

ATF FACTS



Bureau of Alcohol, Tobacco & Firearms / Washington, D.C.
Department of Treasury / 202 / 566-7268

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REGISTERED FIREARMS AND WEAPONS

Certain Firearms And Weapons Must Be Registered With The Bureau Of Alcohol, Tobacco and Firearms

These are firearms and weapons covered by Title II of the Gun Control Act of 1968, which amended the National Firearms Act of 1934. They are referred to as "Title II weapons" or "NFA weapons." It is unlawful to possess an unregistered NFA weapon.

Examples Of NFA Weapons

Weapons which must be registered include machine guns, short barreled shotguns (barrel length less than 18 inches), short barreled rifles (barrel length less than 16 inches), shotguns and rifles modified to have an overall length of less than 26 inches, silencers, destructive devices, most penguins and tear gas guns which can fire bullets, some cane guns, and certain other devices capable of being concealed on the person. Destructive devices include bombs, grenades, rockets, missiles, mines, antitank guns, bazookas, mortars and incendiary devices.

This is a partial listing. Some weapons and devices must be inspected by ATF before their status can be determined. When in doubt, check with ATF before obtaining any firearm or device that may be an NFA weapon.

Tax To Make Or Transfer An NFA Weapon, By An Individual

- * \$200 to make each NFA weapon.
- * \$200 each to transfer most NFA weapons including machine guns, short barreled shotguns and rifles, silencers and destructive devices.
- * \$5 each to transfer certain other NFA weapons known as "any other weapon." Consult federal firearms law or nearest ATF office for more information.

* There is no transfer tax on a registered, unserviceable NFA weapon being transferred as a curio or ornament. An unserviceable firearm is one which is incapable of discharging a shot by means of an explosive or of being readily restored to a firing condition. An NFA weapon will be rendered unserviceable in a manner acceptable to ATF. The unserviceable weapon must be registered with ATF, and any transfer must first be approved by ATF. Note: An unserviceable NFA weapon being transferred for the purpose of reactivation is subject to the transfer tax.

* There is no tax to transfer a registered NFA weapon to a federal, state or local government, including law enforcement agencies.

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Licensed Collectors Of Curios And Relics

To be classified by ATF as a curio or relic, a firearm must fall under one of three categories:

(1) Be at least 50 years old. (2) Be certified by the curator of a municipal, state or federal museum that exhibits firearms as being of museum interest. (3) Be a firearm (or ammunition) that is rare or which derives a substantial part of its monetary value because of an association with some historical period or event.

NFA weapons classified as curios or relics remain subject to provisions of Title II, the Gun Control Act of 1968. Approval must be obtained from ATF before such weapons can be transferred or acquired. Curios and relics removed from NFA classification remain subject to provisions of Title I, the Gun Control Act.

ATF publishes a list of firearms classified as curios and relics. The list can be ordered at no charge from the ATF Distribution Center, 3800 S. Four Mile Run Drive, Arlington, Va. 22206.

An individual may apply to ATF to become licensed as a collector of "curio and relic" firearms. Where a proper application to transfer an NFA curio or relic has been approved by ATF, it may be transferred directly (and interstate) to a licensed collector. A collector cannot dispose of firearms to nonlicensees in interstate commerce.

Application To Make Or Transfer An NFA Weapon

Apply to: Bureau of Alcohol, Tobacco and Firearms
ATTN: Technical Services Div. (NFA Branch)
Washington, DC 20226

- * To make an NFA weapon, ask for Form 1 and FBI Form FD-258.
- * To transfer a registered, serviceable NFA weapon to an individual, ask for Form 4 and FBI Form FD-258.
- * To transfer a registered, unserviceable NFA weapon to an individual, ask for Form 5 and FBI Form FD-258.
- * To transfer a registered, serviceable or unserviceable NFA weapon to a law enforcement agency or other governmental entity, ask for Form 5.
- * To transfer a registered NFA weapon from the estate of a decedent to a lawful heir, ask for Form 5 and FBI Form FD-258. If the firearm is serviceable and being transferred from the estate to someone who is not a lawful heir, ask for Form 4 and FBI Form FD-258.

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Storage Of NFA Weapons

It is the responsibility of the owner of an NFA weapon to ensure that it is stored in a safe, secure place, so no one else can take possession of the weapon. If a weapon is stored so others have access to it, this could be considered a transfer and a violation of the law.

The law requires that you retain the original form approving your acquisition or manufacture of an NFA weapon. Keep the registration document in a safe, secure place.

Bringing An NFA Weapon Into The United States

It is illegal for an individual (including a member of the armed forces) to bring an unregistered NFA weapon into the United States.

Turning In An Unregistered NFA Weapon

An unregistered NFA weapon must be abandoned immediately to ATF. If you should (for example) find an NFA weapon, contact ATF. Don't handle the weapon. It may be dangerous. Don't keep the weapon since it is not registered to you and possession would place you in violation of the law.

The 1968 Amnesty Period

There was a 30-day amnesty period in 1968, following passage of the Gun Control Act, during which unregistered weapons could be registered; this included registration of Deactivated War Trophies, or DEWATS. With the close of the amnesty period, it became illegal to possess an unregistered NFA weapon. There is no provision now for an individual to register an unregistered NFA weapon; possession of an unregistered weapon is a violation of federal law.

Penalties

Any person who makes, receives, transfers, or possesses an unregistered NFA weapon is liable to a fine of not more than \$10,000, or a prison term not exceeding 10 years, or both.

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For Additional Information About Registered Weapons

Contact the nearest ATF office. Check the telephone directory under:

U.S. Government.

Treasury Department.

Bureau of Alcohol, Tobacco and Firearms.

Note: This fact sheet applies only to persons other than federal firearms licensees qualified to deal in National Firearms Act weapons. Persons seeking information about federal firearms licenses should contact the nearest ATF office.

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