

## Description of Firearm and Information on Request for Demonstration

**Federal Firearms License and Special (Occupational) Taxpayer Providing Demonstration**

|  |   |            |           |
|--|---|------------|-----------|
| Date:                                  | Business Name including any Trade Name: |            |           |
| Address:                               | City:                                   | State:     | ZIP Code: |
| Federal Firearms License (FFL) Number: | FFL Phone Number:                       | FFL Email: |           |

**Special (Occupational) Tax Status**

|                                       |  |
|---------------------------------------|--|
| Employer Identification Number (EIN): | Tax Class:<br>Class 1 -61/71 <input type="checkbox"/> Class 2 -62/72 <input type="checkbox"/> Class 3 -63 <input type="checkbox"/> |
|---------------------------------------|--|

**Law Enforcement Agency Requesting Demonstration of 922(o) Machine Gun(s)**

|                 |                                     |        |           |
|-----------------|-------------------------------------|--------|-----------|
| Agency Name:    | Agency Head or Delegated Authority: |        |           |
| Agency Address: | City:                               | State: | ZIP Code: |

**Agency Head or Delegated Authority Contact Information**

|               |                |
|---------------|----------------|
| Name:         | Title:         |
| Phone Number: | Email Address: |

**Description of Firearm**

|               |  |          |
|---------------|--|----------|
| Manufacturer: | Model:   | Caliber: |
| Quantity:     | Total Number of Sworn Officials Attending the Demonstration: |          |

Reason for Interest in Demonstration:

If More than one Machinegun of a Particular Model is Requested, then Please Explain the Need for the Quantity of Machineguns Requested:

**Penalties of Perjury Statement:** Under penalties of perjury, I declare that I have examined this request and to the best of my knowledge and belief, it is true, accurate, and complete.

**\*Failure by the Agency Head or Delegated Authority to respond to an ATF verification within (10) business days may result in disapproval.**

I certify with my initials that I am requesting physical demonstration for an anticipated purchase for official government or department use.

Delegating Authority Initials \_\_\_\_\_

|  |       |
|--|-------|
| Signature of Agency Head or Delegated Authority: | Date: |
|--|-------|

**ATF Use Only**

|                                   |                                       |                    |
|-----------------------------------|---------------------------------------|--------------------|
| Verified <input type="checkbox"/> | Not Verified <input type="checkbox"/> | Control Number(s): |
|-----------------------------------|---------------------------------------|--------------------|

|                    |       |
|--------------------|-------|
| ATF Employee Name: | Date: |
|--------------------|-------|

**Purpose: The following form serves as a request for approval from a local law enforcement agency for a Licensee to obtain restricted machinegun(s) for demonstration to a law enforcement agency in accordance with the instructions herein.**

## 1. Definitions

- a. **The Gun Control Act (GCA).** Title 18, United States Code, Chapter 44. The implementing regulations are found in Title 27, Code of Federal Regulations, Part 478.
- b. **The National Firearms Act (NFA).** Title 26, United States Code, Chapter 53. The implementing regulations are found in Title 27, Code of Federal Regulations, Part 479.
- c. **Federal Firearms License.** A license issued under the provisions of the GCA to manufacture, import, or deal in firearms.
- d. **Special (Occupational) Tax.** The tax that must be paid by a Federal Firearms Licensee to engage in the business of manufacturing importing, or dealing in NFA firearms.
- e. **Employer Identification Number (EIN).** The Employer Identification Number (EIN) is the nine digit taxpayer identifying number of an individual or other person (*whether or not an employer*) assigned by the IRS. See 26 CFR § 301.7701-12.
- f. **Agency Head.** The agency head is the person with the authority to speak on behalf of the law enforcement agency, which is generally the person who was appointed or elected to command the law enforcement agency. Examples include the Chief of Police, Sheriff, etc.
- g. **Machinegun.** “Any weapon which shoots, is designed to shoot, or can be readily restored to shoot, automatically more than one shoot, without manual reloading by a single function of the trigger. The term shall also include the frame or receiver of any such weapon, any part designed and intended solely and exclusively, or combination of parts designed and intended, for use in converting a weapon into a machine gun, and any combination of parts from which a machinegun can be assembled if such parts are in the possession or under the control of a person.” See 26 U.S.C. § 5845(b); 18 U.S.C. § 921(a)(23).
- h. **Delegated Authority.** The person to whom the agency head has delegated the authority to procure demonstration of machineguns for possible future purchase by the law enforcement agency.
- i. **Tax Class.** Importers, manufacturers, and dealers of NFA firearms are issued the following tax class codes by NFA Division. See 18 U.S.C. § 921(a)(23); 26 U.S.C. § 5845 (b).
  - Class 1- Importer of Firearms 61
  - Class 1- Importer of Firearms (Reduced) 71
  - Class 2- Manufacturer of Firearms 62
  - Class 2- Manufacturer of Firearms (Reduced) 72
  - Class 3- Dealer in Firearms 63

## 2. Instructions

- a. The Gun Control Act (GCA) of 18 U.S.C. § 922(o) generally prohibits the transfer or possession of machineguns; however, this general prohibition does not apply to “a transfer to or by, or possession under the authority of, the United States or any department or agency thereof or a State, or a department, agency, or political subdivision thereof or any lawful transfer or lawful possession of a machinegun that was lawfully possessed before the date this subsection takes effect.” Section 922(o) became effective May 19, 1986. Accordingly, machineguns manufactured or imported on or after May 19, 1986, are subject to the restrictions imposed by § 922(o) of the GCA. See 27 CFR 479.105(a).
- b. NFA regulation 27 CFR § 479.105(c) provides that importers and manufacturers who pay the relevant Special (Occupational) Tax (SOT) may import and manufacture machineguns on or after May 19, 1986, “for sale or distribution to any department or agency of the United States or any State or political subdivision thereof, or for use by dealers qualified under this part as sales samples as provided in paragraph (d) of this section.” Section 479.105(d) provides that an application to transfer and register a machinegun to a licensed dealer who pays the relevant SOT may be approved “if it is established by specific information the expected governmental customers who would require a demonstration of the weapon, information as to the availability of the machinegun to fill subsequent orders, and letters from governmental entities expressing a need for a particular model or interest in seeing a demonstration of a particular weapon”. Further, Section 479.105(d) states that applications to transfer more than one machinegun of a particular model to a dealer must also establish the dealer’s need for the quantity of the samples sought to be transferred.

**Reason for interest in demonstration:** Forms that request the transfer of machineguns that are no longer in production will be denied. The dealer must provide information as to the availability of the machinegun to fill subsequent orders. Forms that request the transfer of machineguns generally recognized as being suitable for the military will require further explanation detailing how the law enforcement agency will utilize the machinegun when performing its community policing duties.

- c. Pursuant to 27 C.F.R. § 479.105(d) the licensee must establish the need for the quantity of machineguns when requesting more than one machinegun of a particular model.

**Note:** The licensee bears the burden of explaining the need for the transfer of more than one machinegun of a particular model. If a legitimate reason for additional machineguns is not provided, ATF has discretion to deny the transfer. ATF will consider a number of factors to include, but not limited to, the size of the law enforcement department requesting the demonstration, the size of the demonstration, and the type of machinegun demonstrated.

d. Signatures. All signatures required on ATF Form 5320.24 must be original in ink.

### 3. Submission

- a. By Mail. This form may be submitted to the National Firearms Act Division, Bureau of ATF, 244 Needy Road, Martinsburg, WV 25405.
- b. Facsimile Transmission. This form may be submitted via facsimile transmission (304) 616-4501 provided that the licensee has filed an affidavit with the National Firearms Act Division in accordance with ATF Industry Circular 89-6.
- c. Submission Electronically. Dealers, importers and manufacturers, who have registered to use ATF's eForms system may file this form electronically as an attachment.

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#### Privacy Act Information

The following information is provided pursuant to Section 3 of the Privacy Act of 1974 (5 U.S.C. § 552(e)(3)):

- 1. **Authority.** Solicitation of this information is made pursuant to the National Firearms Act (26 U.S.C. § 5812) and corresponding Federal regulation (27 CFR § 479.105(d)). Disclosure of this information by the applicant is mandatory for transfer of a machinegun imported or manufactured after May 19, 1986 for purposes of a dealer sales sample.
- 2. **Purpose.** To insure the validity of letters from governmental entities expressing a need for a particular model or interest in seeing demonstration of a particular weapon pursuant to 27 CFR § 479.105(d) and to insure the transfer of the machinegun would not violate Federal law (18 U.S.C. § 922(o)).
- 3. **Routine Uses.** The information will be used by ATF to make the determinations set forth in paragraph 2. No information obtained from an application, registration, or records required to be submitted by an individual in order to comply with any provision of the National Firearms Act or regulation issued thereunder, shall, except in connection with prosecution or other action for furnishing information, be used, directly or indirectly, as evidence against that person in any criminal proceeding with respect to a violation of law occurring prior to or concurrently with the filing of the application. The information from this application may only be disclosed to Federal authorities for purposes of prosecution for violation of the National Firearms Act.
- 4. **Effects of not Supplying Information Requested.** Failure to supply complete information will delay processing and may cause denial of the application.

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#### Paperwork Reduction Act Notice

This form meets the clearance requirements of the Paperwork Reduction Act of 1995. The information you provide is used in applying to transfer machineguns manufactured or imported after May 19, 1986 for purposes of dealer sales sample demonstration. Data is used to identify the governmental entities need for a particular model or interest in seeing a demonstration of a particular weapon. The furnishing of this information is mandatory pursuant to Federal regulation (27 CFR § 479.105(d)).

The estimated average burden associated with this collection of information is INSERT NUMBER hours per respondent or recordkeeper, depending on individual circumstances. Comments concerning the accuracy of this burden estimate and suggestion for reducing this burden should be addressed to Reports Management Officer, Resource Management Staff, Contracts and Forms Office, Bureau of Alcohol, Tobacco, Firearms and Explosives, 99 New York Ave, N.E. 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 Office of Management and Budget control number.