

NOTE: On March 15, 2013, ATF issued updated procedures for FFL facilitation of private firearm transfers. See, ATF Proc. 2013-1 at <http://batfe.prod.acquia-sites.com/regulations-rulings/procedures/index.html>



U.S. Department of Justice

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OPEN LETTER TO ALL FEDERAL FIREARMS LICENSEES

The purpose of this open letter is to remind all Federal firearms licensees (FFL) of their ready ability to enhance public safety and assist law enforcement by encouraging and facilitating transfers of firearms between private individuals through their businesses.

As background, millions of transactions involving the private sale of firearms between the residents of the same state occur each year in the United States at gun shows, and through classified and online advertisements. These private sellers, who are not Federal firearms licensees, do not have the ability to use the National Instant Criminal Background Check System (NICS) to conduct background checks on prospective private purchasers and, consequently, have no comprehensive way to confirm whether or not the private individual to whom they are selling a firearm is prohibited from possessing a firearm.

Many FFLs throughout the United States have routinely facilitated firearms transfers between private individuals, and FFLs may charge administrative fees to do so consistent with any state law requirements. ATF encourages FFLs to facilitate firearms sales between private individuals through FFL businesses. This service provides both customers and the community assurance that individuals who want to purchase firearms undergo a comprehensive background check. FFL facilitation of private firearm transfers will also improve law enforcement's ability to trace firearms if they are later recovered in a crime.

Facilitated transfers are subject to the same rules and regulations as other firearm sales conducted by FFLs, including compliance with state and local law. Similarly, these transactions are also subject to the provisions and protections of the Protection of the Lawful Commerce in Arms Act (PLCAA), Title 15, United States Code, Sections 7901–7903.

As a reminder, the procedure by which FFLs can facilitate transfers of firearms between private sellers is as follows:

- FFLs may acquire firearms from any person in any State;
- Upon receipt of a firearm, FFLs are required to record the acquisition of the firearm in their required records;

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- Prior to conducting the transfer of a firearm to an unlicensed person, the purchaser and the FFL must complete ATF Form 4473, Firearms Transaction Record, and the FFL must contact NICS and receive a proceed response (or wait until three days have passed), which must be recorded on the ATF Form 4473; and
- The FFL must record the disposition of the firearm in her/his required records, and follow all other regulations with respect to the disposition of the firearm or firearms.

For further guidance, please contact the Firearms Industry Programs Branch at 202-648-7090.



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