

FEDERAL FIREARMS LICENSEE INFORMATION SERVICE

PROVIDED BY THE U.S. DEPARTMENT OF THE TREASURY

BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

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VOLUME 1

BRADY

It has been over 2 years since the Brady Handgun Violence Prevention Act (Brady) was enacted. It is helping to prevent criminals from obtaining handguns, and is doing so with minimal inconvenience to law-abiding citizens.

Our most recent statistics estimate that more than 44,000 felons have been denied access to handguns since March 1, 1994. Federal firearms licensees share the credit for making Brady work. It is an excellent example of how the firearms industry, local law enforcement and the Federal Government can work together as partners to limit criminal access to handguns. The following two cases illustrate how the system is working.

In August 1995, an individual twice attempted to purchase a handgun in Great Falls, Montana. The sale of the handgun was denied in both instances due to the Brady check, which revealed that the subject was a five-time convicted felon in California and Montana. ATF special agents were notified of the Chief Law Enforcement Officer's findings, and the subject was arrested and charged with violations of the Federal firearms laws, including falsifying the Brady form.

In October 1995, as a result of the Brady check, the Dekalb County, Georgia, Police Department advised ATF that a possible convicted felon was attempting to purchase a handgun. ATF initiated an investigation of the subject and determined that he had previously been convicted of capital murder. Since the time of his parole in 1986, the subject had successfully purchased and possessed no less than eight firearms prior to the Brady check alerting law enforcement authorities to this activity. As a result of the investigation, ATF special agents arrested the subject as he took possession of three handguns on October 6, 1995, from an undercover ATF special agent. As a result of this arrest, the subject was indicted and

convicted of a violation of the Federal firearms laws. The subject has not yet been sentenced.

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We continue to get questions about ATF F 5300.35, Statement of Intent to Obtain a Handgun, (the Brady form). Most of the questions deal with how long the form is valid, how many handguns can be purchased on one form, and when the form should be executed. We hope the following explanation will clear up these questions.

The form should be completed at the time a purchaser expresses an intent to acquire a handgun from a licensee. Only one Brady form is necessary regardless of the number of handguns to be purchased at one time. The firearm need not be in the licensee's inventory as long as the purchaser has the intent to acquire a handgun. However, the form applies only to the firearms the purchaser intends to obtain in that particular transaction. Should this same purchaser decide to purchase additional weapons in a later transaction, he/she must complete another Brady form.

Once the approval has been given for the purchase of a handgun, the purchaser may pick up that firearm at any time. The Brady law contains no restriction on the amount of time that passes between the approval and actual delivery of the handgun to the purchaser. However, we encourage you to have the form executed as close in time to the delivery of the firearm as possible, so that any records check performed will be recent.

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As most of you are aware, Brady provides for the establishment of a National Instant Criminal Background Check System, which a firearms licensee must contact before transferring any firearm to a nonlicensed individual. The Department of Justice is responsible for the development and administration of the National Instant Check System. The waiting period provisions of Brady that became effective on February 28, 1994, will cease to apply on November 30, 1998. At that time, the National Instant Check System will be available for background checks.

THE NET

Some of you have had difficulty accessing ATF via the Internet at our previously published address. To clear up these technical problems with access, the address has been changed. Our new address is:

www.atf.treas.gov

Over the next few months, we will be adding to the information currently

posted on the net. We plan to provide statistics, news releases, and other items we believe will be of interest. Please continue to visit our web site to see what new information is available.

NEW FACES

Bradley A. Buckles was appointed Deputy Director on January 3, 1996. Mr. Buckles began his career as an attorney with ATF in 1974, advancing to Staff Assistant to the Chief Counsel in 1979, and Assistant Chief Counsel (Litigation) in 1982. Mr. Buckles was named Deputy Chief Counsel in 1983, and Chief Counsel in 1995. During his career in Chief Counsel's office,

Mr. Buckles worked on the entire range of ATF activities. He has participated in the development of firearms and explosives anti-crime legislation, regulatory reform initiatives, distilled spirits tax reform, wine labeling regulations, and trade practice enforcement projects. Mr. Buckles received his Bachelor of Arts degree in 1971 from the University of Wyoming and his Juris Doctor from Washburn University in Topeka, Kansas, in 1974. He is a member of the Kansas Bar.

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On March 17, 1996, Myrna Huntley began her appointment as the Chief of the Firearms and Explosives Licensing Center. Ms. Huntley began her career with ATF in 1969 in the Georgia District Office of Criminal Enforcement. In 1974, she transferred to Regulatory Enforcement as an alcohol and tobacco tax specialist. She transferred to the field as an inspector in 1979 and for the next 5 years she primarily worked in the States of Georgia and Alabama in the alcohol, tobacco, firearms, and explosives area. In 1983, she was selected as a supervisor in the Atlanta technical services office, and in 1986, she returned to the field as a special inspector.

Ms. Huntley was later selected as Assistant Chief, Technical Services, a position she held until April 1989 when she was appointed as Chief, Technical Services, Southeast District. During her career, she has served on numerous task forces and Bureau Headquarters details spanning almost every area in Regulatory Enforcement.

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Ms. Nereida W. Levine has been named Chief, National Firearms Act Branch. Ms. Levine began her career with ATF in 1986 as a legal instruments examiner at the Firearms and Explosives Licensing Center. From there, she transferred to the Miami Field Division (Criminal Enforcement). Shortly thereafter, she became an inspector in the Miami Area Office (Regulatory Enforcement).

As an inspector, Ms. Levine worked a variety of firearms, explosives, alcohol, and tobacco-related inspections. In 1991, Ms. Levine was promoted to Group Supervisor in the Miami Area Office. In this capacity, she coordinated several enforcement-related special projects in addition to facilitating liaison efforts with other Federal, State, and local agencies. After serving in this capacity, Ms. Levine was selected as an information analyst for the Firearms and Explosives Operations Branch in 1993. There Ms. Levine continued to work extensively with ATF inspectors, special agents, and firearms and explosives industry members. Ms. Levine ended her tenure with the Firearms and Explosives Operations Branch with her reassignment to the Office of Training and Professional Development in 1995. Prior to her selection to this position, Ms. Levine was actively managing various firearms and explosives-related training in addition to participating in an array of agency task forces and committees. Ms. Levine's appointment was effective March 17, 1996.

ADDRESS CHANGES

Recently the Midwest and North Atlantic Districts have had several area offices relocate. The new addresses for the relocated offices follow:

Cleveland Area Office

6745 Engle Road, Suite 210

Parkview Building

Middleburg Heights, Ohio 44130

Phone: (216) 522-3374

Fax: (216) 522-7834

Detroit Area Office

1155 Brewery Park Boulevard, Suite 300-A

Detroit, Michigan 48207-2602

Phone: (313) 393-0085

Fax: (313) 393-6054

Louisville Area Office

600 Doctor Martin Luther King Junior Place

Suite 354

Louisville, Kentucky 40202-2285

Phone: (502) 582-5216

Fax: (502) 582-5203

Baltimore Area Office

22 S. Howard Street, 3rd Floor

Baltimore, Maryland 21201-2505

Phone: (410) 962-3200

Fax: (410) 962-2803

Fairfield Area Office

165 Passaic Avenue, 3rd Floor

Fairfield, New Jersey 07004

Phone: (201) 808-1319

Fax: (201) 808-0391

Hartford Area Office

450 Main Street, Room 401

Hartford, Connecticut 06103-3002

Phone: (203) 240-3400

Fax: (203) 240-3404

IMPROVING FIREARMS SECURITY

Federal firearms licensees are experiencing a dramatic increase in firearms theft. ATF received nearly 2,000 reports of incidents involving almost 10,000 firearms during calendar year 1995. In the first 2 months of 1996,

382 Federal firearms licensees have reported 415 incidents involving 1,631 firearms.

In order to reduce your risk of experiencing firearms theft, some of the following security tips may be considered:

- Keep display cases locked at all times
- Show only one firearm at a time to your customers
- Do not leave a customer unattended while handling a firearm
- Be cautious in meeting with customers after business hours
- Strictly control firearms security at gun shows
- Institute an employee screening process
- Regularly utilize any security measures you already have in place

Sixty three percent of the thefts reported to ATF indicate that entry was made through a door or window. That indicates that the best investment to make is the addition of a burglar alarm with central monitoring. Burglar bars on windows and barriers, such as concrete filled posts placed around your business, will also help prevent smash and grabs. Securing your inventory at the end of the day, either by locking it via hardened cable or placing it in a vault will also be beneficial. We also advise you to review your State law, as some States mandate certain security procedures for licensees. For additional security tips, contact your local police department's crime prevention officer.

If you do become a victim of firearms theft/loss, don't forget the incident must be reported to ATF at 1-800-800-3855 within 48 hours after the theft or loss is discovered. This verbal notification must be followed up by a written notification on ATF F 3310.11, Federal Firearms Licensee Theft/Loss Report, within the same 48-hour period. This form is available from the ATF Distribution Center, P.O. Box 5950, Springfield, Virginia 22150-5950, Phone (703) 455-7801. The theft or loss must also be reported to the appropriate local authorities. Your assistance is greatly appreciated.

FINGERPRINTS

As most of you know, one of the requirements of the Violent Crime Control and Law Enforcement Act of 1994 is for fingerprints to be submitted for each responsible person along with the application for a Federal firearms license. We have received several inquiries regarding whether the fingerprints must be taken by the police department or whether there are other acceptable sources for fingerprinting.

There is no specific requirement that the prints be taken by the police department. However, the prints must be clear, unsmudged and classifiable. The fingerprints must also be submitted on the forms supplied by ATF. License applications received by ATF with illegible fingerprints must be returned, which results in delayed license application processing. For this reason, ATF recommends that they be taken by a source who is familiar with the process and has experience in fingerprinting, such as a police department or private security firm.

LETTERS OF AUTHORIZATION

As many of you are aware by now, the licensing standards for Federal firearms licensee applicants have been revised by recent statutory changes. This has caused some delay in processing applications at the Firearms and Explosives Licensing Center. Because of these delays, we have received several inquiries regarding the ability of a licensee to continue operations while his/her application is being processed.

A firearms licensee who timely applies for renewal of his/her license is authorized to continue firearms operations as authorized by his/her license until the renewal application is finally acted upon. The regulations allow a supplier to continue to make shipments to a licensee for not more than 45 days following the expiration date of the transferee's license. However, a supplier may continue to make firearms shipments after 45 days if the supplier obtains appropriate evidence that the licensee's renewal application is pending at the Firearms and Explosives Licensing Center. The evidence should consist of a letter of authorization from ATF to the licensee stating that his/her renewal application has been timely received and that action on the application is pending. Licensees may obtain a letter of continuing operation that confirms their authority to continue operations by contacting the licensing center by phone at (404) 679-5040 or by mail at 2600 Century Parkway, Suite 400, Atlanta, Georgia 30341. A letter of continuing operation may also be obtained by contacting your local regulatory enforcement field office.

We are making every effort to reduce these delays and believe we will be able to return to a normal response time after all Federal firearms licensees have gone through the 3-year licensing cycle under the new requirements. The cycle will be completed in late 1997. In the meantime, we appreciate your patience with these delays.

CLASSIFICATION OF GAS/FLARE GUNS WITH ANTI-PERSONNEL AMMUNITION AS DESTRUCTIVE DEVICES

Recently ATF issued ATF Ruling 95-3 holding that 37/38 mm gas/flare guns

possessed with "anti-personnel" ammunition, consisting of cartridges containing wood pellets, rubber pellets or balls, or bean bags are destructive devices as, defined in the Gun Control Act and the National Firearms Act and require registration to be lawfully possessed.

Devices designed for expelling tear gas or pyrotechnic signals have been held to be exempt from the destructive device definition. However, when a gas/flare gun is possessed with "anti-personnel" ammunition, it is then capable of use as a weapon. Thus, it becomes a firearm and is no longer exempt from the destructive device definition.

Any person who will possess a gas/flare gun in combination with "anti-personnel" ammunition must register the making of a destructive device prior to the acquisition of both the gun and the "anti-personnel" ammunition. The gas/flare gun must be identified with the required markings, including serial number. Any person engaged in the business of buying and selling the combination of the gas/flare gun and "anti-personnel" ammunition must have the appropriate Federal firearms license and have paid the appropriate special (occupational) tax.

If you have any questions regarding this matter, the entire text of the ruling is available in the ATF Quarterly Bulletin, Volume 3, 1995, or you may contact the National Firearms Act Branch at (202) 927-8330.

PROCESSING APPLICATIONS AND NOTICES ASSOCIATED WITH NATIONAL FIREARMS ACT WEAPONS TRANSACTIONS

The National Firearms Act Branch is responsible for processing a variety of applications and notices associated with the manufacture, registration, transfer, interstate transportation, and exportation of National Firearms Act weapons. The National Firearms Act Branch is also responsible for maintaining the National Firearms Registration and Transfer Record. Therefore, we must ensure that information provided on various applications and notices is accurate.

Individual applicants are required to supply a full name, i.e., first, middle, and last, when executing these types of forms. During the last few months, the National Firearms Act Branch has encountered several instances where individuals record their name one way on the application or notice and another way on the supporting documentation.

For example, in the case of a taxpaid transfer of a National Firearms Act weapon, an ATF

Form 4, Application For Tax-Paid Transfer of Firearm, must be submitted to the NFA Branch along with a set of fingerprint cards. The ATF Form 4 may indicate a name of "J. S. Fitzgerald," while the fingerprint card may

have a name of "James Scott Fitzgerald." For the purposes of accuracy and consistency, the full name of "James Scott Fitzgerald" should be provided on ATF Form 4.

To ensure the accuracy of the National Firearms Registration and Transfer Record, applicants must record names in a consistent, accurate manner when completing documents for submission to the National Firearms Act Branch. Failure to do so may result in a delay in the processing of applications or notices submitted for approval.

MULTIPLE SALE FORM

ATF Form 3310.4, Report of Multiple Sale or Other Disposition of Pistols and Revolvers, (multiple sale form) must be used by licensees to report all sales to an unlicensed person of two or more handguns at one time or during 5 consecutive business days. Recently, we have received incomplete or out-of-date versions of this form. We ask you to please make an effort to use the correct version of the form and to complete all sections of the form.

At the bottom of the form are the form number and the date that the form was revised. The current version that licensees should be using reads "ATF F 3310.4 (7-94) PREVIOUS EDITIONS ARE OBSOLETE." If you are not using this version, please order a new supply from the ATF Distribution Center as soon as possible. The Distribution Center's address and phone number are:

ATF Distribution Center

P. O. Box 5950

Springfield, Virginia 22150-5950

(703) 455-7801

ATF DISTRIBUTION CENTER

Throughout this newsletter, we refer you to the ATF Distribution Center for obtaining forms. We thought you might be interested in learning a little more about the people behind this operation.

The ATF Distribution Center is run by a non-profit private contractor which employs people with disabilities. The organization, Sheltered Occupational Center of Northern Virginia, also runs 11 other nearby sites, including the Food and Drug Administration Mail Room and the Bureau of Engraving and Printing Gift Shop.

The 18 Distribution Center employees are proud of their work, as well they should be. They take and ship over 70,000 orders a year for ATF forms, directives, publications, and other materials. Last year, they sent out 12 million ATF Form 4473's alone. That is enough paper to stretch over 2,000 miles.

These individuals with physical and mental disabilities are key entry operators, clerks, and stock clerks who take orders over the phone, pull the requested items and ensure the items are mailed economically and quickly.

The employees talk regularly with an on-site rehabilitation specialist. The counselor trains the workers and helps them set goals, solve problems, and build skills. The occupational center's goal is to ready these workers for competitive employment. At the Distribution Center, some workers have stayed as long as 10 years, and some have left in as little as 2 months. About 20 have moved on to competitive employment.

ATF is grateful for the opportunity to work with these excellent individuals and very appreciative of the great service they provide.

GUN SHOWS

The following is a quick guide for the activities permitted at gun shows. This guide applies to activities permitted at bona fide gun shows as defined in 27 CFR 178.100. Please remember that a flea market is NOT a gun show.

ALL DEALERS MUST DISPLAY LICENSES

DEALERS LICENSED IN THE STATE WHERE THE SHOW IS BEING HELD:

- MUST comply with all recordkeeping requirements of ATF regulations concerning acquisitions and dispositions of firearms, including the recording of the place of sale.
- MAY dispose of handguns to in-state residents only, provided all provisions of the Brady law are met.
- MAY dispose of longguns to nonlicensees residing in any State, provided the sale, delivery, and receipt fully comply with the legal conditions of sale in both States.
- MAY dispose of firearms to any Federal firearms licensee.
- MAY acquire firearms from any Federal firearms licensee licensed in the State or from any nonlicensee.

DEALERS NOT LICENSED IN THE STATE WHERE THE SHOW IS BEING HELD:

- MUST comply with all ATF requirements concerning acquisitions of firearms.

- MAY acquire firearms from any Federal firearms licensee licensed in the State and from any nonlicensed individual.
- CANNOT make sales of firearms to anyone, even to or through a Federal firearms licensee licensed in the State.
- CAN display and take orders. Firearms ordered at the show must be delivered from the licensee's premises.

NONLICENSED RESIDENTS OF THE STATE WHERE THE SHOW IS BEING HELD:

- MAY acquire longguns from Federal firearms licensees licensed in the State.
- MAY acquire handguns from Federal firearms licensees licensed in the State, provided all provisions of the Brady law are met.
- MAY dispose of firearms to any Federal firearms licensee.
- MAY acquire from and dispose of personal firearms to nonlicensed residents of the State.
- CANNOT acquire from or dispose of firearms to nonlicensed residents of any other State.

NONLICENSED RESIDENTS OF ANOTHER STATE:

- MAY dispose of firearms to any Federal firearms licensee.
- MAY acquire longguns only from Federal firearms licensees licensed in the State, provided the sale, delivery, and receipt fully comply with the legal conditions of the sale in both States.
- CANNOT acquire handguns.

CANNOT dispose of firearms to nonlicensed individuals.