



QUICK REFERENCE TO FEDERAL FIREARMS LAWS

DEFINITIONS:

Firearm. Weapon which will, is designed to, or may readily be converted to expel projectile by the action of explosive; frame or receiver of such weapon; firearm muffler or firearm silencer; or destructive device. **18 USC § 921(a)(3)**

Frame. Part of handgun that provides housing or structure for primary energized component designed to hold back hammer, striker, bolt, or similar component prior to initiation of firing sequence. **27 C.F.R. 478.12(a)(1)**

Receiver. Part of rifle, shotgun, or projectile weapon other than handgun, that provides housing or structure for primary component designed to block or seal breech prior to initiation of firing sequence. **27 C.F.R. 478.12(a)(2)**

Destructive Device. Explosive, incendiary, or poison gas bomb, grenade, rocket, missile, mine, or similar device. **18 USC § 921(a)(4)**

Firearm Silencer. Device for silencing, muffling, or diminishing report of portable firearm, including part or parts so designed and intended. **18 USC § 921(a)(25)**

Short-barreled Shotgun. Shotgun with barrel(s) less than 18 in., or weapon made from a shotgun with overall length less than 26 in. **18 USC § 921(a)(6)**

Short-barreled Rifle. Rifle with barrel(s) less than 16 in., or weapon made from rifle with overall length less than 26 in. **18 USC § 921(a)(8)**

Machinegun. Weapon which shoots, is designed to shoot, or can be readily restored to shoot, automatically more than one shot, without manual reloading, by single function of trigger (including frame or receiver of such weapon, or part(s) designed and intended for use in converting weapon into machinegun). **26 U.S.C. § 5845(b)**

CRIMINAL OFFENSES:

Possession of Firearm/Ammunition by Prohibited Person - 18 U.S.C. § 922(g)

- Possession or receipt of firearm or ammunition;
- By person who falls in one of the following categories:
 1. Convicted of crime punishable by > 1 year imprisonment;
 2. Fugitive from justice (requires interstate flight);
 3. Unlawful user of, addicted to, any controlled substance;
 4. Alien (A) illegally or unlawfully in US, or (B) admitted under non-immigrant visa;
 5. Adjudicated as mental defective or involuntarily committed to mental institution;
 6. Formally renounced US citizenship;
 7. Dishonorably discharged from military;
 8. Subject to domestic violence protective order;
 9. Convicted of misdemeanor crime of domestic violence
- Firearm/ammunition was shipped/transported from another state or foreign country, or otherwise affected interstate or foreign commerce.
- Person knew he/she possessed a firearm/ammunition, and knew of qualifying status (i.e., that he/she had been convicted of a felony).

[18 U.S.C. § 922(n): Persons under indictment or information for a felony are also prohibited from shipping, transporting, or receiving firearms or ammunition in interstate or foreign commerce.]

Provide Firearm/Ammunition to Prohibited Person - 18 U.S.C. § 922(d)

- Sell or dispose firearm or ammunition to another person;
- Knowing/having reason to believe person falls under 922(g), (n), or
 - intends to sell or dispose firearm/ammunition in furtherance of felony, terrorism, or drug trafficking crime; or
 - intends to sell or dispose firearm/ammunition to person who falls under the other 10 categories.

Straw Purchase of Firearms - 18 U.S.C. § 932

- Purchase or conspire to purchase firearm;
- In or affecting interstate or foreign commerce;
- Knowing or having reason to believe other person:
 - meets any 922(d) criteria;
 - intends to use, carry, possess, sell or dispose firearm to further felony, terrorism, or drug trafficking crime; or
 - intends to sell or dispose firearm to person described in (1) or (2) above.

Other offenses applicable to straw purchases from FFLs

- **18 U.S.C. § 922(a)(6)**: Material false statement or false identification during purchase of firearm from FFL.
- **18 U.S.C. § 924(a)(1)(a)**: False statement in any required FFL record.

Trafficking of Firearms - 18 U.S.C. § 933

- Ship, transport, transfer, cause to be transported, or dispose of firearm to another person, in or affecting interstate or foreign commerce, knowing or having reason to believe use, carrying, or possession of firearm by recipient would constitute felony;
- Receive firearm in or affecting interstate or foreign commerce, knowing or having reason to believe receipt would constitute felony; or
- Attempt or conspire to commit any conduct above.

Use or Carry Firearm During or in Relation to, or Possess Firearm in Furtherance of, Drug Trafficking Crime or Federal Crime of Violence

- **18 U.S.C. § 924(c)**. Minimum 5 years prison consecutive to any other sentence; increases (up to 30 years) based on type of firearm and use.
- **18 USC § 924(j)**. Death or life in prison if use of firearm causes death.

Stolen Firearms and Ammunition

- **18 U.S.C. § 922(j)**. Receipt, possession, concealment, storage, bartering, selling, or disposing of stolen firearm or ammunition, knowing or having reason to believe firearm/ammunition is stolen.
- **18 U.S.C. § 922(u)**. Stealing firearm from business inventory of FFL.
- **18 U.S.C. § 924(l)**. Stealing firearm which has moved in interstate or foreign commerce.

Firearms in a School Zone - 18 U.S.C. § 922(q)

Possess or discharge firearm in school zone.

Unlawful Possession, Manufacture, or Transfer of Certain Firearms

- **18 U.S.C. § 922(k)**. Knowingly transport, ship, receive, or possess firearm with importer's or manufacturer's serial number obliterated, removed, or altered; in or affecting interstate or foreign commerce.
- **18 U.S.C § 922(o)**. Possess or transfer a machinegun.
- **26 U.S.C. §§ 5861(d), (e), (f)**. Possess, transfer, receive, or make machinegun, short-barreled shotgun or rifle, silencer, destructive device, or other concealable weapon without registration.

Sell, Deliver or Transfer Firearm or Ammunition to Juvenile

- **18 U.S.C. § 922(b)(1)**. Sale or delivery of firearm/ammunition by FFL to person FFL knows or has reasonable cause to believe is under 18; or sale or delivery of handgun or handgun ammunition to person under 21.
- **18 U.S.C. § 922(x)**. Sale, delivery, or transfer of handgun or handgun ammunition to person with reasonable cause to believe person is under 18.

Unlicensed Firearm Import, Manufacture, Dealing - 18 USC § 922(a)(1)(A)

Engaging in business of importing, manufacturing, or dealing in firearms without license.

Body Armor Prohibition for Violent Felons - 18 USC § 931

Purchase, own, or possess body armor by person convicted of a crime of violence.

FORFEITURE OF FIREARMS AND AMMUNITION:

18 U.S.C. § 924(d) authorizes seizure and forfeiture of firearms and ammunition involved in or used in violation of Federal criminal law, with time limitations (120 days for criminal and 60 days for administrative).

18 U.S.C. § 934 authorizes forfeiture of property derived from or intended to be used in commission of § 932 or 933 offenses.

**** FIREARMS TRACING****

Law enforcement agencies should promptly trace all firearms received into police custody. Tracing increases solvability of gun crimes and connects related crimes. Please contact **(800) 788-7133** or **etraceadmin@atf.gov**.

****NATIONAL INTEGRATED BALLISTIC INFORMATION NETWORK (NIBIN) COLLECTION****

ATF encourages comprehensive collection and timely entry of all ballistic evidence into NIBIN allowing law enforcement agencies to quickly link shootings involving the same firearm, develop suspects and disrupt violent gun crime. Please contact your local ATF Field Office, call **(202) 648-7140** or email **nibintraining@atf.gov**.

FOR ADDITIONAL INFORMATION, QUESTIONS, OR TO MAKE A REFERRAL, PLEASE CONTACT:

Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF)

Contact your local ATF office. Specific offices and telephone numbers can be obtained at the ATF Website: **www.atf.gov**