 7CR.
 - d. Is not a license to sell ammunition only.
 - e. Is not a license to buy and sell firearms at gun shows only.
3. In most cases, ATF will contact you prior to issuance of license. If you do not qualify for a license, you will be advised of the reasons and your application fee will be returned.
4. Applicants must submit copy 2 of this form to the Chief Law Enforcement Officer (CLEO) of the locality in which the premises sought to be licensed are located. The CLEO is the Chief of Police, the Sheriff, or an equivalent officer, or the designee of such individual.
5. State laws or local ordinances may have requirements affecting your proposed firearms business. Contact your local authorities for specific information on their requirements. See Item 24.
6. The certification in Item 25 must be signed by the owner, a partner, or in the case of a corporation, association, etc., by an officer duly authorized to sign for the applicant.
7. Applicants intending to import firearms must register with ATF under the provisions of the Arms Control Export Act. Contact the Firearms and Explosives Imports Branch at (202) 927-8320 for further information on registration.
8. Applicants intending to deal in, import, or manufacture weapons subject to the National Firearms Act (e.g., machine-guns, short-barrel shotguns, and destructive devices) are required to pay a Special (Occupational) Tax. Contact the National Firearms Act Branch at (202) 927-8330.
9. **IMPORTANT!!!** A completed FD-258 (Fingerprint Identification Card) and photo for each responsible person including sole proprietors must accompany this application. Fingerprints must be clear for accurate classification and taken by someone properly equipped to take them. The photo must be 2" x 2" frontal view taken within the last 6 months. Please identify each photograph with the name of the responsible person and attach to upper right hand corner of page 1, copy 1.

IN ADDITION TO A SOLE PROPRIETOR, A RESPONSIBLE PERSON IS:

- a. In the case of a corporation, partnership, or association, any individual possessing, directly or indirectly, the power to direct or cause the direction of the management, policies, and practices of the corporation, partnership, or association, insofar as they pertain to firearms; and
 - b. In the case of a corporation, association, or similar organization, any person owning ten percent or more of the outstanding shares of stock issued by the applicant; and, the officers and directors thereof.
10. **MULTIPLE LICENSES** – You can apply for more than one license by checking more than one type in Item 10, provided that the fee for each type is paid and the business is to be conducted at the same location. **MULTIPLE LOCATIONS** – A separate application and license fee is required for each business location.
 11. This form requires your authorization to release certain information to ATF such as medical information/records (*See Item 25*). This information is used to determine whether the applicant has ever been adjudicated as a mental defective or committed to any mental institution. This information is protected by the Privacy Act of 1974 and cannot be disclosed without your written authorization.
 12. PLEASE FORWARD THE APPLICATION WITH FEE, PHOTOGRAPH(S), AND FINGERPRINT CARD(S) TO:

**BUREAU OF ALCOHOL, TOBACCO AND FIREARMS
P.O. BOX 845219
DALLAS, TEXAS 75284-5219**

MAKE YOUR CHECK OR MONEY ORDER PAYABLE TO THE BUREAU OF ALCOHOL, TOBACCO AND FIREARMS.
NO POSTDATED CHECKS PLEASE

IF YOU HAVE ANY QUESTIONS RELATING TO THIS APPLICATION, PLEASE CONTACT THE ATF NATIONAL LICENSING CENTER, P.O. BOX 2994, ATLANTA, GEORGIA 30301-2994, (404) 679-5040, OR YOUR LOCAL ATF REGULATORY ENFORCEMENT OFFICE.

DEFINITIONS

1. Restraining Order - Under 18 U.S.C. 922 firearms may not be sold to or received by persons subject to a court order that: (A) was issued after a hearing of which the person received actual notice and had an opportunity to participate; (B) restrains such person from harassing, stalking or threatening an intimate partner or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child; and (C) (i) includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child; or (ii) by its terms explicitly prohibits the use, attempted use, or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury.
2. Intimate Partner – With respect to a person, the spouse of a person, a former spouse of the person, an individual who is a parent of a child of the person, and an individual who cohabitates or has cohabitated with the person.
3. Misdemeanor Crime of Domestic Violence - A crime that is a misdemeanor under Federal or State law and has, as an element, the use or attempted use of physical force, or the threatened use of a deadly weapon, committed by a current or former spouse, parent, or guardian of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, parent, or guardian, or by a person similarly situated to a spouse, parent, or guardian of the victim. The term includes all misdemeanors that involve the use or attempted use of physical force (*e.g., simple assault, assault and battery*), if the offense is committed by one of the defined parties. The person is NOT considered to have been convicted of such crime unless the person was represented by a lawyer or gave up the right to a lawyer, and, if the person was entitled to a jury trial, was tried by a jury or gave up the right to a jury trial.

PRIVACY ACT INFORMATION

The following information is provided pursuant to Section 3 of the Privacy Act of 1974 (5 U.S. C. §552a(e)(3)):

1. AUTHORITY: Solicitation of this information is authorized pursuant to 18 U.S.C. §923(a) of the Gun Control Act of 1968. Disclosure of this information is mandatory if the applicant wishes to obtain a Federal firearms license.
2. PURPOSE: To determine the eligibility of the applicant to obtain a firearms license, to determine the ownership of the business, the type of firearms or ammunition to be dealt in, the business hours, the business history and the identity of the responsible person in the business.
3. ROUTINE USES: The information will be used by ATF to make determinations set forth in paragraph 2. In addition, information may be disclosed to other Federal, State foreign and local law enforcement and regulatory agency personnel to verify information on the application and to aid in the performance of their duties with respect to the enforcement and regulation of firearms and/or ammunition where such disclosure is not prohibited by law. The information may further be disclosed to the Justice Department if it appears that the furnishing of false information may constitute a violation of Federal law. Finally, the information may be disclosed to members of the public in order to verify the information on the application when such disclosure is not prohibited by law.
4. EFFECTS OF NOT SUPPLYING INFORMATION REQUESTED: Failure to supply complete information will delay processing and may result in denial of the application.

The following information is provided pursuant to Section 7(b) of the Privacy Act of 1974:

Disclosure of the individual's social security number is voluntary. Under 18 U.S.C. §923(a), ATF has the authority to solicit this information. The number

PAPERWORK REDUCTION ACT NOTICE

This request is in accordance with the Paperwork Reduction Act of 1995. The information collection is used to determine the eligibility of the applicant to engage in certain operations, to determine location and extent of operations, and to determine whether the operations will be in conformity with Federal laws and regulations. The information requested is required to obtain or retain a benefit and is mandatory by statute (18 U.S.C. 923).

The estimated average burden associated with collection is 1 hour and 15 minutes per respondent or recordkeeper, depending on individual circumstances. Comments concerning the accuracy of this burden estimate and suggestions for reducing this burden should be directed to Reports Management Officer, Documents Services Branch, Bureau of Alcohol, Tobacco and Firearms, Washington, DC 20226.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

Appendix D

Printable
Wall Sign
(Mandatory, Print on Yellow)

DEPARTMENT OF THE TREASURY
BUREAU OF
ALCOHOL, TOBACCO & FIREARMS

n **otice**

under Federal law purchasers must:

- **be 18 to buy long guns and ammunition**
- **be 21 to buy handguns and
handgun ammunition**
- **show identification having their name,
age, and place of residence on it**
- **fill out and sign the Firearms Transaction
Record, Form 4473, only for gun
purchases**

**giving the dealer false information
could result in a \$5,000 fine, 5 years
imprisonment, or both.**



Appendix E

Printable Bound Book and Assembly Instructions

General Information on the Bound Book

The “Bound Book,” or Acquisition and Disposition Log, is one of the key records that an FFL must maintain. If you ordered the hard copy of this kit, you have received a bound book with it, and with both versions, you have the pages to print your own in a separate appendix, which you can get bound at a local office supply store. If you don’t want to hassle with building it yourself, you can order bound books from Franklin Miami Publishing, LLC at (for \$3.97 each at the time of this writing; subject to change):

<http://franklinmiamipublishing.com/bounbookforf.html>

The bound book is where you record information about firearms you receive or sell. If you decide to move a firearm into your personal collection, or from your personal collection into your business, you should also record it here. Although you do not need to file a Form 4473 for dispositions from your personal collection, you should never use sales from your personal collection as a way to avoid filing the form, and you must record the transfer from your business into your personal collection in your bound book at least 1 year prior to the sale.

Many FFLs use separate bound books for repairs or gunsmithing. Some even use different ones for different brands or types of firearms, especially if they maintain a large inventory. You may keep more than one bound book.

From the time of an acquisition or disposition, you have seven days to record the entry in the bound book, assuming you have good records of all the relevant information at the time of transfer, but I strongly recommend against this. There are too many ways to forget or lose information, so I think the only good business practice is to record everything in the bound book immediately.

If you loan or rent firearms for use only on your premises (for instance, at a shooting range), you do not need to record the loan or rental as a disposition unless the firearms will leave your premises.

Instructions for Assembling the Bound Book

On the following pages you will find five different templates for use in printing your bound book (click on item name below to go to it):

- 1) The “Front Cover.” This says “DATES COVERED:” in the upper left corner.
- 2) “Instructions Page 1.” This says “Gun Dealer’s Basic Guide” on the first line.
- 3) “Acquisitions Page.” This says “ACQUISITION RECORD” in the upper right corner.
- 4) “Dispositions Page.” This says “DISPOSITION RECORD” in the upper right corner.
- 5) “Instructions Page 2.” This says “Lost or Stolen Firearms” in the upper left corner.

To print the bound book, you will need the following supplies:

- 2 Pages of 8-1/2” x 11” Card Stock
- 11 or more pages of white paper
- Equipment to bind the book. You can also get office supply stores or Kinko’s to bind the book(s) for you, in which case you don’t need this. They charge around \$2 or \$3 for doing this.

Printing Instructions:

- 1) Print the “Front Cover” on one of the sheets of card stock.
- 2) Print “Instructions Page 1” on one side of one of the sheets of white paper.
- 3) Print “Acquisitions Page” on the other side of the sheet printed in Step 2.
- 4) Print “Dispositions Page” on one side of one of the sheets of white paper.
- 5) Print “Instructions Page 2” on the other side of the sheet printed in Step 4.
- 6) With the rest of the white pages, print “Acquisitions Page” on one side, and “Dispositions Page” on the other side.

Assembly Instructions:

- 7) Lay the “Front Cover” printed side down on your work area.
- 8) Lay the sheet printed in Steps 2-3 on top of the “Front Cover” with the “Instructions Page 1” side down.
- 9) Lay the sheets printed in Step 6 on top of the pages from Steps 7-8, with the “Dispositions Page” side down for all sheets.
- 10) Lay the sheet printed in Steps 4-5 on top of the pages from Steps 7-9, with the “Dispositions Page” side down.
- 11) Lay the blank sheet of Card Stock on top of the stack
- 12) Turn the stack over. When it’s bound, this is how it should look.

When you open the book to the Acquisitions and Dispositions pages, you should see one complete sheet, with the Acquisitions Page on the left and the Dispositions Page on the right.

As you record firearms through the purchase and sale process, you should follow one line all the way across for each firearm. This is the reason that the identifying information is

only on the Acquisitions side; you can see that information from the Dispositions side by following the line across to the left for that firearm.

When deciding how many sheets to include and what size and type of binding to use, be generous. You should make sure that you can lay the book out flat with the two pages visible without having to hold it in place – trust me, this will make your life much easier.

DATES COVERED: _____ TO _____

BOOK # _____ OF _____

FIREARMS RECORD BOOK

ACQUISITION AND DISPOSITION RECORDS

Franklin Miami Publishing, LLC
Frisco, TX

to reorder, go to: www.FranklinMiamiPublishing.com/bounbookforf.html

Gun Dealer's Basic Guide To Federal Recordkeeping Requirements

The following Federal requirements are general guidelines intended for quick reference; they are neither all-inclusive nor cover all situations that a dealer may encounter. Consult the law and expanded regulations in the free ATF publication "Federal Firearms Regulations" (ATF 5300.4). The appropriate references are in 27 CFR 178. For even more detailed information, contact the BATF.

Records You Must Keep

Firearms

1. Keep a separate permanent "bound book" record of all firearms received and disposed of. [Note: Use this "Firearms Record Book" to enter all guns purchased for resale (or for transfer to dealer's own personal collection) and all those received in pawn. Gunsmiths use the special "Gunsmith Record Book" for guns kept overnight (or longer) for repair. The "Collector Record Book" is used only by licensed "Collectors" who deal only in "Curios and Relics."] A bound book should be either permanently bound or an orderly arrangement of loose-leaf pages. It must be maintained on the business premises.
 - a. Firearms are to be logged in when received and logged out as they are disposed of [178.125(e)]. This publication contains sample bound book entries showing some types of firearms transactions, including both acquisitions and dispositions.
 - b. Keep these records permanently if you are a manufacturer or importer; for 20 years after the date of disposition for all other licensees.
2. Prepare ATF Form 4473, "Firearms Transaction Record," covering the transfer of each firearm to a nonlicensed person. Because Form 4473 is the most important record you will keep, you should read the instructions carefully and complete each form fully.
 - a. These complete Forms 4473 must also be kept just as the permanent record described in item 1.
 - b. Use yellow Form 4473 (Part I) for over-the-counter sales; use green Form 4473 (Part II) for non-over the counter intrastate sales (shipping) (178.124).

Transfers Between Licensees

1. Generally, licensees may freely buy and sell firearms among themselves.
 - a. Licensees do not have to prepare Forms 4473 on transfers to other licensees.
 - b. Transactions between licensees must be recorded in the bound book record.
 - c. The licensee to receive the firearms shall furnish a copy of his license to the licensee selling or otherwise disposing of the firearms prior to making the transaction (178.94, 178.95).
 - d. Licensees may ship interstate to other licensees.

- e. As a firearms dealer, you may take orders for firearms at any location, but THE ORDER MUST BE FILLED ONLY AT YOUR LICENSED PREMISES.
- f. Licensees may make sales at gun shows held in the State where the licensed premises are located (178.100).

Know Your Customer

1. Identify the buyer before delivering any firearm or ammunition (178.124, 178.125).
2. A social security card, alien registration card, or military identification alone does not contain sufficient information to identify a firearms purchaser. However, a firearms purchaser may be identified by any combination of documents which together establish all the required information: Name, Residence Address, Date of Birth or Age, and Signature.

Age Requirements

Under Federal Law, the minimum age for purchasers of firearms and ammunition may be either 18 or 21 years, depending on the item being purchased.

1. You may not sell a handgun or handgun ammunition to persons under 21 years of age.
2. You may not sell shotguns or rifles, or shotgun or rifle ammunition, to persons under 18 years of age.
3. You may sell ammunition that is interchangeable between rifles and handguns to a purchaser who is at least 18 years of age if you are satisfied that he or she will use the ammunition in a rifle (178.99). Regardless of less restrictive State and local age requirements for firearms and ammunition purchasers, licensees must adhere to the above Federal minimum age provisions.

Residency Requirements for Nonlicensee

1. If you sell or deliver a handgun to a nonlicensed person, that person must be a resident of, and located in, the State in which your licensed premises is located (178.99).
2. If you sell or deliver a *ripe or shotgun* to a nonlicensed person, that person may be a resident of any State provided the sale is an over-the-counter transaction at the licensee's premises and the sale complies with the laws at the place of sale and with the laws where the purchaser resides. [178.96(c)].

Prohibited Sales

1. In addition to the requirements above, you may not lawfully sell or dispose of any firearm or ammunition to certain types of persons: e.g. convicted felons. See ATF Form 4473, questions 8a through 8h.
2. If any of your customers would violate any State law or local ordinance that applies at the place where you sell or deliver, by purchasing or possessing any firearm or ammunition, then, under Federal law, you may not lawfully sell or deliver any firearms or ammunition to that customer [Federal law 922(b)(2)].

Lost or Stolen Firearms

If firearms are lost or stolen, you should immediately contact your local law enforcement authorities. Then fill out and submit ATF Form 3310.6.

Report Multiple Handgun Sales

1. The delivery of more than one handgun to the same individual (nonlicensee) within 5 consecutive business days must be reported to the ATF on ATF Form 3310.4, "Report of Multiple Sale or Other Disposition of Pistols and Revolvers."
2. On the day that the multiple sale or other disposition takes place, the dealer shall forward two copies of Form 3310.4 to the ATF office specified thereon and one copy to the State police or to the local law-enforcement agency in which the sale or other disposition took place [27 CFR Part 178.126(a)].
3. Form 3310.4 will not be used when handguns are returned to the person from whom they were received.

Sales of Firearms to Law Enforcement Officers

Section 925(a)(1) of the Gun Control Act exempts law enforcement agencies from the transportation, shipment, receipt, or importation controls of the Act when firearms are to be used for the official business of the agency.

If a law enforcement officer is issued a certification letter on the agency's letterhead signed by a person in authority within his agency stating that the officer will use the firearms in performance of his official duties, then that officer specified in the certification may purchase a firearm from you regardless of the State in which the agency is located. The seller is not required to prepare a Form 4473 covering such a sale; however, the transaction must be entered in the permanent record. The certification letter from the officer must be kept in your files.

The Bureau considers the following as persons having authority to make certifications that the law enforcement officer purchasing the firearms will use the firearms in performance of his or her official duties:

1. In a City or County Police Department, the Director of Public Safety or the Chief or Commissioner of Police
2. In a Sheriff's office, the Sheriff.
3. In a State Police or Highway Patrol Department, the Superintendent or the Supervisor in charge of the office to which the State officer or employee is assigned.
4. In Federal law enforcement offices, the Supervisor in charge of the office to which the Federal officer or employee is assigned.

The Bureau would also recognize someone signing on behalf of a person of authority providing there is a proper delegation of authority and overall responsibility has not changed in any way.

NOTES:

Appendix F

Summary of FFL Recordkeeping Requirements

Basic Recordkeeping Requirements

As an FFL (Type 01), you may be required to keep or file any of the following forms. For more detail and sample copies of the forms (except the Bound Book, which is in a separate appendix), please click the blue, underlined name. Please note that some forms, such as Form 4473, must be completed on the ATF-provided forms, but samples have been included in this appendix so that you can see what information the form requires.

No records are required for sales of ammunition, except for armor-piercing ammunition.

It is also a federal violation (not just a state or local violation) to sell or deliver any firearm or ammunition in violation of state or local law. Only federal requirements are covered here.

To order copies of any required forms from BATF, please go to:

<http://www.atf.treas.gov/dcof/index.htm>

- [Bound Book\(s\)](#) – Acquisition and Disposition Records
- [ATF Form 3310.4](#) – Report of Multiple Sale or Disposition of Pistols and Revolvers
- [ATF Form 3310.11](#) and [ATF Form 3310.11A](#) – FFL Theft or Loss Report and Continuation Form
- [ATF Form 4473 \(aka Form 5300.9\)](#) – Firearms Transaction Record
- [ATF Form 5300.38](#) – Application for Amended Federal Firearms License
- [ATF Form 5300.42](#) – Certification of Secure Gun Storage or Safety Devices
- [ATF Form 5310.12 \(aka Form 7\)](#) – Application for License (FFL)
- [FBI FD-258](#) – FBI Applicant Fingerprint Card

The Bound Book

The “Bound Book,” or Acquisition and Disposition Log, is one of the key records that an FFL must maintain. If you ordered the hard copy of this kit, you have received a bound book with it, and with both versions, you have the pages to print your own in a separate appendix, which you can get bound at a local office supply store. If you don’t want to hassle with building it yourself, you can order bound books from Franklin Miami Publishing, LLC at:

<http://franklinmiamipublishing.com/bounbookforf.html>

The bound book is where you record information about firearms you receive or sell. If you decide to move a firearm into your personal collection, or from your personal collection into your business, you should also record it here. Although you do not need to file a Form 4473 for dispositions from your personal collection, you should never use sales from your personal collection as a way to avoid filing the form, and you must record the transfer from your business into your personal collection in your bound book at least 1 year prior to the sale.

Many FFLs use separate bound books for repairs or gunsmithing. Some even use different ones for different brands or types of firearms, especially if they maintain a large inventory. You may keep more than one bound book.

From the time of an acquisition or disposition, you have seven days to record the entry in the bound book, assuming you have good records of all the relevant information at the time of transfer, but I strongly recommend against this. There are too many ways to forget or lose information, so I think the only good business practice is to record everything in the bound book immediately.

If you loan or rent firearms for use only on your premises (for instance, at a shooting range), you do not need to record the loan or rental as a disposition unless the firearms will leave your premises.

If you prefer to maintain computerized records in lieu of a bound book, your Regional Director for Compliance or another appropriate ATF official must approve a request for a recordkeeping variance (*see 27 CFR 178.22 and 178.125(h)*).

As of the time of this writing, the printable bound book and assembly instructions are included in Appendix E, but I might forget to update this note later, so if it’s not there look nearby that appendix.

ATF Form 3310.4

Report of Multiple Sale or Disposition of Pistols and Revolvers

This is the form you must file if any non-FFL buys two or more pistols, revolvers or a combination thereof, that are not returned to you, within five consecutive business days.

By the close of business on the day of the second sale, you must send two copies of Form 3310.4 to the ATF office listed on the form and one copy to the State police or to the local law enforcement agency in which the sale or other disposition took place, or to a particular official who has been designated to receive Forms 3310.4 by local law enforcement. You also must retain one copy of Form 3310.4 and attach it to the firearms transaction record, Form 4473, executed upon delivery of the pistols or revolvers.

Example 1. A licensee sells a pistol and revolver in a single transaction to an unlicensed person. This is a multiple sale and must be reported not later than the close of business on the date of the transaction.

Example 2. A licensee sells a pistol on Monday and sells a revolver on the following Friday to the same unlicensed person. This is a multiple sale and must be reported not later than the close of business on Friday. If the licensee sells the same unlicensed person another pistol or revolver on the following Monday, this would constitute an additional multiple sale and must also be reported.

Example 3. A licensee maintaining business hours on Monday through Saturday sells a revolver to an unlicensed person on Monday and sells another revolver to the same person on the following Saturday. This does not constitute a multiple sale and need not be reported since the sales did not occur during five consecutive business days.

**DEPARTMENT OF THE TREASURY
BUREAU OF ALCOHOL, TOBACCO AND FIREARMS
REPORT OF MULTIPLE SALE OR OTHER DISPOSITION OF PISTOLS AND REVOLVERS**

(Please complete all information)

1. FEDERAL FIREARMS LICENSEE (FFL) NUMBER, BUSINESS OR TRADE NAME AND ADDRESS <i>(include number, street, city, State and ZIP Code)</i> <i>(Recommend use of rubber stamp identifying your FFL name and address as it appears on your Federal Firearms License)</i>	2. DATE TRANSFERRED <div style="background-color: #cccccc; height: 60px; width: 100%;"></div>
---	--

3. HANDGUNS ACQUIRED IN THE LAST FIVE BUSINESS DAYS				
TYPE <i>(Pistol or Revolver)</i>	SERIAL NUMBER	MANUFACTURER & IMPORTER	MODEL	CALIBER

4. TRANSFEREE'S NAME *(Last, first, middle)*

5. RESIDENCE ADDRESS <i>(Number, street, city, county, State, ZIP Code)</i>	6. SEX	7. RACE
8. IDENTIFICATION NUMBER		

9. TYPE OF IDENTIFICATION	10. ID STATE	11. DATE OF BIRTH	12. PLACE OF BIRTH <i>(City, county state, country)</i>
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WHEN FAX IS AVAILABLE, PLEASE FAX TO 1-877-283-0288 OTHERWISE MAIL TO THE ADDRESS PRE-PRINTED ON REVERSE.

INSTRUCTIONS

1. This form is to be used by licensees to report all transactions in which an unlicensed person has acquired two or more pistols and/or revolvers at one time or during five consecutive business days.
2. A separate form is to be submitted for each unlicensed person.
3. Complete items 1- 12.
4. **The report is to be submitted to:**
 - a. Copy 1 - The National Tracing Center no later than the close of business on the day that the multiple sale or other disposition occurs. FAX this form to 1-877-283-0288 or see the reverse side of this form for the address of the National Tracing Center.
 - b. Copy 2 - The official designated by the State or local authorities to receive the form, or in the absence of such designation, to the department of State police or State law enforcement agency in the jurisdiction where the handgun transfer occurred.
 - c. Copy 3 - Retain for your official records.
5. Additional forms may be obtained through the ATF Distribution Center, P.O. Box 5950, Springfield, Virginia 22150, (703) 455-7801.

DEPARTMENT OF THE TREASURY
BUREAU OF ALCOHOL, TOBACCO AND FIREARMS
NATIONAL TRACING CENTER
P.O. BOX 1061
FALLING WATERS, W V 25419-1061

AFFIX
POSTAGE
HERE

(FOLD ON THIS LINE)

PAPERWORK REDUCTION ACT NOTICE

This request is in accordance with the Paperwork Reduction Act of 1995. The information collection documents certain sales or other dispositions of handguns for law enforcement purposes. The information is used to determine if the buyer (*transferee*) is involved in a unlawful activity, or is a person prohibited by law from obtaining firearms. The information requested is mandatory and required by statute (18 U.S.C. 923(g)).

The estimate average burden associated with this collection is 12 minutes per respondent or recordkeeper, depending on individual circumstances. Comments concerning the accuracy of this burden estimate and suggestions for reducing this burden should be directed to Reports Management Officer, Document Services Branch, Bureau of Alcohol, Tobacco and Firearms, Washington, D.C. 20226.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

ATF Form 3310.11 and 3310.11A

FFL Theft or Loss Report and Continuation Form

This is the form on which you can report the theft or loss of a firearm. You **must** report a theft or loss to local law enforcement and to the ATF Firearms Theft Hotline at 1-800-800-3855, and you must file ATF Form 3310.11.

You should also report the theft or loss in your bound book with the ATF Theft Hotline Incident Number, your local law enforcement agency's incident number, and whether it is lost or stolen. If they are returned to you, you should record them as an acquisition.

It is important in filling out the Form 3310.11 that you accurately reflect whether the firearm was stolen or lost. If lost or missing, check the "other" block under the "description of incident" section to so indicate. If it is designated as stolen, it will be entered into the NCIC (National Crime Information Center) database, and if someone is found with the firearm they most likely will be arrested.

If you are reporting more firearms than can fit on the the Form 3310.11, use the continuation sheet ATF Form 3310.11A.

If a firearm previously reported as lost or stolen is recovered, contact the ATF and local law enforcement to let them know.

Frequent inventories are recommended to guard against employee theft.

For more details on theft or loss, please see Appendix M, "Safety & Security Information

**DEPARTMENT OF THE TREASURY
BUREAU OF ALCOHOL, TOBACCO AND FIREARMS
FEDERAL FIREARMS LICENSEE THEFT/LOSS REPORT**

All entries must be in ink. Please read notices and instructions on reverse carefully before completing this form.

SECTION A - FEDERAL FIREARMS LICENSEE INFORMATION

FEDERAL FIREARMS LICENSE NUMBER	FEDERAL FIREARMS LICENSEE TELEPHONE NUMBER <i>(Include area code)</i>
TRADE/CORPORATE NAME AND ADDRESS OF FEDERAL FIREARMS LICENSEE <i>(Address should reflect the number, street address, city, State and ZIP code)</i>	

NAME, ADDRESS AND TELEPHONE NUMBER OF PERSON MAKING REPORT *(Address should reflect the number, street address, city, State and ZIP code. Include area code in the telephone number.)*

SECTION B - THEFT/LOSS INFORMATION

	DATE	TIME	DESCRIPTION OF INCIDENT
DISCOVERED			<input type="checkbox"/> ROBBERY <input type="checkbox"/> LARCENY
POLICE REPORT NUMBER			<input type="checkbox"/> BURGLARY <input type="checkbox"/> OTHER
REPORTED TO ATF HOTLINE			ATF HOTLINE INCIDENT NUMBER

NAME AND ADDRESS OF LOCAL AUTHORITY TO WHOM REPORTED

SECTION C - DESCRIPTION OF FIREARMS

ACQUISITION DATE	MANUFACTURER	MODEL	CALIBER/GAUGE	SERIAL NUMBER

CERTIFICATION

I HEREBY CERTIFY THAT THE ABOVE INFORMATION IS TRUE AND CORRECT. I ALSO UNDERSTAND THAT FAILURE TO REPORT THE THEFT OR LOSS OF A FIREARM FROM MY INVENTORY OR COLLECTION WITHIN 48 HOURS AFTER THE THEFT OR LOSS IS DISCOVERED IS A VIOLATION OF 18 U.S.C. § 923 (g)(6) PUNISHABLE AS A FELONY.

AUTHORIZED SIGNATURE	DATE
----------------------	------

IMPORTANT NOTICE

Section 923 (g), Title 18 U.S.C., requires each Federal Firearms Licensee (FFL) to report the theft/loss of a firearm from the licensee's inventory or from the collection of a licensed collector, within 48 hours of discovery to the **Bureau of Alcohol, Tobacco and Firearms (ATF)** by calling 1-800-800-3855 and to **local law enforcement authorities**.

FFLs who report a firearm as missing and later discover its whereabouts should advise ATF that the firearms have been located. Licensees reporting theft/loss of firearms registered under the National Firearms Act must provide written notification to the National Firearms Act Branch, pursuant to 27 C.F.R. § 179.141.

This form should not be used by common carriers for reporting the theft/loss of firearms. Thefts/losses from interstate shipments must continue to be reported on ATF F 3310.6, Interstate Firearms Shipment Report of Theft/Loss.

INSTRUCTIONS TO FEDERAL FIREARMS LICENSEES

1. FFLs must report the theft/loss of firearms to the ATF Theft Hotline Number (1-800-800-3855) within 48 hours of discovery.
2. This form is to be used to provide written notification of firearms thefts/losses in **addition to** reporting firearms thefts/losses to the ATF Theft Hotline. Document the date that you report the information to the ATF Theft Hotline in Section A of this form. An ATF Theft Hotline representative will provide you with an ATF Theft Hotline Incident Number. That number must be recorded in Section A of this form. **This form must be forwarded to the address referenced in item 5 within 48 hours of discovery.**
3. A separate form is required for each theft/loss report. This form must be prepared in ink, signed, and dated. Please use ATF F 3310.11A, Federal Firearms Licensee Theft/Loss Report Continuation Sheet, when the number of lost/stolen firearms exceeds the space allowed in Section C.
4. The description of the lost or stolen firearms provided in Section B of this form should be identical to the information contained in the Record of Acquisition and Disposition required by 27 CFR Part 178 Subpart H.
5. Upon completion, the original must be forwarded to the following address:

**Bureau of Alcohol, Tobacco and Firearms
Tech World Post Office
Post Office Box 50220
Washington, D.C. 20226**

6. Copy 1 should be removed and retained as part of the licensee's permanent records.
7. FFLs must reflect the theft/loss as a disposition entry in the Record of Acquisition and Disposition required by 27 CFR Part 178, Subpart H. The disposition entry should indicate whether the incident is a theft or loss, the ATF Theft Hotline Report Number, and the Incident Number provided by the local law enforcement agency.
8. Should any of the firearms be located, they should be re-entered into the Record of Acquisition and Disposition as an acquisition entry.
9. Additional forms may be obtained through the ATF Distribution Center, P.O. Box 5950, Springfield, Virginia, 22150-5950, (703) 455-7801.

PAPERWORK REDUCTION ACT NOTICE

The information required on this form is in accordance with the Paperwork Reduction Act of 1995. The purpose of this information is to provide notification to ATF of the theft or loss of firearms from the inventory of a Federal firearms licensee and from the collection of a licensed collector. The information is subject to inspection by ATF offices. The information on this form is required by 18 U.S.C. 923(g)(6).

The estimate average burden associated with this collection is 24 minutes per respondent or recordkeeper, depending on individual circumstances. Comments concerning the accuracy of this burden estimate and suggestions for reducing this burden should be directed to Reports Management Officer, Document Services Branch, Bureau of Alcohol, Tobacco and Firearms, Washington, DC, 20226.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

ATF Form 4473 (aka Form 5300.9)

Firearms Transaction Record

This is one of the three things you will do with virtually every transaction (the others are the NICS Check and the Bound Book entry). There are two versions of this form – Part I for Over-the-Counter transactions and Part II for Non-Over-the-Counter transactions. An “Over-the-Counter Transaction” is “[t]he sale or disposition of a firearm by a seller to a buyer, occurring on the seller’s licensed premises....”

This form is primarily used as a checklist to make sure that your customer is eligible to buy a firearm from you. Its secondary purpose is to aid law enforcement investigations and inspections.

You should have the buyer complete Section A, and then proceed with your NICS check. You will need the information from this check for completing questions 19-21. A “delayed” response from the NICS check means that you must wait three business days before delivering the firearm, and only then if you do not receive any subsequent information (before the three business days are up) that the transfer should not be completed.

If the sale is completed, you must keep the form 4473 on file for 20 years, and if it is denied by NICS, you must keep it on file for 5 years.

The NICS check is valid for 30 days, so if the transaction is not concluded within that time period, you must do a new check.

The NICS check is not required for holders of a current, valid, state-issued concealed carry permit or for permits specifically authorizing the purchase of a firearm. The permit must have been issued within the last 5 years.

Special Note for Pawnbrokers: The return of consigned firearms is treated by the ATF as a transfer or disposition, so you must complete Form 4473 and an NICS check when returning the firearm to an unlicensed person.

The return of a repaired or replacement firearm does not require a Form 4473 or NICS check. This exception does not apply if the firearm is returned and exchanged for a different firearm.

Note: If you are selling more than one pistol or revolver to the same person within five business days, you also need to fill out ATF Form 3310.4.

Note: If you are selling a firearm to a non-U.S. citizen, there are special requirements that must be met in order for the person to be eligible to purchase the firearm from you, and some of these have changed in 2002. Please refer to Appendix V for more information on selling to a non-U.S. citizen.

If you are selling firearms from your personal collection, and if you recorded a transfer of these firearms to your personal collection from your business, if applicable, more than 1 year prior to the sale, no Form 4473 or NICS check is required. I don't have legal authority for this, but I'm sure it says somewhere that doing this for the purpose of avoiding reporting requirements is illegal, and even if it's not, it just is not a good idea. If this is legitimately a personal firearm, then fine, but if you're following this path because of concerns about your buyer or to avoid reporting, you are asking for problems.

**DEPARTMENT OF THE TREASURY
BUREAU OF ALCOHOL, TOBACCO AND FIREARMS
FIREARMS TRANSACTION RECORD PART I - OVER-THE-COUNTER**

Transferor's Transaction Serial Number

WARNING: You may not receive a firearm if prohibited by Federal or State Law. The information you provide will be used to determine whether you are prohibited under law from receiving a firearm.

Prepare in original only. All entries must be in ink. Read the Important Notices, Instructions and Definitions on this form.

Section A - Must Be Completed Personally By Transferee (Buyer)

1. Transferee's Full Name <i>(Last, First, Middle)</i> _____	2. Residence Address <i>(No., Street, City, County, State, ZIP Code; cannot be a post office box)</i> _____			
3. Place of Birth <i>(City, State or foreign country)</i> _____	4. Height _____ Weight _____	5. <input type="checkbox"/> Male <input type="checkbox"/> Female	6. Birth Date Month _____ Day _____ Year _____	7. Social Security Number <i>(Optional, but will help prevent misidentification.)</i> _____

8. Race *(Ethnicity)* *(Check one or more boxes)*

<input type="checkbox"/> American Indian or Alaska Native	<input type="checkbox"/> Black or African American	<input type="checkbox"/> Native Hawaiian or Other Pacific Islander
<input type="checkbox"/> Hispanic or Latino	<input type="checkbox"/> Asian	<input type="checkbox"/> White

9. What is your State of residence *(if any)*? _____ *(See Definition 5. If you are not a citizen of the United States, you have a State of residence only if you have resided in a State for at least 90 days prior to the date of this sale.)*

10. What is your country of citizenship? *(List more than one, if applicable.)* _____

11. If you are not a citizen of the United States, what is your INS-issued alien number or admission number? _____

Certification Of Transferee

12. Answer questions 12a through 12l by writing "yes" or "no" in the boxes to the right of the questions.

a. Are you the actual buyer of the firearm(s) listed on this form? Warning: You are not the actual buyer if you are acquiring the firearm(s) on behalf of another person. If you are not the actual buyer, the dealer cannot transfer the firearm(s) to you. <i>(See Important Notice 1 for actual buyer definition and examples.)</i>	
b. Are you under indictment or information in any court for a felony , or any other crime, for which the judge could imprison you for more than one year? <i>(An information is a formal accusation of a crime by a prosecutor. See Definition 3.)</i>	
c. Have you been convicted in any court of a felony , or any other crime, for which the judge could have imprisoned you for more than one year, even if you received a shorter sentence including probation? <i>(See Important Notice 6, Exception 1.)</i>	
d. Are you a fugitive from justice?	
e. Are you an unlawful user of, or addicted to, marijuana, or any depressant, stimulant, or narcotic drug, or any other controlled substance?	
f. Have you ever been adjudicated mentally defective <i>(which includes having been adjudicated incompetent to manage your own affairs)</i> or have you ever been committed to a mental institution?	
g. Have you been discharged from the Armed Forces under dishonorable conditions?	
h. Are you subject to a court order restraining you from harassing, stalking, or threatening your child or an intimate partner or child of such partner? <i>(See Important Notice 7.)</i>	
i. Have you been convicted in any court of a misdemeanor crime of domestic violence? <i>(See Important Notice 6, Exception 1 and Definition 4.)</i>	
j. Have you ever renounced your United States citizenship?	
k. Are you an alien illegally in the United States?	
l. Are you a nonimmigrant alien? <i>(See Definition 6.)</i>	

13. If you are a nonimmigrant alien, do you fall within any of the exceptions set forth in Important Notice 6, Exception 2?
 Yes No Not applicable *(If "yes," the licensee must complete question 18c.)*

I certify that the above answers are true and correct. I understand that answering "yes" to question 12a when I am not the actual buyer of the firearm is a crime punishable as a felony. I understand that a person who answers "yes" to any of the questions 12b through 12k is prohibited from purchasing or receiving a firearm. I understand that a person who answers "yes" to question 12l is prohibited from purchasing or receiving a firearm, unless the person also answers "yes" to question 13. I also understand that making any false oral or written statement, or exhibiting any false or misrepresented identification with respect to this transaction, is a crime punishable as a felony. I further understand that the repetitive purchase of firearms for the purpose of resale for livelihood and profit without a Federal firearms license is a violation of law. *(See Important Notice 8.)*

14. Transferee's Signature	15. Date
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Section B - Must Be Completed By Transferor (Seller)

16. Type of firearm(s) to be transferred:
 Handgun Long Gun Both

17. Location of sale if at a gun show. (See Instruction to Transferor 13.)
_____ (city, state)

18a. Type of Identification (e.g., driver's license or other valid government- issued photo identification.): _____

Number on Identification: _____
Expiration Date of Identification (if any) _____. (See Instruction to Transferor 1.)

18b. **Aliens only:** Types and dates of additional required identification (e.g., utility bills or lease agreements. See Instruction to Transferor 2.)

18c. **Nonimmigrant aliens only:** Type of documentation showing an exception to the nonimmigrant alien prohibition (e.g., hunting license/permit; waiver. See Instruction to Transferor 3.)

Question 19, 20, or 21 Must Be Completed Prior To The Transfer Of The Firearm(s) (See Instructions to Transferor 5-7.)

19a. The transferee's identifying information in Section A of this form was transmitted to NICS or the appropriate state agency on _____ (Date).

19b. The NICS or state transaction number (if provided) was:

19c. The reponse initially provided by NICS or the appropriate state agency was:
 Proceed Denied Delayed

19d. If initial NICS or state response was "Delayed," the following response was received from NICS or the appropriate state agency on _____ (Date)
 Proceed Denied No resolution was provided within 3 business days.

19e. The name and Brady identification number of the NICS examiner (if provided) _____ / _____ (optional)
(name) (number)

20. No NICS check was required because the transfer involved only NFA firearm(s). (See Instruction to Transferor 7.)

21. No NICS check was required because the buyer has a valid permit which qualifies as an exemption to NICS (See Instruction to Transferor 7.)
State Permit Type: _____ Date of Issuance: _____
Expiration Date (if any): _____ Permit Number: _____

Section C

If the transfer of the firearm(s) takes place on a different day from the date that the transferee signed Section A, the transferee must complete Section C immediately prior to the transfer of the firearm(s). (See Instruction to Transferee 3 & Instruction to Transferor 8.)

I certify that the answers I provided to the questions in Section A of this form are still true and correct.

22. Transferee's Signature _____

23. Date _____

Section D

24. Manufacturer and/or Importer	25. Model	26. Serial Number	27. Type (pistol, revolver, rifle, shotgun, etc.)	28. Caliber or Gauge

Complete ATF F 3310.4 For Multiple Purchases Of Handguns (See Instruction to Transferor 11.)

29. Trade/corporate name and address of transferor (Hand stamp may be used.) _____

30. Federal Firearms License Number (Hand stamp may be used.) _____

On the basis of (1) the statements in Section A; (2) my verification of identity noted in question 18a and my verification again at the time of transfer (if the transfer does not occur on the same day the verification was noted in question 18a); and (3) the information in the current State Laws and Published Ordinances, it is my belief that it is not unlawful for me to sell, deliver, transport, or otherwise dispose of the firearm(s) listed on this form to the person identified in Section A.

The Person Actually Transferring The Firearm(s) Must Complete Questions 31-34.

31. Transferor's Name (Please print.) _____

32. Transferor's Signature _____

33. Transferor's Title _____

34. Date Transfer is completed _____

IMPORTANT NOTICES

1. For purposes of this form, you are the actual buyer if you are purchasing the firearm for yourself or otherwise acquiring the firearm for yourself (for example, redeeming the firearm from pawn/retrieving it from consignment). You are also the actual buyer if you are acquiring the firearm as a legitimate gift for a third party. **ACTUAL BUYER EXAMPLES:** Mr. Smith asks Mr. Jones to purchase a firearm for Mr. Smith. Mr. Smith gives Mr. Jones the money for the firearm. Mr. Jones is NOT the actual buyer of the firearm and must answer "no" to question 12a. The licensee may not transfer the firearm to Mr. Jones. However, if Mr. Brown goes to buy a firearm with his own money to give to Mr. Black as a present, Mr. Brown is the actual buyer of the firearm and should answer "yes" to question 12a.
2. Under 18 U.S.C. § 922, firearms may not be sold to or received by certain persons. The information and certification on this form are designed so that a person licensed under 18 U.S.C. § 923 may determine if he or she lawfully may sell or deliver a firearm to the person identified in Section A, and to alert the buyer of certain restrictions on the receipt and possession of firearms. This form only should be used for sales or transfers where the seller is licensed under 18 U.S.C. § 923.
3. The Brady law, 18 U.S.C. § 922(t), requires that prior to transferring any firearm to an unlicensed person, a licensed importer, manufacturer or dealer must first contact the National Instant Criminal Background Check System (NICS). NICS will advise the licensee whether the system finds any information that the prospective purchaser is prohibited by law from possessing or receiving a firearm. For purposes of this form, contacts to NICS include contacts to State agencies that have been designated to conduct NICS checks for the Federal Government.
4. **WARNING:** Any seller who knowingly transfers a firearm to any person prohibited from receiving or possessing a firearm violates the law even if the seller has complied with the background check requirements of the Brady law.
5. The seller of a firearm is responsible for determining the lawfulness of the transaction and for keeping proper records of the transaction. Consequently, the seller should be familiar with the provisions of 18 U.S.C. §§ 921-930 and the regulations appearing in 27 CFR Part 178. In determining the lawfulness of the sale or delivery of a rifle or shotgun to a resident of another State, the seller is presumed to know applicable State laws and published ordinances in both the seller's State and the buyer's State.
6. The transferee of a firearm should be familiar with 18 U.S.C. § 922. Generally, § 922 prohibits the shipment, transportation, receipt, or possession in or affecting interstate commerce of a firearm by one who: has been convicted of a misdemeanor crime of domestic violence; has been convicted of a felony, or any other crime, punishable by imprisonment for a term exceeding one year (*this does not include State misdemeanors punishable by imprisonment of two years or less*); is a fugitive from justice; is an unlawful user of, or addicted to, marijuana or any depressant, stimulant, or narcotic drug, or any other controlled substance; has been adjudicated mentally defective or has been committed to a mental institution; has been discharged from the Armed Forces under dishonorable conditions; has renounced his or her U.S. citizenship; is an alien illegally in the United States or a nonimmigrant alien; or is subject to certain restraining orders. Furthermore, section 922 prohibits the shipment, transportation, or receipt in or affecting interstate commerce of a firearm by one who is under indictment or information for a felony, or any other crime, punishable by imprisonment for a term exceeding one year.

EXCEPTION 1: A person who has been convicted of a felony, or any other crime, for which the judge could have imprisoned the person for more than one year, or who has been convicted of a misdemeanor crime of domestic violence, is not prohibited from purchasing, receiving, or possessing a firearm if: (1) under the law where the conviction occurred, the person has been pardoned, the conviction has been expunged or set aside, or the person has had civil rights (*the right to vote, sit on a jury, and hold public office*) restored AND (2) the person is not prohibited by the law where the conviction occurred from receiving or possessing firearms. Persons subject to this exception should answer "no" to 12c or 12i, as applicable. A person who has been convicted of a misdemeanor crime of domestic violence also is not covered by the prohibition unless: (1) the person was represented by a lawyer or gave up the right to a lawyer; and (2) if the person was entitled to a jury, was tried by a jury or gave up the right to a jury trial. Persons subject to this exception should answer "no" to 12i.

EXCEPTION 2: A nonimmigrant alien is not prohibited from purchasing, receiving, or possessing a firearm if the alien: (1) is in possession of a hunting license or permit lawfully issued in the United States; (2) is an official representative of a foreign government who is accredited to the United States Government or their Government's mission to an international organization having its headquarters in the United States; or (3) has received a waiver from the prohibition from the Attorney General of the United States. (*See 18 U.S.C. § 922(y)(2) for additional exceptions.*) Persons subject to one of these exceptions should answer "yes" to questions 12i and 13 and provide the documentation requested by question 18c.

7. Under 18 U.S.C. § 922, firearms may not be sold to or received by persons subject to a court order that: (A) was issued after a hearing which the person received actual notice of and had an opportunity to participate in; (B) restrains such person

from harassing, stalking or threatening an intimate partner or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child; and (C)(i) includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child; or (ii) by its terms explicitly prohibits the use, attempted use, or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury. For purposes of this prohibition, an "intimate partner" of a person is: the spouse of the person, a former spouse of the person, an individual who is a parent of a child of the person, or an individual who cohabitates or has cohabited with the person.

8. Under 18 U.S.C. §§ 922 and 923, it is unlawful for a person to engage in the business of dealing in firearms without a license. A person is engaged in the business of dealing in firearms if he or she devotes time, attention, and labor to dealing in firearms as a regular course of trade or business with the principal objective of livelihood and profit through the repetitive purchase and resale of firearms. A license is not required of a person who only makes occasional sales, exchanges, or purchases of firearms for the enhancement of a personal collection or for a hobby, or who sells all or part of his or her personal collection of firearms.
9. Persons acquiring firearms for exportation should be aware that the State or Commerce Departments may require a license be obtained prior to exportation.

INSTRUCTIONS TO TRANSFEREE

1. The buyer must personally complete Section A of this form and certify (*sign*) that the answers are true and correct. However, if the buyer is unable to read and/or write, the answers (*other than the signature*) may be written by another person, excluding the seller. Two persons (*other than the seller*) must then sign as witnesses to the buyer's answers and signature.
2. When the buyer of a firearm is a corporation, company, association, partnership or other such business entity, an officer authorized to act on behalf of the business must complete Section A of the form with his or her personal information, sign Section A, and attach a written statement, executed under penalties of perjury, stating: (A) the firearm is being acquired for the use of and will be the property of that business entity, and (B) the name and address of that business entity.
3. If the transfer of the firearm takes place on a different day from the date that the buyer signed Section A, the seller must again check the photo identification of the buyer prior to the transfer, and the buyer must complete the certification in Section C at the time of transfer.
4. If the buyer is a member of the Armed Forces on active duty acquiring a firearm in the State where his or her permanent duty station is located, but does not reside at his or her permanent duty station, the buyer must list both his or her permanent duty station address and his or her residence address in response to question 2.

INSTRUCTIONS TO TRANSFEROR

1. **KNOW YOUR CUSTOMER:** Before a licensee may sell or deliver a firearm to a nonlicensee, the licensee must establish the identity, place of residence, and age of the buyer. The buyer **must** provide a valid government-issued photo identification to the seller that contains the buyer's name, residence address, and date of birth. The licensee must record the type, identification number, and expiration date (*if any*) of the identification in question 18a. A driver's license or an identification card issued by a State in place of a license is acceptable. Social security cards are not acceptable because no address, date of birth, or photograph is shown on the cards. If the buyer is a member of the Armed Forces on active duty acquiring a firearm in the State where his or her permanent duty station is located, but he or she has a driver's license from another State, you should list the buyer's military identification card and official orders showing where his or her permanent duty station is located in response to question 18a.
2. **SALE OF FIREARMS TO LEGAL ALIENS (PART 1):** A buyer who is not a citizen of the United States must provide additional documentation (*beyond a valid government-issued photo identification that contains the buyer's name, residence address, and date of birth*) to establish that he or she has resided in a State for at least 90 days prior to the date of the sale. *See Definition 5.* Examples of appropriate documents to establish State residency are utility bills from each of the last 3 months prior to the sale or a lease agreement which demonstrates 90 days of residency prior to the sale. (*A licensee may attach a copy of the documentation to the ATF F 4473, rather than record the type of documentation in question 18b.*)
3. **SALE OF FIREARMS TO LEGAL ALIENS (PART 2):** Even if a nonimmigrant alien can establish State residency, he or she is prohibited from receiving a firearm unless he or she falls within an exception to the nonimmigrant alien prohibition. *See Important Notice 6, Exception 2.* If a nonimmigrant alien claims to fall within one of these exceptions by answering "yes" to question 13, he or she must

provide the licensee with documentation of the exception (e.g., *hunting license/permit; waiver*). The licensee must record the type of documentation in question 18c and attach a copy of the document to the ATF F 4473. If the documentation is a hunting license/permit, the licensee must make sure it has not expired. An expired hunting license/permit does not qualify for the exception.

4. If the buyer's name is illegible, the seller must print the buyer's name above the name written by the buyer.
5. **NICS CHECK:** After the buyer has completed Section A of the form and the licensee has completed questions 16-18, and prior to transferring a firearm to a nonlicensee, the licensee must contact NICS in accordance with the instructions received from ATF (see *Instruction 7 below for NICS check exceptions.*) However, the licensee should NOT contact NICS and should stop the transaction if: the buyer answers "no" to question 12a; the buyer answers "yes" to any question in 12b-12l, unless the buyer only has answered "yes" to question 12l and also answers "yes" to question 13; or the buyer is unable to provide the documentation required by question 18a, b, or c.

At the time that NICS is contacted, the licensee should record in question 19a-c the date of contact, the NICS (or state) transaction number, and the response provided by NICS or the state. If the licensee receives a "delayed" response prior to transferring the firearm, the licensee must record in question 19d any response subsequently provided by NICS (or that no resolution was provided within 3 business days). (If the licensee receives a response from NICS after the firearm has been transferred, he or she may note this information on the ATF F 4473.) If the licensee receives a delayed response, he or she may record the name and Brady ID number of any NICS examiner who makes a follow up call in question 19e. **Note:** States acting as points of contact for NICS checks may use terms other than "proceed," "delayed," or "denied." In such cases, the licensee should check the box that corresponds to the state's response. Some states may not provide a transaction number for denials. However, in any case where a firearm is transferred within the three business day period, a transaction number is required.

6. **NICS RESPONSES:** If NICS provides a "proceed" response, the transaction may proceed. If NICS provides a "denied" response, the seller is prohibited from transferring the firearm to the buyer. If NICS provides a "delayed" response, the seller is prohibited from transferring the firearm unless 3 business days have elapsed and, prior to the transfer, NICS has not advised the seller that the buyer's receipt or possession of the firearm would be in violation of law. See 27 CFR § 178.102(a) for an example of how to calculate 3 business days.
7. **EXCEPTIONS TO NICS CHECK:** A NICS check is not required if the transfer qualifies for any of the alternatives in 27 CFR § 178.102(d). Generally these include: (a) transfers where the buyer has presented the licensee with a permit or license that allows the buyer to possess, acquire, or carry a firearm, and the permit has been recognized by ATF as a valid alternative to the NICS check requirement; (b) transfers of National Firearms Act weapons approved by ATF; or (c) transfers certified by ATF as exempt because compliance with the NICS check requirements is impracticable. See section 178.102(d) for a detailed explanation. If the transfer qualifies for one of these exceptions, the licensee must obtain the supporting documentation required by 27 CFR § 178.131. A firearm must not be transferred to any buyer who fails to provide such documentation.
8. If the transfer takes place on a different day from the date that the buyer signed Section A, the licensee must again check the photo identification of the buyer prior to the transfer, and the buyer must complete the certification in Section C at the time of transfer.
9. Immediately prior to transferring the firearm, the seller must complete Section D. The seller must print his or her name in question 31 and provide his or her signature in question 32.
10. Additional firearms purchases by the same buyer may not be added to the form after the seller has signed and dated it. A buyer who wishes to purchase additional firearms after the seller has signed and dated the form must complete a new ATF F 4473. The seller must conduct a new NICS check on this transaction.
11. In addition to completing this form, the seller must report any multiple sale or other disposition of pistols or revolvers on ATF F 3310.4. See 27 CFR § 178.126a.
12. If more than three firearms are involved in a transaction, the information required by Section D, questions 24-28, must be provided for these firearms on a separate sheet of paper, which must be attached to the ATF F 4473 covering the transaction.
13. If the transfer occurs at a gun show authorized by 27 CFR § 178.100, the seller must record the location of the sale in question 17.
14. After the seller has completed the firearms transaction, he or she must make the completed, original ATF F 4473 (which includes the *Important Notices, Instructions, and Definitions*), and any supporting documents, part of his or her permanent records. Forms 4473 must be retained for at least 20 years. Filing may be

chronological (by date), alphabetical (by name), or numerical (by transaction serial number), as long as all of the seller's completed Forms 4473 are filed in the same manner. **FORMS 4473 FOR DENIED TRANSFERS MUST BE RETAINED:** If the transfer of a firearm is denied by NICS, or if for any other reason the transfer does not go through after a NICS check is initiated, the licensee must retain the ATF F 4473 in his or her records for at least 5 years. Forms 4473 with respect to which a sale, delivery or transfer did not take place shall be separately retained in alphabetical (by name) or chronological (by date of transferee's certification) order.

15. You may include any other information on this form that is relevant to the transaction.

DEFINITIONS

1. **Over-the-counter Transaction:** The sale or other disposition of a firearm by a seller to a buyer, occurring on the seller's licensed premises. This includes the sale or other disposition of a rifle or shotgun to a nonresident buyer on such premises.
2. **State Laws and Published Ordinances:** The publication (ATF P 5300.5) of State firearms laws and local ordinances ATF distributes to licensees.
3. **Under indictment or information or convicted in any court:** An indictment, information, or conviction in any Federal, State, local, or foreign court.
4. **Misdemeanor Crime of Domestic Violence:** A Federal, State, or local offense that is a misdemeanor under Federal or State law and has, as an element, the use or attempted use of physical force, or the threatened use of a deadly weapon, committed by a current or former spouse, parent, or guardian of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with, or has cohabited with the victim as a spouse, parent, or guardian, or by a person similarly situated to a spouse, parent, or guardian of the victim. The term includes all misdemeanors that have as an element the use or attempted use of physical force or the threatened use of a deadly weapon (e.g., *assault and battery*), if the offense is committed by one of the defined parties.
5. **State of Residence:** The State in which an individual resides. An individual resides in a State if he or she is present in a State with the intention of making a home in that State. If an individual is a member of the Armed Forces on active duty, his or her State of residence is the State in which his or her permanent duty station is located. An alien who is legally in the United States is a resident of a State only if the alien is residing in the State and has resided in the State for at least 90 days prior to the date of sale or delivery of a firearm. These examples illustrate this definition:
 - Example 1.** A maintains a home in State X. A travels to State Y on a hunting trip. A does not become a resident of State Y by reason of such trip.
 - Example 2.** A is a U.S. citizen and maintains a home in State X and a home in State Y. A resides in State X on weekdays, and in State Y on weekends. During the time A actually resides in State X, A is a resident of State X. During the time A actually resides in State Y, A is a resident of State Y.
6. **Nonimmigrant Alien:** An alien in the United States in a nonimmigrant classification. The definition includes, in large part, persons traveling temporarily in the United States for business or pleasure, persons studying in the United States who maintain a residence abroad, and certain foreign workers. The definition does NOT include permanent resident aliens.

PRIVACY ACT INFORMATION

Solicitation of this information is authorized under 18 U.S.C. § 923(g). Disclosure of the individual's social security number is voluntary. The number may be used to verify the individual's identity.

PAPERWORK REDUCTION ACT NOTICE

The information required on this form is in accordance with the Paperwork Reduction Act of 1995. The purpose of the information is to determine the eligibility of the transferee to receive firearms under Federal law. The information is subject to inspection by ATF officers and is required by 18 U.S.C. §§ 922 and 923.

The estimated average burden associated with this collection is 20 minutes per respondent or recordkeeper, depending on individual circumstances. Comments concerning the accuracy of this burden estimate and suggestions for reducing this burden should be directed to Reports Management Officer, Document Services Branch, Bureau of Alcohol, Tobacco and Firearms, Washington, DC 20226.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

ATF Form 5300.38

Application for Amended Federal Firearms License

This form is most commonly used for cases where you are moving your business premises to a new location. This form must be submitted not less than 30 days prior to moving your business premises.

If you are just changing your contact information, but not your physical location, you can just provide the National Licensing Center with the information – you are not required to use this form. Their phone number is (407) 679-5040.

DEPARTMENT OF THE TREASURY
BUREAU OF ALCOHOL, TOBACCO AND FIREARMS
APPLICATION FOR AN AMENDED FEDERAL FIREARMS LICENSE
UNDER 18 U.S.C. CHAPTER 44, FIREARMS

All entries must be in ink. Please read attached instructions carefully before completing this form.

SECTION I

1. NAME OF OWNER OR CORPORATION <i>(If partnership, include name of each partner)</i>		2. SOCIAL SECURITY NUMBER	3. DATE OF BIRTH						
4. TRADE OR BUSINESS NAME <i>(If any)</i>		5. FEDERAL FIREARMS LICENSE NUMBER <i>(Include expiration date)</i>							
6. CURRENT BUSINESS ADDRESS <i>(Include county)</i>		7. NEW BUSINESS ADDRESS <i>(Include county)</i>							
8. CURRENT MAILING ADDRESS		9. NEW MAILING ADDRESS							
10. CURRENT HOME ADDRESS		11. NEW HOME ADDRESS							
12. PRESENT TELEPHONE NUMBER <i>(With area code)</i> BUSINESS _____ RESIDENCE _____		13. NEW TELEPHONE NUMBER <i>(With area code)</i> BUSINESS _____ RESIDENCE _____							
IF BUSINESS IS OBTAINED FROM SOMEONE ELSE, GIVE:									
14. NAME		15. LICENSE NUMBER							
16. HOURS OF OPERATION OF LICENSEE'S BUSINESS							17. ARE THE LICENSEE'S BUSINESS PREMISES OPEN TO THE GENERAL PUBLIC DURING THESE HOURS? <input type="checkbox"/> YES <input type="checkbox"/> NO		
TIME	SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY			SATURDAY
OPEN									
CLOSE									
18. WILL ANY OTHER BUSINESS, OTHER THAN THAT FOR WHICH THE LICENSE WAS ISSUED, BE CONDUCTED ON THE NEW PREMISES? <input type="checkbox"/> YES <input type="checkbox"/> NO				19. LICENSEE'S NEW PREMISES ARE <input type="checkbox"/> OWNED <input type="checkbox"/> LEASED <input type="checkbox"/> RENTED					
20. IF THE NEW PREMISES ARE RENTED OR LEASED, PLEASE SPECIFY THE DATE THE LEASE OR RENTAL AGREEMENT BEGINS, THE DATE THE AGREEMENT TERMINATES, THE TERM OF THE LEASE OR RENTAL, AND THE NAME, ADDRESS AND TELEPHONE NUMBER OF THE OWNER OF THE PROPERTY, ATTACH A COPY OF THE LEASE OR RENTAL AGREEMENT TO THIS APPLICATION.									

21. INDICATE TYPE OF BUSINESS PREMISES AT THE NEW LOCATION:

COMMERCIAL

- STOREFRONT
- OFFICE
- ROD & GUN CLUB
- MILITARY BASE
- OTHER (Specify) _____

RESIDENTIAL

- SINGLE/FAMILY DWELLING
- CONDOMINIUM
- APARTMENT
- HOTEL/MOTEL
- PUBLIC HOUSING
- OTHER (Specify) _____

IF THE NEW PREMISES ARE LOCATED ON A MILITARY INSTALLATION, ATTACH A WRITTEN AUTHORIZATION FROM THE BASE COMMANDER TO CONDUCT THE FIREARMS BUSINESS ON THE MILITARY INSTALLATION.

22. IF THE NEW PREMISES ARE OWNED BY THE APPLICANT, ARE THERE ANY RESTRICTIONS OR COVENANTS WHICH PROHIBIT THE OWNER FROM OPERATING A BUSINESS ON THE PREMISES? IF YES, ON A SEPARATE SHEET, DESCRIBE SUCH RESTRICTIONS OR COVENANTS.

- YES NO

23. DO ANY ZONING ORDINANCES PROHIBIT THE CONDUCT OF A FIREARMS BUSINESS ON THE NEW PREMISES?

- YES NO

24. IS A LICENSE, PERMIT, OR PAYMENT OF OCCUPATIONAL OR BUSINESS TAX REQUIRED UNDER STATE OR LOCAL LAW TO ENGAGE IN A FIREARMS BUSINESS FROM THE PREMISES? IF SO, PROVIDE COPIES.

- YES NO

SIGN HERE	TITLE	DATE
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SECTION II - CERTIFICATION OF COMPLIANCE WITH STATE AND LOCAL LAW

AS REQUIRED BY 18 U.S.C. 923(d)(1), I CERTIFY THAT:

1. THE BUSINESS TO BE CONDUCTED UNDER THE FEDERAL FIREARMS LICENSE IS NOT PROHIBITED BY STATE OR LOCAL LAW AT THE PREMISES INDICATED IN QUESTION 5.
2. WITHIN 30 DAYS AFTER THE APPLICATION IS APPROVED THE BUSINESS TO BE CONDUCTED AT THE LOCATION INDICATED IN QUESTION 5 WILL COMPLY WITH THE REQUIREMENTS OF STATE AND LOCAL LAW APPLICABLE TO THE CONDUCT OF BUSINESS.
3. BUSINESS WILL NOT BE CONDUCTED UNDER THE AMENDED LICENSE UNTIL THE REQUIREMENTS OF STATE AND LOCAL LAW APPLICABLE TO THE BUSINESS HAVE BEEN MET.
4. NOTIFICATION OF THIS APPLICATION HAS BEEN PROVIDED TO THE CHIEF LAW ENFORCEMENT OFFICER OF THE LOCALITY IN WHICH THE PREMISES INDICATED IN QUESTION 5 ARE LOCATED BY MAILING COPY 2 OF THIS FORM TO SUCH OFFICER.

25. CERTIFICATION: UNDER THE PENALTIES IMPOSED BY 18 U.S.C. 924, I DECLARE THAT I HAVE EXAMINED THIS APPLICATION AND THE DOCUMENTS SUBMITTED IN SUPPORT HEREOF, AND TO THE BEST OF MY KNOWLEDGE AND BELIEF, THEY ARE TRUE, CORRECT AND COMPLETE.

SIGN HERE	DATE
-----------	------

ATF Form 5300.42

Certification of Secure Gun Storage or Safety Devices

In order to be approved for your FFL, you must certify that you have secure gun storage or safety devices for any firearms you may take into inventory.

Typically you would have trigger locks and/or a gun safe to satisfy this requirement. Some ATF officers have provided information at times that a locked door is sufficient, but there is some ambiguity about this, so I highly recommend trigger locks and/or a gun safe, which both clearly qualify.

You should submit this form with your Form 7 Application for FFL (aka Form 5310.12) and other relevant documents in the application package.

DEPARTMENT OF THE TREASURY
BUREAU OF ALCOHOL, TOBACCO AND FIREARMS
CERTIFICATION OF SECURE GUN STORAGE OR SAFETY DEVICES

(All entries must be in ink)

CERTIFICATION

As required by 18 U.S.C. 921(a), I certify that secure gun storage or safety devices will be available at any place in which firearms are sold under the Federal Firearms License to persons who are not licensees.

The term “**secure gun storage or safety device**” means (A) a device that, when installed on a firearm, is designed to prevent the firearm from being operated without first deactivating this device; (B) a device incorporated into the design of the firearm that is designed to prevent the operation of the firearm by anyone not having access to the device; or (C) a safe, gun safe, gun case, lock box, or other device that is designed to be or can be used to store a firearm and that is designed to be unlocked only by means of a key, a combination, or other similar means.

APPLICANT(S) NAME AND TITLE *(Print or type)*

BUSINESS PREMISES ADDRESS

PRESENT FEDERAL FIREARMS LICENSE NUMBER

CERTIFICATION: Under the penalties imposed by 18 U.S.C. 924, I declare that I have examined this document and to the best of my knowledge and belief, it is true, correct and complete.

APPLICANT'S SIGNATURE

DATE

PAPERWORK REDUCTION ACT NOTICE

This request is in accordance with the Paperwork Reduction Act of 1995. The purpose of the information is to determine that applicants for a firearms dealers license certify compliance with the requirements for secure gun storage. The information on this form is required by P.L. 105-277.

The estimated average burden associated with this collection of information is 1 minute per respondent or recordkeeper, depending on individual circumstances. Comments concerning the accuracy of this burden estimate and suggestions for reducing this burden should be addressed to Reports Management Officer, Document Services Branch, Bureau of Alcohol, Tobacco and Firearms, Washington, DC 20226.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

ATF Form 5310.12 (aka Form 7)

Application for License (FFL)

This is the application you will fill out to apply for your federal license as a gun dealer. Chapter 2 of this publication covers the steps for obtaining your license, and includes any hints or suggestions for completing this or other forms related to the application.

Because of legal reasons, and the requirement of fingerprint cards and photographs, official versions of the Form 7 are not available. Any sample forms provided are not official and are solely for informational purposes. You must complete the official Form 7 as outlined in Chapter 2. The sample application is now included in a separate appendix.

ATF Form 5330.20

Certification of Compliance with 18 U.S.C. § 922(g)(5)(B)

This form is now part of the application packet, and, assuming you are a U.S. citizen, it's pretty simple and straightforward.

The most important thing about this form is to not forget to fill it out, or else your application cannot be processed.

Although it is not specifically stated on the form that it is required for citizens, I strongly recommend that you provide information (the more the better) confirming your citizenship. A copy of the first two pages of your passport and a copy of your social security card should work well for this purpose.

PAPERWORK REDUCTION ACT NOTICE

This request is in accordance with the Paperwork Reduction Act of 1995. The information collection is used to determine whether the operations will be in conformity with Federal laws and regulations. The information requested is required to obtain or retain a benefit and is mandatory by statute (26 U.S.C. 5172).

The estimated average burden associated with this collection of information 3 minutes per respondent or recordkeeper, depending on individual circumstances. Comments concerning the accuracy of this burden estimate and suggestions for reducing this burden should be addressed to Reports Management Officer, Document Services Branch, Bureau of Alcohol, Tobacco and Firearms, Washington, DC 20226.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

FBI FD-258

FBI Applicant Fingerprint Card

Two copies of the fingerprint cards should be supplied to you as part of the application package you will receive from the BATF. Your local law enforcement agency can take your fingerprints, and most of them have specific hours and/or people in charge of doing this. Your best bet is to call them, tell them you need to be fingerprinted and the reason for the fingerprinting, and they can take it from there.

Appendix G

List of Wholesalers and Distributors

Since the list of wholesalers and distributors is constantly changing, I have decided to maintain this list in its online form only.

Please follow the following link to view the latest version of the list:

<http://www.federalfirearmslicense.com/suppliers.html>

Additional links from new suppliers are always welcome! Email to MFQ@FMPLLC.COM

Appendix H

Quick Guide to Federal Firearms Laws



QUICK REFERENCE TO FEDERAL FIREARMS LAWS

I. POSSESSION OR RECEIPT OF A FIREARM OR AMMUNITION BY A PROHIBITED PERSON

18 U.S.C. § 922(g) & (n). Punishable by up to 10 years imprisonment. May receive minimum sentence of 15 years without parole if the felon has 3 or more prior convictions for a felony crime of violence (e.g. burglary, robbery, assault, possession of offensive weapons) and/or drug trafficking felony (18 U.S.C. § 924(e)).

Elements

- A. **Possession or receipt** of a firearm or ammunition;
- B. By a person who falls in one of the following categories:
 - **Convicted of a crime punishable by imprisonment for a term exceeding one year** (persons under indictment or information for such a crime are prohibited from **receiving** firearms or ammunition);
 - **Fugitive from Justice** (requires interstate flight to avoid prosecution or testimony in a criminal case);
 - **Drug Users or Addicts** (May be shown by recent conviction for use, recent possession of drugs, or recent arrest for use of drugs, or positive drug tests);
 - **Aliens** illegally or unlawfully within the US or those lawfully admitted in non-immigrant status (i.e. aliens without permanent residence status);
 - **Mental defectives** or persons **committed to a mental institution**;
 - **Formally renounced US citizenship**;
 - **Dishonorably discharged from the military**;
 - **Subject to a court order prohibiting harassing, stalking, or threatening of an intimate partner or child of an intimate partner**, or placing such persons in reasonable fear of bodily injury. (The order must have been issued after a hearing for which the person had notice and an opportunity to participate, and the order must either find a credible threat to the intimate partner or child, or by explicit terms prohibit the use, attempted use or threatened use of physical force.)
 - **Convicted of a misdemeanor crime of domestic violence** (need not be classified as “domestic” crime as long as offense involves the use or attempted use of physical force, or the threatened use of a deadly weapon committed by a current or former spouse, parent, or guardian. The subject must have had counsel and a jury trial (if applicable) unless those rights were waived.)
- C. The firearm or ammunition was transported at any time across a State line or from a foreign country.

II. KNOWINGLY SELL, GIVE, OR OTHERWISE DISPOSE OF ANY FIREARM OR AMMUNITION TO ANY PERSON WHO FALLS WITHIN ONE OF THE ABOVE CATEGORIES

18 U.S.C. § 922(d). Punishable by up to 10 years imprisonment.

III. USE OR CARRY A FIREARM DURING OR IN RELATION TO, OR POSSESS A FIREARM IN FURTHERANCE OF, A DRUG TRAFFICKING CRIME OR FEDERAL CRIME OF VIOLENCE

18 U.S.C. § 924(c). Punishment ranges from a minimum of 5 years to life imprisonment, without parole, or death if death results from the use of a firearm. Sentence must be served consecutive to any other sentence. Mandatory minimum sentence increases depending on: the type of firearm involved (e.g. machinegun), whether the gun was possessed, brandished, or discharged, and prior convictions under this section.

IV. STOLEN FIREARMS AND AMMUNITION

18 U.S.C. § 922(j). Prohibits the receipt, possession, concealment, storage, bartering, selling, or disposing of stolen firearms and ammunition knowing or having reason to believe the firearm or ammunition is stolen. Punishable by up to 10 years.

18 U.S.C. § 922(u). Prohibits stealing or unlawfully taking away firearms from the business inventory of a Federal firearms licensee. Punishable by up to 5 years.

18 U.S.C. § 924(l). Prohibits stealing a firearm which has moved in commerce. Punishable by up to 10 years.

V. FIREARM IN A SCHOOL ZONE

18 U.S.C. § 922(q). Except as authorized, may not possess or discharge a firearm in a school zone. Punishable by up to 5 years imprisonment.

VI. UNLAWFUL POSSESSION MANUFACTURE OR TRANSFER OF CERTAIN FIREARMS AND DEVICES

18 U.S.C. § 922(k) makes it unlawful to transport, ship, receive or possess a firearm with the manufacturer's serial number obliterated, removed or altered. Punishable by up to 5 years imprisonment.

18 U.S.C. § 922(o) makes it unlawful to possess or transfer a machinegun. Punishable by up to 10 years imprisonment.

18 U.S.C. § 922(v) makes it unlawful to manufacture, transfer or possess a semi-automatic assault weapon manufactured after September 13, 1994. Punishable by up to 5 years imprisonment.

18 U.S.C. § 922(w) makes it unlawful to transfer or possess a large capacity ammunition feeding device (holding more than 10 rounds) manufactured after September 13, 1994. Punishable by up to 5 years.

26 U.S.C. §§ 5861(d) and (f) make it unlawful to possess or make a machine-gun, sawed-off shotgun, sawed-off rifle, silencer or destructive device without registration. Punishable by up to 10 years.

VII. SELL, DELIVER OR TRANSFER TO JUVENILE

18 U.S.C. § 922(b)(1) prohibits a Federal firearms licensee from selling or delivering a firearm or ammunition to a person under 18, and prohibits selling or delivering a firearm other than a shotgun or rifle, or ammunition other than for a shotgun or rifle, to any person under 21. Punishable by up to 5 years.

18 U.S.C. § 922(x) makes it unlawful, with exceptions, to sell, deliver or transfer a handgun, or ammunition suitable for handguns only, to a juvenile (person less than 18 years of age). Punishable by up to 1 year imprisonment.

VIII. FORFEITURE OF FIREARMS AND AMMUNITION

18 U.S.C. § 924(d) authorizes the seizure and forfeiture of firearms and ammunition involved in or used in a violation of Federal criminal law. However, strict time limitations are imposed upon the forfeiture of firearms and ammunition.

**FOR ADDITIONAL INFORMATION, QUESTIONS,
OR TO MAKE A REFERRAL, PLEASE CONTACT:**

BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

Contact your local ATF office. Specific offices and telephone numbers can be obtained at the ATF WebSite at www.atf.treas.gov

Appendix I - W
FFL Kit Book 2
and Alternative
Delivery Methods

Due to the extremely large size of Appendices I through W (1,257 pages at the time of this writing), they have been included in a separate download. To download these appendices, please go to:

<http://FederalFirearmsLicense.com/Downloads/AppItoW.html>

You can download them as one large file there, or as separate files as needed.

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<mailto:MFQ@FMPLLC.com>

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