

18 USCS § 921

Current through Public Law 118-19, approved October 6, 2023.

*United States Code Service* > **TITLE 18. CRIMES AND CRIMINAL PROCEDURE (§§ 1 — 6005)** >  
*Part I. Crimes (Chs. 1 — 123)* > **CHAPTER 44. Firearms (§§ 921 — 934)**

## **§ 921. Definitions**

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(a) As used in this chapter [*18 USCS §§ 921 et seq.*]—

(1) The term “person” and the term “whoever” include any individual, corporation, company, association, firm, partnership, society, or joint stock company.

(2) The term “interstate or foreign commerce” includes commerce between any place in a State and any place outside of that State, or within any possession of the United States (not including the Canal Zone) or the District of Columbia, but such term does not include commerce between places within the same State but through any place outside of that State. The term “State” includes the District of Columbia, the Commonwealth of Puerto Rico, and the possessions of the United States (not including the Canal Zone).

(3) The term “firearm” means (A) any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; (B) the frame or receiver of any such weapon; (C) any firearm muffler or firearm silencer; or (D) any destructive device. Such term does not include an antique firearm.

(4) The term “destructive device” means—

(A) any explosive, incendiary, or poison gas—

(i) bomb,

(ii) grenade,

(iii) rocket having a propellant charge of more than four ounces,

(iv) missile having an explosive or incendiary charge of more than one-quarter ounce,

(v) mine, or

(vi) device similar to any of the devices described in the preceding clauses;

(B) any type of weapon (other than a shotgun or a shotgun shell which the Attorney General finds is generally recognized as particularly suitable for sporting purposes) by whatever name known which will, or which may be readily converted to, expel a projectile by the action of an explosive or other propellant, and which has any barrel with a bore of more than one-half inch in diameter; and

(C) any combination of parts either designed or intended for use in converting any device into any destructive device described in subparagraph (A) or (B) and from which a destructive device may be readily assembled.

The term “destructive device” shall not include any device which is neither designed nor redesigned for use as a weapon; any device, although originally designed for use as a weapon, which is redesigned for use as a signaling, pyrotechnic, line throwing, safety, or similar device; surplus ordinance sold, loaned, or given by the Secretary of the Army pursuant to the provisions of section 7684(2), 7685, or 7686 of title 10 [10 USCS § 7684(2), 7685, or 7686]; or any other device which the Attorney General finds is not likely to be used as a weapon, is an antique, or is a rifle which the owner intends to use solely for sporting, recreational or cultural purposes.

(5) The term “shotgun” means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of an explosive to fire through a smooth bore either a number of ball shot or a single projectile for each single pull of the trigger.

(6) The term “short-barreled shotgun” means a shotgun having one or more barrels less than eighteen inches in length and any weapon made from a shotgun (whether by alteration, modification, or otherwise) if such weapon as modified has an overall length of less than twenty-six inches.

(7) The term “rifle” means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of an explosive to fire only a single projectile through a rifled bore for each single pull of the trigger.

(8) The term “short-barreled rifle” means a rifle having one or more barrels less than sixteen inches in length and any weapon made from a rifle (whether by alteration, modification, or otherwise) if such weapon, as modified, has an overall length of less than twenty-six inches.

(9) The term “importer” means any person engaged in the business of importing or bringing firearms or ammunition into the United States for purposes of sale or distribution; and the term “licensed importer” means any such person licensed under the provisions of this chapter [18 USCS §§ 921 et seq.].

(10) The term “manufacturer” means any person engaged in the business of manufacturing firearms or ammunition for purposes of sale or distribution; and the term “licensed manufacturer” means any such person licensed under the provisions of this chapter [18 USCS §§ 921 et seq.].

(11) The term “dealer” means (A) any person engaged in the business of selling firearms at wholesale or retail, (B) any person engaged in the business of repairing firearms or of making or fitting special barrels, stocks, or trigger mechanisms to firearms, or (C) any person who is a pawnbroker. The term “licensed dealer” means any dealer who is licensed under the provisions of this chapter [18 USCS §§ 921 et seq.].



(12) The term “pawnbroker” means any person whose business or occupation includes the taking or receiving, by way of pledge or pawn, of any firearm as security for the payment or repayment of money.

(13) The term “collector” means any person who acquires, holds, or disposes of firearms as curios or relics, as the Attorney General shall by regulation define, and the term “licensed collector” means any such person licensed under the provisions of this chapter [18 USCS §§ 921 et seq.].

(14) The term “indictment” includes an indictment or information in any court under which a crime punishable by imprisonment for a term exceeding one year may be prosecuted.

(15) The term “fugitive from justice” means any person who has fled from any State to avoid prosecution for a crime or to avoid giving testimony in any criminal proceeding.

(16) The term “antique firearm” means—

(A) any firearm (including any firearm with a matchlock, flintlock, percussion cap, or similar type of ignition system) manufactured in or before 1898; or

(B) any replica of any firearm described in subparagraph (A) if such replica—

(i) is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition, or

(ii) uses rimfire or conventional centerfire fixed ammunition which is no longer manufactured in the United States and which is not readily available in the ordinary channels of commercial trade; or

(C) any muzzle loading rifle, muzzle loading shotgun, or muzzle loading pistol, which is designed to use black powder, or a black powder substitute, and which cannot use fixed ammunition. For purposes of this subparagraph, the term “antique firearm” shall not include any weapon which incorporates a firearm frame or receiver, any firearm which is converted into a muzzle loading weapon, or any muzzle loading weapon which can be readily converted to fire fixed ammunition by replacing the barrel, bolt, breechblock, or any combination thereof.

(17)

(A) The term “ammunition” means ammunition or cartridge cases, primers, bullets, or propellant powder designed for use in any firearm.

(B) The term “armor piercing ammunition” means—

(i) a projectile or projectile core which may be used in a handgun and which is constructed entirely (excluding the presence of traces of other substances) from one or a combination of tungsten alloys, steel, iron, brass, bronze, beryllium copper, or depleted uranium; or

(ii) a full jacketed projectile larger than .22 caliber designed and intended for use in a handgun and whose jacket has a weight of more than 25 percent of the total weight of the projectile.

(C) The term “armor piercing ammunition” does not include shotgun shot required by Federal or State environmental or game regulations for hunting purposes, a frangible projectile designed for target shooting, a projectile which the Attorney General finds is primarily intended to be used for sporting purposes, or any other projectile or projectile core which the Attorney General finds is intended to be used for industrial purposes, including a charge used in an oil and gas well perforating device.

(18) The term “Attorney General” means the Attorney General of the United States[.]

(19) The term “published ordinance” means a published law of any political subdivision of a State which the Attorney General determines to be relevant to the enforcement of this chapter [18 USCS §§ 921 et seq.] and which is contained on a list compiled by the Attorney General, which list shall be published in the Federal Register, revised annually, and furnished to each licensee under this chapter [18 USCS §§ 921 et seq.].

(20) The term “crime punishable by imprisonment for a term exceeding one year” does not include—

(A) any Federal or State offenses pertaining to antitrust violations, unfair trade practices, restraints of trade, or other similar offenses relating to the regulation of business practices, or

(B) any State offense classified by the laws of the State as a misdemeanor and punishable by a term of imprisonment of two years or less.

What constitutes a conviction of such a crime shall be determined in accordance with the law of the jurisdiction in which the proceedings were held. Any conviction which has been expunged, or set aside or for which a person has been pardoned or has had civil rights restored shall not be considered a conviction for purposes of this chapter, unless such pardon, expungement, or restoration of civil rights expressly provides that the person may not ship, transport, possess, or receive firearms.

(21) The term “engaged in the business” means—

(A) as applied to a manufacturer of firearms, a person who devotes time, attention, and labor to manufacturing firearms as a regular course of trade or business with the principal objective of livelihood and profit through the sale or distribution of the firearms manufactured;

(B) as applied to a manufacturer of ammunition, a person who devotes time, attention, and labor to manufacturing ammunition as a regular course of trade or business with the principal objective of livelihood and profit through the sale or distribution of the ammunition manufactured;

(C) as applied to a dealer in firearms, as defined in section 921(a)(11)(A) [18 USCS § 921(a)(11)(A)], a person who devotes time, attention, and labor to dealing in firearms as a regular course of trade or business to predominantly earn a profit through the repetitive purchase and resale of firearms, but such term shall not include a person who makes occasional sales, exchanges, or purchases of



firearms for the enhancement of a personal collection or for a hobby, or who sells all or part of his personal collection of firearms;

**(D)** as applied to a dealer in firearms, as defined in section 921(a)(11)(B) [18 USCS § 921(a)(11)(B)], a person who devotes time, attention, and labor to engaging in such activity as a regular course of trade or business with the principal objective of livelihood and profit, but such term shall not include a person who makes occasional repairs of firearms, or who occasionally fits special barrels, stocks, or trigger mechanisms to firearms;

**(E)** as applied to an importer of firearms, a person who devotes time, attention, and labor to importing firearms as a regular course of trade or business with the principal objective of livelihood and profit through the sale or distribution of the firearms imported; and

**(F)** as applied to an importer of ammunition, a person who devotes time, attention, and labor to importing ammunition as a regular course of trade or business with the principal objective of livelihood and profit through the sale or distribution of the ammunition imported.

**(22)** The term “to predominantly earn a profit” means that the intent underlying the sale or disposition of firearms is predominantly one of obtaining pecuniary gain, as opposed to other intents, such as improving or liquidating a personal firearms collection: *Provided*, That proof of profit shall not be required as to a person who engages in the regular and repetitive purchase and disposition of firearms for criminal purposes or terrorism. For purposes of this paragraph, the term “terrorism” means activity, directed against United States persons, which—

**(A)** is committed by an individual who is not a national or permanent resident alien of the United States;

**(B)** involves violent acts or acts dangerous to human life which would be a criminal violation if committed within the jurisdiction of the United States; and

**(C)** is intended—

**(i)** to intimidate or coerce a civilian population;

**(ii)** to influence the policy of a government by intimidation or coercion; or

**(iii)** to affect the conduct of a government by assassination or kidnapping.

**(23)** The term “with the principal objective of livelihood and profit” means that the intent underlying the sale or disposition of firearms is predominantly one of obtaining livelihood and pecuniary gain, as opposed to other intents, such as improving or liquidating a personal firearms collection: *Provided*, That proof of profit shall not be required as to a person who engages in the regular and repetitive purchase and disposition of firearms for criminal purposes or terrorism. For purposes of this paragraph, the term “terrorism” means activity, directed against United States persons, which—

**(A)** is committed by an individual who is not a national or permanent resident alien of the United States;

(B) involves violent acts or acts dangerous to human life which would be a criminal violation if committed within the jurisdiction of the United States; and

(C) is intended—

(i) to intimidate or coerce a civilian population;

(ii) to influence the policy of a government by intimidation or coercion; or

(iii) to affect the conduct of a government by assassination or kidnapping.

(24) The term “machinegun” has the meaning given such term in section 5845(b) of the National Firearms Act (*26 U.S.C. 5845(b)*).

(25) The terms “firearm silencer” and “firearm muffler” mean any device for silencing, muffling, or diminishing the report of a portable firearm, including any combination of parts, designed or redesigned, and intended for use in assembling or fabricating a firearm silencer or firearm muffler, and any part intended only for use in such assembly or fabrication.

(26) The term “school zone” means—

(A) in, or on the grounds of, a public, parochial or private school; or

(B) within a distance of 1,000 feet from the grounds of a public, parochial or private school.

(27) The term “school” means a school which provides elementary or secondary education, as determined under State law.

(28) The term “motor vehicle” has the meaning given such term in *section 13102 of title 49, United States Code [49 USCS § 13102]*.

(29) The term “semiautomatic rifle” means any repeating rifle which utilizes a portion of the energy of a firing cartridge to extract the fired cartridge case and chamber the next round, and which requires a separate pull of the trigger to fire each cartridge.

(30) The term “handgun” means—

(A) a firearm which has a short stock and is designed to be held and fired by the use of a single hand; and

(B) any combination of parts from which a firearm described in subparagraph (A) can be assembled.

(31) [Repealed]

(32) The term “intimate partner” means, with respect to a person, the spouse of the person, a former spouse of the person, an individual who is a parent of a child of the person, and an individual who cohabitates or has cohabited with the person.

(33)

(A) Except as provided in subparagraphs (B) and (C), the term “misdemeanor crime of domestic violence” means an offense that—

(i) is a misdemeanor under Federal, State, Tribal, or local law; and



(ii) has, as an element, the use or attempted use of physical force, or the threatened use of a deadly weapon, committed by a current or former spouse, parent, or guardian of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited with the victim as a spouse, parent, or guardian, by a person similarly situated to a spouse, parent, or guardian of the victim, or by a person who has a current or recent former dating relationship with the victim.

**(B)**

(i) A person shall not be considered to have been convicted of such an offense for purposes of this chapter [18 USCS §§ 921 et seq.], unless—

(I) the person was represented by counsel in the case, or knowingly and intelligently waived the right to counsel in the case; and

(II) in the case of a prosecution for an offense described in this paragraph for which a person was entitled to a jury trial in the jurisdiction in which the case was tried, either

(aa) the case was tried by a jury, or

(bb) the person knowingly and intelligently waived the right to have the case tried by a jury, by guilty plea or otherwise.

(ii) A person shall not be considered to have been convicted of such an offense for purposes of this chapter [18 USCS §§ 921 et seq.] if the conviction has been expunged or set aside, or is an offense for which the person has been pardoned or has had civil rights restored (if the law of the applicable jurisdiction provides for the loss of civil rights under such an offense) unless the pardon, expungement, or restoration of civil rights expressly provides that the person may not ship, transport, possess, or receive firearms.

**(C)** A person shall not be considered to have been convicted of a misdemeanor crime of domestic violence against an individual in a dating relationship for purposes of this chapter [18 USCS §§ 921 et seq.] if the conviction has been expunged or set aside, or is an offense for which the person has been pardoned or has had firearm rights restored unless the expungement, pardon, or restoration of rights expressly provides that the person may not ship, transport, possess, or receive firearms: *Provided*, That, in the case of a person who has not more than 1 conviction of a misdemeanor crime of domestic violence against an individual in a dating relationship, and is not otherwise prohibited under this chapter [18 USCS §§ 921 et seq.], the person shall not be disqualified from shipping, transport, possession, receipt, or purchase of a firearm under this chapter [18 USCS §§ 921 et seq.] if 5 years have elapsed from the later of the judgment of conviction or the completion of the person's custodial or supervisory sentence, if any, and the person has not subsequently been convicted of another such offense, a misdemeanor under Federal, State, Tribal, or local law which has, as an element, the use or attempted use of physical force, or the threatened use of a deadly weapon, or any other offense that would disqualify the person under section 922(g) [18 USCS § 922(g)]. The national instant criminal background check

system established under section 103 of the Brady Handgun Violence Prevention Act (*34 U.S.C. 40901*) shall be updated to reflect the status of the person.

Restoration under this subparagraph is not available for a current or former spouse, parent, or guardian of the victim, a person with whom the victim shares a child in common, a person who is cohabiting with or has cohabited with the victim as a spouse, parent, or guardian, or a person similarly situated to a spouse, parent, or guardian of the victim.

**(34)** The term “secure gun storage or safety device” means—

**(A)** a device that, when installed on a firearm, is designed to prevent the firearm from being operated without first deactivating the device;

**(B)** a device incorporated into the design of the firearm that is designed to prevent the operation of the firearm by anyone not having access to the device; or

**(C)** a safe, gun safe, gun case, lock box, or other device that is designed to be or can be used to store a firearm and that is designed to be unlocked only by means of a key, a combination, or other similar means.

**(35)** The term “body armor” means any product sold or offered for sale, in interstate or foreign commerce, as personal protective body covering intended to protect against gunfire, regardless of whether the product is to be worn alone or is sold as a complement to another product or garment.

**(36)** The term “local law enforcement authority” means a bureau, office, department or other authority of a State or local government or Tribe that has jurisdiction to investigate a violation or potential violation of, or enforce, a State, local, or Tribal law.

**(37)**

**(A)** The term “dating relationship” means a relationship between individuals who have or have recently had a continuing serious relationship of a romantic or intimate nature.

**(B)** Whether a relationship constitutes a dating relationship under subparagraph (A) shall be determined based on consideration of—

**(i)** the length of the relationship;

**(ii)** the nature of the relationship; and

**(iii)** the frequency and type of interaction between the individuals involved in the relationship.

**(C)** A casual acquaintanceship or ordinary fraternization in a business or social context does not constitute a dating relationship under subparagraph (A).

**(b)** For the purposes of this chapter [*18 USCS §§ 921 et seq.*], a member of the Armed Forces on active duty is a resident of the State in which his permanent duty station is located.

## History

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## HISTORY:

Added June 19, 1968, *P. L. 90-351*, Title IV, § 902, *82 Stat. 226*; Oct. 22, 1968, *P. L. 90-618*, Title I, § 102, *82 Stat. 1214*; Jan. 4, 1975, *P.L. 93-639*, § 102, *88 Stat. 2217*; May 19, 1986, *P. L. 99-308*, § 101, *100 Stat. 449*; July 8, 1986, *P. L. 99-360*, § 1(b), *100 Stat. 766*; Aug. 28, 1986, *P. L. 99-408*, § 1, *100 Stat. 920*; Nov. 29, 1990, *P. L. 101-647*, Title XVII, § 1702(b)(2), Title XXII, § 2204(a), *104 Stat. 4845*; Nov. 30, 1993, *P. L. 103-159*, Title I, § 102(a)(2), *107 Stat. 1539*; Sept. 13, 1994, *P. L. 103-322*, Title XI, Subtitle A, §§ 110102(b), 110103(b), Subtitle D, § 110401(a), Subtitle E, § 110519, Title XXXIII, § 330021(1), *108 Stat. 1997*, 1999, 2014, 2020, 2150; Dec. 29, 1995, *P. L. 104-88*, Title III, Subtitle A, § 303(1), *109 Stat. 943*; Sept. 30, 1996, *P. L. 104-208*, Div A, Title I, § 101(f) [Title VI, § 658(a)], *110 Stat. 3009-371*; Oct. 21, 1998, *P. L. 105-277*, Div A, § 101(b) [Title I, § 119(a)], § 101(h) [Title I, § 115], *112 Stat. 2681-69*, 2681-490; Nov. 2, 2002, *P. L. 107-273*, Div C, Title I, Subtitle A, § 11009(e)(1), *116 Stat. 1821*; Nov. 25, 2002, *P. L. 107-296*, Title XI, Subtitle B, § 1112(f)(1)–(3), (6), *116 Stat. 2276*; Jan. 5, 2006, *P. L. 109-162*, Title IX, § 908(a), *119 Stat. 3083*; Aug. 13, 2018, *P.L. 115-232*, Div A, Title VIII, Subtitle A, Part II, § 809(e)(2), *132 Stat. 1842*; Mar. 15, 2022, *P.L. 117-103*, Div W, Title XI, §§ 1101(b), 1104(a), *136 Stat. 919*, 921; June 25, 2022, *P.L. 117-159*, Div A, Title II, §§ 12002, 12005(a), (c), *136 Stat. 1324*, 1332.

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**18 USCS § 922, Part 1 of 4**

Current through Public Law 118-19, approved October 6, 2023.

**United States Code Service > TITLE 18. CRIMES AND CRIMINAL PROCEDURE (§§ 1 — 6005) > Part I. Crimes (Chs. 1 — 123) > CHAPTER 44. Firearms (§§ 921 — 934)**

**§ 922. Unlawful acts [Caution: See prospective amendment note below.]**

(a) It shall be unlawful—

(1) for any person—

(A) except a licensed importer, licensed manufacturer, or licensed dealer, to engage in the business of importing, manufacturing, or dealing in firearms, or in the course of such business to ship, transport, or receive any firearm in interstate or foreign commerce; or

(B) except a licensed importer or licensed manufacturer, to engage in the business of importing or manufacturing ammunition, or in the course of such business, to ship, transport, or receive any ammunition in interstate or foreign commerce;

(2) for any importer, manufacturer, dealer, or collector licensed under the provisions of this chapter [18 USCS §§ 921 et seq.] to ship or transport in interstate or foreign commerce any firearm to any person other than a licensed importer, licensed manufacturer, licensed dealer, or licensed collector, except that—

(A) this paragraph and subsection (b)(3) shall not be held to preclude a licensed importer, licensed manufacturer, licensed dealer, or licensed collector from returning a firearm or replacement firearm of the same kind and type to a person from whom it was received; and this paragraph shall not be held to preclude an individual from mailing a firearm owned in compliance with Federal, State, and local law to a licensed importer, licensed manufacturer, licensed dealer, or licensed collector;

(B) this paragraph shall not be held to preclude a licensed importer, licensed manufacturer, or licensed dealer from depositing a firearm for conveyance in the mails to any officer, employee, agent, or watchman who, pursuant to the provisions of section 1715 of this title [18 USCS § 1715], is eligible to receive through the mails pistols, revolvers, and other firearms capable of being concealed on the person, for use in connection with his official duty; and

(C) nothing in this paragraph shall be construed as applying in any manner in the District of Columbia, the Commonwealth of Puerto Rico, or any possession of the United States differently than it would apply if the District of Columbia, the Commonwealth of Puerto Rico, or the possession were in fact a State of the United States;



(3) for any person other than a licensed importer, licensed manufacturer, licensed dealer, or licensed collector to transport into or receive in the State where he resides (or if the person is a corporation or other business entity, the State where it maintains a place of business) any firearm purchased or otherwise obtained by such person outside that State, except that this paragraph (A) shall not preclude any person who lawfully acquires a firearm by bequest or intestate succession in a State other than his State of residence from transporting the firearm into or receiving it in that State, if it is lawful for such person to purchase or possess such firearm in that State, (B) shall not apply to the transportation or receipt of a firearm obtained in conformity with subsection (b)(3) of this section, and (C) shall not apply to the transportation of any firearm acquired in any State prior to the effective date of this chapter [effective Dec. 16, 1968];

(4) for any person, other than a licensed importer, licensed manufacturer, licensed dealer, or licensed collector, to transport in interstate or foreign commerce any destructive device, machinegun (as defined in section 5845 of the Internal Revenue Code of 1954 [1986] [26 USCS § 5845]), short-barreled shotgun, or short-barreled rifle, except as specifically authorized by the Attorney General consistent with public safety and necessity;

(5) for any person (other than a licensed importer, licensed manufacturer, licensed dealer, or licensed collector) to transfer, sell, trade, give, transport, or deliver any firearm to any person (other than a licensed importer, licensed manufacturer, licensed dealer, or licensed collector) who the transferor knows or has reasonable cause to believe does not reside in (or if the person is a corporation or other business entity, does not maintain a place of business in) the State in which the transferor resides; except that this paragraph shall not apply to (A) the transfer, transportation, or delivery of a firearm made to carry out a bequest of a firearm to, or an acquisition by intestate succession of a firearm by, a person who is permitted to acquire or possess a firearm under the laws of the State of his residence, and (B) the loan or rental of a firearm to any person for temporary use for lawful sporting purposes;

(6) for any person in connection with the acquisition or attempted acquisition of any firearm or ammunition from a licensed importer, licensed manufacturer, licensed dealer, or licensed collector, knowingly to make any false or fictitious oral or written statement or to furnish or exhibit any false, fictitious, or misrepresented identification, intended or likely to deceive such importer, manufacturer, dealer, or collector with respect to any fact material to the lawfulness of the sale or other disposition of such firearm or ammunition under the provisions of this chapter [18 USCS §§ 921 et seq.];

(7) for any person to manufacture or import armor piercing ammunition, unless—

(A) the manufacture of such ammunition is for the use of the United States, any department or agency of the United States, any State, or any department, agency, or political subdivision of a State;

(B) the manufacture of such ammunition is for the purpose of exportation; or

(C) the manufacture or importation of such ammunition is for the purpose of testing or experimentation and has been authorized by the Attorney General;

(8) for any manufacturer or importer to sell or deliver armor piercing ammunition, unless such sale or delivery—

(A) is for the use of the United States, any department or agency of the United States, any State, or any department, agency, or political subdivision of a State;

(B) is for the purpose of exportation; or

(C) is for the purpose of testing or experimentation and has been authorized by the Attorney General; [and]

(9) for any person, other than a licensed importer, licensed manufacturer, licensed dealer, or licensed collector, who does not reside in any State to receive any firearms unless such receipt is for lawful sporting purposes.

(b) It shall be unlawful for any licensed importer, licensed manufacturer, licensed dealer, or licensed collector to sell or deliver—

(1) any firearm or ammunition to any individual who the licensee knows or has reasonable cause to believe is less than eighteen years of age, and, if the firearm, or ammunition is other than a shotgun or rifle, or ammunition for a shotgun or rifle, to any individual who the licensee knows or has reasonable cause to believe is less than twenty-one years of age;

(2) any firearm to any person in any State where the purchase or possession by such person of such firearm would be in violation of any State law or any published ordinance applicable at the place of sale, delivery or other disposition, unless the licensee knows or has reasonable cause to believe that the purchase or possession would not be in violation of such State law or such published ordinance;

(3) any firearm to any person who the licensee knows or has reasonable cause to believe does not reside in (or if the person is a corporation or other business entity, does not maintain a place of business in) the State in which the licensee's place of business is located, except that this paragraph (A) shall not apply to the sale or delivery of any rifle or shotgun to a resident of a State other than a State in which the licensee's place of business is located if the transferee meets in person with the transferor to accomplish the transfer, and the sale, delivery, and receipt fully comply with the legal conditions of sale in both such States (and any licensed manufacturer, importer or dealer shall be presumed, for purposes of this subparagraph, in the absence of evidence to the contrary, to have had actual knowledge of the State laws and published ordinances of both States), and (B) shall not apply to the loan or rental of a firearm to any person for temporary use for lawful sporting purposes;

(4) to any person any destructive device, machinegun (as defined in section 5845 of the Internal Revenue Code of 1954 [1986] [26 USCS § 5845]), short-barreled shotgun, or short-barreled rifle, except as specifically authorized by the Attorney General consistent with public safety and necessity; and

(5) any firearm or armor-piercing ammunition to any person unless the licensee notes in his records, required to be kept pursuant to section 923 of this chapter [18 USCS § 923], the name, age, and place of residence of such person if the person is an



individual, or the identity and principal and local places of business of such person if the person is a corporation or other business entity.

Paragraphs (1), (2), (3), and (4) of this subsection shall not apply to transactions between licensed importers, licensed manufacturers, licensed dealers, and licensed collectors.

Paragraph (4) of this subsection shall not apply to a sale or delivery to any research organization designated by the Attorney General.

(c) In any case not otherwise prohibited by this chapter [18 USCS §§ 921 et seq.], a licensed importer, licensed manufacturer, or licensed dealer may sell a firearm to a person who does not appear in person at the licensee's business premises (other than another licensed importer, manufacturer, or dealer) only if—

(1) the transferee submits to the transferor a sworn statement in the following form:

Subject to penalties provided by law, I swear that, in the case of any firearm other than a shotgun or a rifle, I am twenty-one years or more of age, or that, in the case of a shotgun or a rifle, I am eighteen years or more of age; that I am not prohibited by the provisions of chapter 44 of title 18, United States Code [18 USCS §§ 921 et seq.], from receiving a firearm in interstate or foreign commerce; and that my receipt of this firearm will not be in violation of any statute of the State and published ordinance applicable to the locality in which I reside. Further, the true title, name, and address of the principal law enforcement officer of the locality to which the firearm will be delivered are .....

Signature..... Date.....

and containing blank spaces for the attachment of a true copy of any permit or other information required pursuant to such statute or published ordinance;

(2) the transferor has, prior to the shipment or delivery of the firearm, forwarded by registered or certified mail (return receipt requested) a copy of the sworn statement, together with a description of the firearm, in a form prescribed by the Attorney General, to the chief law enforcement officer of the transferee's place of residence, and has received a return receipt evidencing delivery of the statement or has had the statement returned due to the refusal of the named addressee to accept such letter in accordance with United States Post Office Department [United States Postal Service] regulations; and

(3) the transferor has delayed shipment or delivery for a period of at least seven days following receipt of the notification of the acceptance or refusal of delivery of the statement.

A copy of the sworn statement and a copy of the notification to the local law enforcement officer, together with evidence of receipt or rejection of that notification shall be retained by the licensee as a part of the records required to be kept under section 923(g) [18 USCS § 923(g)].

(d) It shall be unlawful for any person to sell or otherwise dispose of any firearm or ammunition to any person knowing or having reasonable cause to believe that such person, including as a juvenile—

§ 922. Unlawful acts

- (1) is under indictment for, or has been convicted in any court of, a crime punishable by imprisonment for a term exceeding one year;
- (2) is a fugitive from justice;
- (3) is an unlawful user of or addicted to any controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802));
- (4) has been adjudicated as a mental defective or has been committed to any mental institution at 16 years of age or older;
- (5) who, being an alien—
  - (A) is illegally or unlawfully in the United States; or
  - (B) except as provided in subsection (y)(2), has been admitted to the United States under a nonimmigrant visa (as that term is defined in section 101(a)(26) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(26)));
- (6) [who] has been discharged from the Armed Forces under dishonorable conditions;
- (7) who, having been a citizen of the United States, has renounced his citizenship;
- (8) is subject to a court order that restrains such person from harassing, stalking, or threatening an intimate partner of such person or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child, except that this paragraph shall only apply to a court order that—
  - (A) was issued after a hearing of which such person received actual notice, and at which such person had the opportunity to participate; and
  - (B)
    - (i) includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child; or
    - (ii) by its terms explicitly prohibits the use, attempted use, or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury;
- (9) has been convicted in any court of a misdemeanor crime of domestic violence;
- (10) intends to sell or otherwise dispose of the firearm or ammunition in furtherance of a felony, a Federal crime of terrorism, or a drug trafficking offense (as such terms are defined in section 932(a) (18 USCS § 932(a))); or
- (11) intends to sell or otherwise dispose of the firearm or ammunition to a person described in any of paragraphs (1) through (10).

This subsection shall not apply with respect to the sale or disposition of a firearm or ammunition to a licensed importer, licensed manufacturer, licensed dealer, or licensed collector who pursuant to subsection (b) of section 925 (18 USCS § 925) is not precluded from dealing in firearms or ammunition, or to a person who has been granted relief from disabilities pursuant to subsection (c) of section 925 (18 USCS § 925).



(e) It shall be unlawful for any person knowingly to deliver or cause to be delivered to any common or contract carrier for transportation or shipment in interstate or foreign commerce, to persons other than licensed importers, licensed manufacturers, licensed dealers, or licensed collectors, any package or other container in which there is any firearm or ammunition without written notice to the carrier that such firearm or ammunition is being transported or shipped; except that any passenger who owns or legally possesses a firearm or ammunition being transported aboard any common or contract carrier for movement with the passenger in interstate or foreign commerce may deliver said firearm or ammunition into the custody of the pilot, captain, conductor or operator of such common or contract carrier for the duration of the trip without violating any of the provisions of this chapter [*18 USCS §§ 921 et seq.*]. No common or contract carrier shall require or cause any label, tag, or other written notice to be placed on the outside of any package, luggage, or other container that such package, luggage, or other container contains a firearm.

(f)

(1) It shall be unlawful for any common or contract carrier to transport or deliver in interstate or foreign commerce any firearm or ammunition with knowledge or reasonable cause to believe that the shipment, transportation, or receipt thereof would be in violation of the provisions of this chapter [*18 USCS §§ 921 et seq.*].

(2) It shall be unlawful for any common or contract carrier to deliver in interstate or foreign commerce any firearm without obtaining written acknowledgement of receipt from the recipient of the package or other container in which there is a firearm.

(g) It shall be unlawful for any person—

(1) who has been convicted in any court of, a crime punishable by imprisonment for a term exceeding one year;

(2) who is a fugitive from justice;

(3) who is an unlawful user of or addicted to any controlled substance (as defined in section 102 of the Controlled Substances Act (*21 U.S.C. 802*));

(4) who has been adjudicated as a mental defective or who has been committed to a mental institution;

(5) who, being an alien—

(A) is illegally or unlawfully in the United States; or

(B) except as provided in subsection (y)(2), has been admitted to the United States under a nonimmigrant visa (as that term is defined in section 101(a)(26) of the Immigration and Nationality Act (*8 U.S.C. 1101(a)(26)*));

(6) who has been discharged from the Armed Forces under dishonorable conditions;

(7) who, having been a citizen of the United States, has renounced his citizenship;

(8) who is subject to a court order that—

(A) was issued after a hearing of which such person received actual notice, and at which such person had an opportunity to participate;

**(B)** restrains such person from harassing, stalking, or threatening an intimate partner of such person or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child; and

**(C)**

**(i)** includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child; or

**(ii)** by its terms explicitly prohibits the use, attempted use, or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury; or

**(9)** who has been convicted in any court of a misdemeanor crime of domestic violence,

to ship or transport in interstate or foreign commerce, or possess in or affecting commerce, any firearm or ammunition; or to receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce.

**(h)** It shall be unlawful for any individual, who to that individual's knowledge and while being employed for any person described in any paragraph of subsection (g) of this section, in the course of such employment—

**(1)** to receive, possess, or transport any firearm or ammunition in or affecting interstate or foreign commerce; or

**(2)** to receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce.

**(i)** It shall be unlawful for any person to transport or ship in interstate or foreign commerce, any stolen firearm or stolen ammunition, knowing or having reasonable cause to believe that the firearm or ammunition was stolen.

**(j)** It shall be unlawful for any person to receive, possess, conceal, store, barter, sell, or dispose of any stolen firearm or stolen ammunition, or pledge or accept as security for a loan any stolen firearm or stolen ammunition, which is moving as, which is a part of, which constitutes, or which has been shipped or transported in, interstate or foreign commerce, either before or after it was stolen, knowing or having reasonable cause to believe that the firearm or ammunition was stolen.

**(k)** It shall be unlawful for any person knowingly to transport, ship, or receive, in interstate or foreign commerce, any firearm which has had the importer's or manufacturer's serial number removed, obliterated, or altered, or to possess or receive any firearm which has had the importer's or manufacturer's serial number removed, obliterated, or altered and has, at any time, been shipped or transported in interstate or foreign commerce.

**(l)** Except as provided in section 925(d) of this chapter [18 USCS § 925(d)], it shall be unlawful for any person knowingly to import or bring into the United States or any possession thereof any firearm or ammunition; and it shall be unlawful for any person knowingly to receive any firearm or ammunition which has been imported or brought into



the United States or any possession thereof in violation of the provisions of this chapter [18 USCS §§ 921 et seq.].

(m) It shall be unlawful for any licensed importer, licensed manufacturer, licensed dealer, or licensed collector knowingly to make any false entry in, to fail to make appropriate entry in, or to fail to properly maintain, any record which he is required to keep pursuant to section 923 of this chapter [18 USCS § 923] or regulations promulgated thereunder.

(n) It shall be unlawful for any person who is under indictment for a crime punishable by imprisonment for a term exceeding one year to ship or transport in interstate or foreign commerce any firearm or ammunition or receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce.

(o)

(1) Except as provided in paragraph (2), it shall be unlawful for any person to transfer or possess a machinegun.

(2) This subsection does not apply with respect to—

(A) a transfer to or by, or possession by or 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

(B) any lawful transfer or lawful possession of a machinegun that was lawfully possessed before the date this subsection takes effect [effective May 19, 1986].

(p)

(1) It shall be unlawful for any person to manufacture, import, sell, ship, deliver, possess, transfer, or receive any firearm—

(A) that, after removal of grips, stocks, and magazines, is not as detectable as the Security Exemplar, by walk-through metal detectors calibrated and operated to detect the Security Exemplar; or

(B) any major component of which, when subjected to inspection by the types of x-ray machines commonly used at airports, does not generate an image that accurately depicts the shape of the component. Barium sulfate or other compounds may be used in the fabrication of the component.

(2) For purposes of this subsection—

(A) the term “firearm” does not include the frame or receiver of any such weapon;

(B) the term “major component” means, with respect to a firearm, the barrel, the slide or cylinder, or the frame or receiver of the firearm; and

(C) the term “Security Exemplar” means an object, to be fabricated at the direction of the Attorney General, that is—

(i) constructed of, during the 12-month period beginning on the date of the enactment of this subsection, 3.7 ounces of material type 17-4 PH stainless steel in a shape resembling a handgun; and

(ii) suitable for testing and calibrating metal detectors:

*Provided, however*, That at the close of such 12-month period, and at appropriate times thereafter the Attorney General shall promulgate regulations to permit the manufacture, importation, sale, shipment, delivery, possession, transfer, or receipt of firearms previously prohibited under this subparagraph that are as detectable as a "Security Exemplar" which contains 3.7 ounces of material type 17-4 PH stainless steel, in a shape resembling a handgun, or such lesser amount as is detectable in view of advances in state-of-the-art developments in weapons detection technology.

(3) Under such rules and regulations as the Attorney General shall prescribe, this subsection shall not apply to the manufacture, possession, transfer, receipt, shipment, or delivery of a firearm by a licensed manufacturer or any person acting pursuant to a contract with a licensed manufacturer, for the purpose of examining and testing such firearm to determine whether paragraph (1) applies to such firearm. The Attorney General shall ensure that rules and regulations adopted pursuant to this paragraph do not impair the manufacture of prototype firearms or the development of new technology.

(4) The Attorney General shall permit the conditional importation of a firearm by a licensed importer or licensed manufacturer, for examination and testing to determine whether or not the unconditional importation of such firearm would violate this subsection.

(5) This subsection shall not apply to any firearm which—

(A) has been certified by the Secretary of Defense or the Director of Central Intelligence, after consultation with the Attorney General and the Administrator of the Federal Aviation Administration, as necessary for military or intelligence applications; and

(B) is manufactured for and sold exclusively to military or intelligence agencies of the United States.

(6) This subsection shall not apply with respect to any firearm manufactured in, imported into, or possessed in the United States before the date of the enactment of the Undetectable Firearms Act of 1988 [enacted Nov. 10, 1988].

(q)

(1) The Congress finds and declares that—

(A) crime, particularly crime involving drugs and guns, is a pervasive, nationwide problem;

(B) crime at the local level is exacerbated by the interstate movement of drugs, guns, and criminal gangs;

(C) firearms and ammunition move easily in interstate commerce and have been found in increasing numbers in and around schools, as documented in numerous hearings in both the Committee on the Judiciary [of] the House of Representatives and the Committee on the Judiciary of the Senate;



- (D) in fact, even before the sale of a firearm, the gun, its component parts, ammunition, and the raw materials from which they are made have considerably moved in interstate commerce;
- (E) while criminals freely move from State to State, ordinary citizens and foreign visitors may fear to travel to or through certain parts of the country due to concern about violent crime and gun violence, and parents may decline to send their children to school for the same reason;
- (F) the occurrence of violent crime in school zones has resulted in a decline in the quality of education in our country;
- (G) this decline in the quality of education has an adverse impact on interstate commerce and the foreign commerce of the United States;
- (H) States, localities, and school systems find it almost impossible to handle gun-related crime by themselves—even States, localities, and school systems that have made strong efforts to prevent, detect, and punish gun-related crime find their efforts unavailing due in part to the failure or inability of other States or localities to take strong measures; and
- (I) the Congress has the power, under the interstate commerce clause and other provisions of the Constitution, to enact measures to ensure the integrity and safety of the Nation's schools by enactment of this subsection.

(2)

- (A) It shall be unlawful for any individual knowingly to possess a firearm that has moved in or that otherwise affects interstate or foreign commerce at a place that the individual knows, or has reasonable cause to believe, is a school zone.
- (B) Subparagraph (A) does not apply to the possession of a firearm—
  - (i) on private property not part of school grounds;
  - (ii) if the individual possessing the firearm is licensed to do so by the State in which the school zone is located or a political subdivision of the State, and the law of the State or political subdivision requires that, before an individual obtains such a license, the law enforcement authorities of the State or political subdivision verify that the individual is qualified under law to receive the license;
  - (iii) that is—
    - (I) not loaded; and
    - (II) in a locked container, or a locked firearms rack that is on a motor vehicle;
  - (iv) by an individual for use in a program approved by a school in the school zone;
  - (v) by an individual in accordance with a contract entered into between a school in the school zone and the individual or an employer of the individual;

- (vi) by a law enforcement officer acting in his or her official capacity; or
- (vii) that is unloaded and is possessed by an individual while traversing school premises for the purpose of gaining access to public or private lands open to hunting, if the entry on school premises is authorized by school authorities.

(3)

(A) Except as provided in subparagraph (B), it shall be unlawful for any person, knowingly or with reckless disregard for the safety of another, to discharge or attempt to discharge a firearm that has moved in or that otherwise affects interstate or foreign commerce at a place that the person knows is a school zone.

(B) Subparagraph (A) does not apply to the discharge of a firearm—

- (i) on private property not part of school grounds;
- (ii) as part of a program approved by a school in the school zone, by an individual who is participating in the program;
- (iii) by an individual in accordance with a contract entered into between a school in a school zone and the individual or an employer of the individual; or
- (iv) by a law enforcement officer acting in his or her official capacity.

(4) Nothing in this subsection shall be construed as preempting or preventing a State or local government from enacting a statute establishing gun free school zones as provided in this subsection.

(r) It shall be unlawful for any person to assemble from imported parts any semiautomatic rifle or any shotgun which is identical to any rifle or shotgun prohibited from importation under section 925(d)(3) of this chapter [*18 USCS § 925(d)(3)*] as not being particularly suitable for or readily adaptable to sporting purposes except that this subsection shall not apply to—

- (1) the assembly of any such rifle or shotgun for sale or distribution by a licensed manufacturer to the United States or any department or agency thereof or to any State or any department, agency, or political subdivision thereof; or
- (2) the assembly of any such rifle or shotgun for the purposes of testing or experimentation authorized by the Attorney General.

(s)

(1) Beginning on the date that is 90 days after the date of enactment of this subsection [enacted Nov. 30, 1993] and ending on the day before the date that is 60 months after such date of enactment, it shall be unlawful for any licensed importer, licensed manufacturer, or licensed dealer to sell, deliver, or transfer a handgun (other than the return of a handgun to the person from whom it was received) to an individual who is not licensed under section 923 [*18 USCS § 923*], unless—

(A) after the most recent proposal of such transfer by the transferee—

- (i) the transferor has—



- (I) received from the transferee a statement of the transferee containing the information described in paragraph (3);
- (II) verified the identity of the transferee by examining the identification document presented;
- (III) within 1 day after the transferee furnishes the statement, provided notice of the contents of the statement to the chief law enforcement officer of the place of residence of the transferee; and
- (IV) within 1 day after the transferee furnishes the statement, transmitted a copy of the statement to the chief law enforcement officer of the place of residence of the transferee; and

(ii)

- (I) 5 business days (meaning days on which State offices are open) have elapsed from the date the transferor furnished notice of the contents of the statement to the chief law enforcement officer, during which period the transferor has not received information from the chief law enforcement officer that receipt or possession of the handgun by the transferee would be in violation of Federal, State, or local law; or
- (II) the transferor has received notice from the chief law enforcement officer that the officer has no information indicating that receipt or possession of the handgun by the transferee would violate Federal, State, or local law;

(B) the transferee has presented to the transferor a written statement, issued by the chief law enforcement officer of the place of residence of the transferee during the 10-day period ending on the date of the most recent proposal of such transfer by the transferee, stating that the transferee requires access to a handgun because of a threat to the life of the transferee or of any member of the household of the transferee;

(C)

- (i) the transferee has presented to the transferor a permit that—
  - (I) allows the transferee to possess or acquire a handgun; and
  - (II) was issued not more than 5 years earlier by the State in which the transfer is to take place; and
- (ii) the law of the State provides that such a permit is to be issued only after an authorized government official has verified that the information available to such official does not indicate that possession of a handgun by the transferee would be in violation of the law;

(D) the law of the State requires that, before any licensed importer, licensed manufacturer, or licensed dealer completes the transfer of a handgun to an individual who is not licensed under section 923 [18 USCS § 923], an authorized government official verify that the information available to such official does not indicate that possession of a handgun by the transferee would be in violation of law;

(E) the Attorney General has approved the transfer under section 5812 of the Internal Revenue Code of 1986 [26 USCS § 5812]; or

(F) on application of the transferor, the Attorney General has certified that compliance with subparagraph (A)(i)(III) is impracticable because—

- (i) the ratio of the number of law enforcement officers of the State in which the transfer is to occur to the number of square miles of land area of the State does not exceed 0.0025;
- (ii) the business premises of the transferor at which the transfer is to occur are extremely remote in relation to the chief law enforcement officer; and
- (iii) there is an absence of telecommunications facilities in the geographical area in which the business premises are located.

(2) A chief law enforcement officer to whom a transferor has provided notice pursuant to paragraph (1)(A)(i)(III) shall make a reasonable effort to ascertain within 5 business days whether receipt or possession would be in violation of the law, including research in whatever State and local recordkeeping systems are available and in a national system designated by the Attorney General.

(3) The statement referred to in paragraph (1)(A)(i)(I) shall contain only—

(A) the name, address, and date of birth appearing on a valid identification document (as defined in section 1028(d)(1) [18 USCS § 1028(d)(1)]) of the transferee containing a photograph of the transferee and a description of the identification used;

(B) a statement that the transferee—

- (i) is not under indictment for, and has not been convicted in any court of, a crime punishable by imprisonment for a term exceeding 1 year, and has not been convicted in any court of a misdemeanor crime of domestic violence;
- (ii) is not a fugitive from justice;
- (iii) is not an unlawful user of or addicted to any controlled substance (as defined in section 102 of the Controlled Substances Act [21 USCS § 802]);
- (iv) has not been adjudicated as a mental defective or been committed to a mental institution;
- (v) is not an alien who—
  - (I) is illegally or unlawfully in the United States; or
  - (II) subject to subsection (y)(2), has been admitted to the United States under a nonimmigrant visa (as that term is defined in section 101(a)(26) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(26)));
- (vi) has not been discharged from the Armed Forces under dishonorable conditions; and
- (vii) is not a person who, having been a citizen of the United States, has renounced such citizenship;



- (C) the date the statement is made; and
  - (D) notice that the transferee intends to obtain a handgun from the transferor.
- (4) Any transferor of a handgun who, after such transfer, receives a report from a chief law enforcement officer containing information that receipt or possession of the handgun by the transferee violates Federal, State, or local law shall, within 1 business day after receipt of such request, communicate any information related to the transfer that the transferor has about the transfer and the transferee to—
- (A) the chief law enforcement officer of the place of business of the transferor; and
  - (B) the chief law enforcement officer of the place of residence of the transferee.
- (5) Any transferor who receives information, not otherwise available to the public, in a report under this subsection shall not disclose such information except to the transferee, to law enforcement authorities, or pursuant to the direction of a court of law.
- (6)
- (A) Any transferor who sells, delivers, or otherwise transfers a handgun to a transferee shall retain the copy of the statement of the transferee with respect to the handgun transaction, and shall retain evidence that the transferor has complied with subclauses (III) and (IV) of paragraph (1)(A)(i) with respect to the statement.
  - (B) Unless the chief law enforcement officer to whom a statement is transmitted under paragraph (1)(A)(i)(IV) determines that a transaction would violate Federal, State, or local law—
    - (i) the officer shall, within 20 business days after the date the transferee made the statement on the basis of which the notice was provided, destroy the statement, any record containing information derived from the statement, and any record created as a result of the notice required by paragraph (1)(A)(i)(III);
    - (ii) the information contained in the statement shall not be conveyed to any person except a person who has a need to know in order to carry out this subsection; and
    - (iii) the information contained in the statement shall not be used for any purpose other than to carry out this subsection.
  - (C) If a chief law enforcement officer determines that an individual is ineligible to receive a handgun and the individual requests the officer to provide the reason for such determination, the officer shall provide such reasons to the individual in writing within 20 business days after receipt of the request.
- (7) A chief law enforcement officer or other person responsible for providing criminal history background information pursuant to this subsection shall not be liable in an action at law for damages—

(A) for failure to prevent the sale or transfer of a handgun to a person whose receipt or possession of the handgun is unlawful under this section; or

(B) for preventing such a sale or transfer to a person who may lawfully receive or possess a handgun.

(8) For purposes of this subsection, the term “chief law enforcement officer” means the chief of police, the sheriff, or an equivalent officer or the designee of any such individual.

(9) The Attorney General shall take necessary actions to ensure that the provisions of this subsection are published and disseminated to licensed dealers, law enforcement officials, and the public.

(t)

(1) Beginning on the date that is 30 days after the Attorney General notifies licensees under section 103(d) of the Brady Handgun Violence Prevention Act [note to this section] that the national instant criminal background check system is established, a licensed importer, licensed manufacturer, or licensed dealer shall not transfer a firearm to any other person who is not licensed under this chapter [18 USCS §§ 921 et seq.], unless—

(A) before the completion of the transfer, the licensee contacts the national instant criminal background check system established under section 103 of that Act [note to this section];

(B)

(i) the system provides the licensee with a unique identification number; or

(ii) subject to subparagraph (C), 3 business days (meaning a day on which State offices are open) have elapsed since the licensee contacted the system, and the system has not notified the licensee that the receipt of a firearm by such other person would violate subsection (g) or (n) of this section, or State, local, or Tribal law;

(C) in the case of a person less than 21 years of age, in addition to all other requirements of this chapter [18 USCS §§ 921 et seq.]—

(i) the system provides the licensee with a unique identification number;

(ii) 3 business days (meaning a day on which State offices are open) have elapsed since the licensee contacted the system, and the system has not notified the licensee that cause exists to further investigate a possibly disqualifying juvenile record under subsection (d); or

(iii) in the case of such a person with respect to whom the system notifies the licensee in accordance with clause (ii) that cause exists to further investigate a possibly disqualifying juvenile record under subsection (d), 10 business days (meaning a day on which State offices are open) have elapsed since the licensee contacted the system, and the system has not notified the licensee that—



- (I) transferring the firearm to the other person would violate subsection (d) of this section; or
  - (II) receipt of a firearm by the other person would violate subsection (g) or (n) of this section, or State, local, or Tribal law; and
- (D) the transferor has verified the identity of the transferee by examining a valid identification document (as defined in section 1028(d) of this title [18 USCS § 1028(d)]) of the transferee containing a photograph of the transferee.
- (2) If transfer or receipt of a firearm would not violate section 922(d), (g), or (n) [18 USCS § 922(d), (g), or (n)] (as applicable) or State, local or Tribal law, the system shall—
- (A) assign a unique identification number to the transfer;
  - (B) provide the licensee with the number; and
  - (C) destroy all records of the system with respect to the call (other than the identifying number and the date the number was assigned) and all records of the system relating to the person or the transfer.
- (3) Paragraph (1) shall not apply to a firearm transfer between a licensee and another person if—
- (A)
    - (i) such other person has presented to the licensee a permit that—
      - (I) allows such other person to possess or acquire a firearm; and
      - (II) was issued not more than 5 years earlier by the State in which the transfer is to take place; and
    - (ii) the law of the State provides that such a permit is to be issued only after an authorized government official has verified that the information available to such official does not indicate that possession of a firearm by such other person would be in violation of law;
  - (B) the Attorney General has approved the transfer under section 5812 of the Internal Revenue Code of 1986 [26 USCS § 5812]; or
  - (C) on application of the transferor, the Attorney General has certified that compliance with paragraph (1)(A) is impracticable because—
    - (i) the ratio of the number of law enforcement officers of the State in which the transfer is to occur to the number of square miles of land area of the State does not exceed 0.0025;
    - (ii) the business premises of the licensee at which the transfer is to occur are extremely remote in relation to the chief law enforcement officer (as defined in subsection (s)(8)); and
    - (iii) there is an absence of telecommunications facilities in the geographical area in which the business premises are located.

(4) If the national instant criminal background check system notifies the licensee that the information available to the system does not demonstrate that the transfer of a firearm to or receipt of a firearm by such other person would violate subsection (d), (g), or (n) (as applicable) or State[, local or Tribal law, and the licensee transfers a firearm to such other person, the licensee shall include in the record of the transfer the unique identification number provided by the system with respect to the transfer.

(5) If the licensee knowingly transfers a firearm to such other person and knowingly fails to comply with paragraph (1) of this subsection with respect to the transfer and, at the time such other person most recently proposed the transfer, the national instant criminal background check system was operating and information was available to the system demonstrating that transfer of a firearm to or receipt of a firearm by such other person would violate subsection (d), (g), or (n) (as applicable) of this section or State[, local or Tribal law, the Attorney General may, after notice and opportunity for a hearing, suspend for not more than 6 months or revoke any license issued to the licensee under section 923 [18 USCS § 923], and may impose on the licensee a civil fine of not more than \$5,000.

(6) Neither a local government nor an employee of the Federal Government or of any State or local government, responsible for providing information to the national instant criminal background check system shall be liable in an action at law for damages—

(A) for failure to prevent the sale or transfer of a firearm to a person whose receipt or possession of the firearm is unlawful under this section; or

(B) for preventing such a sale or transfer to a person who may lawfully receive or possess a firearm.

(u) It shall be unlawful for a person to steal or unlawfully take or carry away from the person or the premises of a person who is licensed to engage in the business of importing, manufacturing, or dealing in firearms, any firearm in the licensee's business inventory that has been shipped or transported in interstate or foreign commerce.

(v), (w) [Repealed]

(x)

(1) It shall be unlawful for a person to sell, deliver, or otherwise transfer to a person who the transferor knows or has reasonable cause to believe is a juvenile—

(A) a handgun; or

(B) ammunition that is suitable for use only in a handgun.

(2) It shall be unlawful for any person who is a juvenile to knowingly possess—

(A) a handgun; or

(B) ammunition that is suitable for use only in a handgun.

(3) This subsection does not apply to—

(A) a temporary transfer of a handgun or ammunition to a juvenile or to the possession or use of a handgun or ammunition by a juvenile if the handgun and ammunition are possessed and used by the juvenile—



(i) in the course of employment, in the course of ranching or farming related to activities at the residence of the juvenile (or on property used for ranching or farming at which the juvenile, with the permission of the property owner or lessee, is performing activities related to the operation of the farm or ranch), target practice, hunting, or a course of instruction in the safe and lawful use of a handgun;

(ii) with the prior written consent of the juvenile's parent or guardian who is not prohibited by Federal, State, or local law from possessing a firearm, except—

(I) during transportation by the juvenile of an unloaded handgun in a locked container directly from the place of transfer to a place at which an activity described in clause (i) is to take place and transportation by the juvenile of that handgun, unloaded and in a locked container, directly from the place at which such an activity took place to the transferor; or

(II) with respect to ranching or farming activities as described in clause (i), a juvenile may possess and use a handgun or ammunition with the prior written approval of the juvenile's parent or legal guardian and at the direction of an adult who is not prohibited by Federal, State or local law from possessing a firearm;

(iii) the juvenile has the prior written consent in the juvenile's possession at all times when a handgun is in the possession of the juvenile; and

(iv) in accordance with State and local law;

(B) a juvenile who is a member of the Armed Forces of the United States or the National Guard who possesses or is armed with a handgun in the line of duty;

(C) a transfer by inheritance of title (but not possession) of a handgun or ammunition to a juvenile; or

(D) the possession of a handgun or ammunition by a juvenile taken in defense of the juvenile or other persons against an intruder into the residence of the juvenile or a residence in which the juvenile is an invited guest.

(4) A handgun or ammunition, the possession of which is transferred to a juvenile in circumstances in which the transferor is not in violation of this subsection shall not be subject to permanent confiscation by the Government if its possession by the juvenile subsequently becomes unlawful because of the conduct of the juvenile, but shall be returned to the lawful owner when such handgun or ammunition is no longer required by the Government for the purposes of investigation or prosecution.

(5) For purposes of this subsection, the term "juvenile" means a person who is less than 18 years of age.

(6)

(A) In a prosecution of a violation of this subsection, the court shall require the presence of a juvenile defendant's parent or legal guardian at all proceedings.

(B) The court may use the contempt power to enforce subparagraph (A).

(C) The court may excuse attendance of a parent or legal guardian of a juvenile defendant at a proceeding in a prosecution of a violation of this subsection for good cause shown.

**(y) Provisions relating to aliens admitted under nonimmigrant visas.**

**(1) Definitions.** In this subsection—

(A) the term “alien” has the same meaning as in section 101(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(3)); and

(B) the term “nonimmigrant visa” has the same meaning as in section 101(a)(26) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(26)).

**(2) Exceptions.** Subsections (d)(5)(B), (g)(5)(B), and (s)(3)(B)(v)(II) do not apply to any alien who has been lawfully admitted to the United States under a nonimmigrant visa, if that alien is—

(A) admitted to the United States for lawful hunting or sporting purposes or is in possession of a hunting license or permit lawfully issued in the United States;

(B) an official representative of a foreign government who is—

(i) accredited to the United States Government or the Government's mission to an international organization having its headquarters in the United States; or

(ii) en route to or from another country to which that alien is accredited;

(C) an official of a foreign government or a distinguished foreign visitor who has been so designated by the Department of State; or

(D) a foreign law enforcement officer of a friendly foreign government entering the United States on official law enforcement business.

**(3) Waiver.**

(A) Conditions for waiver. Any individual who has been admitted to the United States under a nonimmigrant visa may receive a waiver from the requirements of subsection (g)(5), if—

(i) the individual submits to the Attorney General a petition that meets the requirements of subparagraph (C); and

(ii) the Attorney General approves the petition.

(B) Petition. Each petition under subparagraph (B) shall—

(i) demonstrate that the petitioner has resided in the United States for a continuous period of not less than 180 days before the date on which the petition is submitted under this paragraph; and

(ii) include a written statement from the embassy or consulate of the petitioner, authorizing the petitioner to acquire a firearm or ammunition and certifying that the alien would not, absent the application of subsection (g)(5)(B), otherwise be prohibited from such acquisition under subsection (g).



(C) Approval of petition. The Attorney General shall approve a petition submitted in accordance with this paragraph, if the Attorney General determines that waiving the requirements of subsection (g)(5)(B) with respect to the petitioner—

- (i) would be in the interests of justice; and
- (ii) would not jeopardize the public safety.

**(z) Secure gun storage or safety device.**

(1) In general. Except as provided under paragraph (2), it shall be unlawful for any licensed importer, licensed manufacturer, or licensed dealer to sell, deliver, or transfer any handgun to any person other than any person licensed under this chapter [18 USCS §§ 921 et seq.], unless the transferee is provided with a secure gun storage or safety device (as defined in section 921(a)(34) [18 USCS § 921(a)(34)]) for that handgun.

(2) Exceptions. Paragraph (1) shall not apply to—

**(A)**

- (i) the manufacture for, transfer to, or possession by, the United States, a department or agency of the United States, a State, or a department, agency, or political subdivision of a State, of a handgun; or
- (ii) the transfer to, or possession by, a law enforcement officer employed by an entity referred to in clause (i) of a handgun for law enforcement purposes (whether on or off duty); or

(B) the transfer to, or possession by, a rail police officer directly employed by or contracted by a rail carrier and certified or commissioned as a police officer under the laws of a State of a handgun for purposes of law enforcement (whether on or off duty);

(C) the transfer to any person of a handgun listed as a curio or relic by the Secretary pursuant to section 921(a)(13) [18 USCS § 921(a)(13)]; or

(D) the transfer to any person of a handgun for which a secure gun storage or safety device is temporarily unavailable for the reasons described in the exceptions stated in section 923(e) [18 USCS § 923(e)], if the licensed manufacturer, licensed importer, or licensed dealer delivers to the transferee within 10 calendar days from the date of the delivery of the handgun to the transferee a secure gun storage or safety device for the handgun.

**(3) Liability for use.**

(A) In general. Notwithstanding any other provision of law, a person who has lawful possession and control of a handgun, and who uses a secure gun storage or safety device with the handgun, shall be entitled to immunity from a qualified civil liability action.

(B) Prospective actions. A qualified civil liability action may not be brought in any Federal or State court.

(C) Defined term. As used in this paragraph, the term “qualified civil liability action”—

(i) means a civil action brought by any person against a person described in subparagraph (A) for damages resulting from the criminal or unlawful misuse of the handgun by a third party, if—

(I) the handgun was accessed by another person who did not have the permission or authorization of the person having lawful possession and control of the handgun to have access to it; and

(II) at the time access was gained by the person not so authorized, the handgun had been made inoperable by use of a secure gun storage or safety device; and

(ii) shall not include an action brought against the person having lawful possession and control of the handgun for negligent entrustment or negligence per se.

[Appendix A repealed]

## History

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### HISTORY:

Added June 19, 1968, *P. L. 90-351*, Title IV, § 902, *82 Stat. 228*; Oct. 22, 1968, *P. L. 90-618*, Title I, § 102, *82 Stat. 1216*; Dec. 21, 1982, *P. L. 97-377*, Title I, § 165(a), 96 Stat. 1923; May 19, 1986, *P. L. 99-308*, § 102, *100 Stat. 451*; Aug. 28, 1986, *P. L. 99-408*, § 2, *100 Stat. 920*; Nov. 11, 1988, *P. L. 100-649*, § 2(a), *102 Stat. 3816*; Nov. 18, 1988, *P. L. 100-690*, Title VII, Subtitle B, § 7060(c), *102 Stat. 4404*; Nov. 29, 1990, *P. L. 101-647*, Title XVII, § 1702(b)(1), Title XXII, §§ 2201, 2202, 2204(b), Title XXXV, § 3524, *104 Stat. 4844, 4856, 4857, 4924*; Nov. 30, 1993, *P. L. 103-159*, Title I, § 102(a)(1), (b), Title III, § 302(a)–(c), *107 Stat. 1536, 1539, 1545*; Sept. 13, 1994, *P. L. 103-322*, Title XI, Subtitle A, §§ 110102(a), 110103(a), 110106, Subtitle B, § 110201(a), Subtitle D, § 110401(b), (c), Subtitle E, §§ 110511, 110514, Title XXXII, Subtitle I, §§ 320904, 320927, Title XXXIII, § 330011(i), *108 Stat. 1996, 1998, 2000, 2010, 2014, 2019, 2125, 2131, 2145*; Oct. 11, 1996, *P. L. 104-294*, Title VI, § 603(b), (c)(1), (d), (e), (f)(1), (g), *110 Stat. 3503, 3504*; Sept. 30, 1996, *P. L. 104-208*, Div A, Title I, § 101(f) [Title VI, §§ 657, 658(b)], *110 Stat. 3009-369, 3009-372*; Oct. 21, 1998, *P. L. 105-277*, Div A, § 101(b) [Title I, § 121], *112 Stat. 2681-71*; Nov. 2, 2002, *P. L. 107-273*, Div B, Title IV, § 4003(a)(1), *116 Stat. 1811*; Nov. 25, 2002, *P. L. 107-296*, Title XI, Subtitle B, § 1112(f)(4), (6), *116 Stat. 2276*; Oct. 26, 2005, *P. L. 109-92*, §§ 5(c)(1), 6(a), *119 Stat. 2099, 2101*; Dec. 4, 2015, *P. L. 114-94*, Div A, Title XI, Subtitle D, § 11412(c)(2), *129 Stat. 1688*; Mar. 15, 2022, *P.L. 117-103*, Div W, Title XI, § 1104(b), *136 Stat. 921*; June 25, 2022, *P.L. 117-159*, Div A, Title II, §§ 12001(a)(1), 12004(b), *136 Stat. 1322, 1329*.



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End of Document

## 18 USCS § 923

Current through Public Law 118-19, approved October 6, 2023.

*United States Code Service* > **TITLE 18. CRIMES AND CRIMINAL PROCEDURE (§§ 1 — 6005)** > **Part I. Crimes (Chs. 1 — 123)** > **CHAPTER 44. Firearms (§§ 921 — 934)**

### **§ 923. Licensing**

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(a) No person shall engage in the business of importing, manufacturing, or dealing in firearms, or importing or manufacturing ammunition, until he has filed an application with and received a license to do so from the Attorney General. The application shall be in such form and contain only that information necessary to determine eligibility for licensing as the Attorney General shall by regulation prescribe and shall include a photograph and fingerprints of the applicant. Each applicant shall pay a fee for obtaining such a license, a separate fee being required for each place in which the applicant is to do business, as follows:

(1) If the applicant is a manufacturer—

(A) of destructive devices, ammunition for destructive devices or armor piercing ammunition, a fee of \$1,000 per year;

(B) of firearms other than destructive devices, a fee of \$50 per year; or

(C) of ammunition for firearms, other than ammunition for destructive devices or armor piercing ammunition, a fee of \$10 per year.

(2) If the applicant is an importer—

(A) of destructive devices, ammunition for destructive devices or armor piercing ammunition, a fee of \$1,000 per year; or

(B) of firearms other than destructive devices or ammunition for firearms other than destructive devices, or ammunition other than armor piercing ammunition, a fee of \$50 per year.

(3) If the applicant is a dealer—

(A) in destructive devices or ammunition for destructive devices, a fee of \$1,000 per year; or

(B) who is not a dealer in destructive devices, a fee of \$200 for 3 years, except that the fee for renewal of a valid license shall be \$90 for 3 years.

(b) Any person desiring to be licensed as a collector shall file an application for such license with the Attorney General. The application shall be in such form and contain only that information necessary to determine eligibility as the Attorney General shall by regulation prescribe. The fee for such license shall be \$10 per year. Any license granted under this subsection shall only apply to transactions in curios and relics.



(c) Upon the filing of a proper application and payment of the prescribed fee, the Attorney General shall issue to a qualified applicant the appropriate license which, subject to the provisions of this chapter [18 USCS §§ 921 et seq.] and other applicable provisions of law, shall entitle the licensee to transport, ship, and receive firearms and ammunition covered by such license in interstate or foreign commerce during the period stated in the license. Nothing in this chapter [18 USCS §§ 921 et seq.] shall be construed to prohibit a licensed manufacturer, importer, or dealer from maintaining and disposing of a personal collection of firearms, subject only to such restrictions as apply in this chapter [18 USCS §§ 921 et seq.] to dispositions by a person other than a licensed manufacturer, importer, or dealer. If any firearm is so disposed of by a licensee within one year after its transfer from his business inventory into such licensee's personal collection or if such disposition or any other acquisition is made for the purpose of willfully evading the restrictions placed upon licensees by this chapter [18 USCS §§ 921 et seq.], then such firearm shall be deemed part of such licensee's business inventory, except that any licensed manufacturer, importer, or dealer who has maintained a firearm as part of a personal collection for one year and who sells or otherwise disposes of such firearm shall record the description of the firearm in a bound volume, containing the name and place of residence and date of birth of the transferee if the transferee is an individual, or the identity and principal and local places of business of the transferee if the transferee is a corporation or other business entity: *Provided*, That no other recordkeeping shall be required.

(d)

(1) Any application submitted under subsection (a) or (b) of this section shall be approved if—

(A) the applicant is twenty-one years of age or over;

(B) the applicant (including, in the case of a corporation, partnership, or association, any individual possessing, directly or indirectly, the power to direct or cause the direction of the management and policies of the corporation, partnership, or association) is not prohibited from transporting, shipping, or receiving firearms or ammunition in interstate or foreign commerce under section 922(g) and (n) of this chapter [18 USCS §§ 922(g) and (n)];

(C) the applicant has not willfully violated any of the provisions of this chapter [18 USCS §§ 921 et seq.] or regulations issued thereunder;

(D) the applicant has not willfully failed to disclose any material information required, or has not made any false statement as to any material fact, in connection with his application;

(E) the applicant has in a State (i) premises from which he conducts business subject to license under this chapter [18 USCS §§ 921 et seq.] or from which he intends to conduct such business within a reasonable period of time, or (ii) in the case of a collector, premises from which he conducts his collecting subject to license under this chapter [18 USCS §§ 921 et seq.] or from which he intends to conduct such collecting within a reasonable period of time;

(F) the applicant certifies that—

(i) the business to be conducted under the license is not prohibited by State or local law in the place where the licensed premise is located;

(ii)

(I) within 30 days after the application is approved the business will comply with the requirements of State and local law applicable to the conduct of the business; and

(II) the business will not be conducted under the license until the requirements of State and local law applicable to the business have been met; and

(iii) that the applicant has sent or delivered a form to be prescribed by the Attorney General, to the chief law enforcement officer of the locality in which the premises are located, which indicates that the applicant intends to apply for a Federal firearms license; and

(G) in the case of an application to be licensed as a dealer, the applicant certifies that secure gun storage or safety devices will be available at any place in which firearms are sold under the license to persons who are not licensees (subject to the exception that in any case in which a secure gun storage or safety device is temporarily unavailable because of theft, casualty loss, consumer sales, backorders from a manufacturer, or any other similar reason beyond the control of the licensee, the dealer shall not be considered to be in violation of the requirement under this subparagraph to make available such a device).

(2) The Attorney General must approve or deny an application for a license within the 60-day beginning on the date it is received. If the Attorney General fails to act within such period, the applicant may file an action under section 1361 of title 28 to compel the Attorney General to act. If the Attorney General approves an applicant's application, such applicant shall be issued a license upon the payment of the prescribed fee.

(e) The Attorney General may, after notice and opportunity for hearing, revoke any license issued under this section if the holder of such license has willfully violated any provision of this chapter [*18 USCS §§ 921 et seq.*] or any rule or regulation prescribed by the Attorney General under this chapter [*18 USCS §§ 921 et seq.*] or fails to have secure gun storage or safety devices available at any place in which firearms are sold under the license to persons who are not licensees (except that in any case in which a secure gun storage or safety device is temporarily unavailable because of theft, casualty loss, consumer sales, backorders from a manufacturer, or any other similar reason beyond the control of the licensee, the dealer shall not be considered to be in violation of the requirement to make available such a device). The Attorney General may, after notice and opportunity for hearing, revoke the license of a dealer who willfully transfers armor piercing ammunition. The Attorney General's action under this subsection may be reviewed only as provided in subsection (f) of this section.

(f)



(1) Any person whose application for a license is denied and any holder of a license which is revoked shall receive a written notice from the Attorney General stating specifically the grounds upon which the application was denied or upon which the license was revoked. Any notice of a revocation of a license shall be given to the holder of such license before the effective date of the revocation.

(2) If the Attorney General denies an application for, or revokes, a license, he shall, upon request by the aggrieved party, promptly hold a hearing to review his denial or revocation. In the case of a revocation of a license, the Attorney General shall upon the request of the holder of the license stay the effective date of the revocation. A hearing held under this paragraph shall be held at a location convenient to the aggrieved party.

(3) If after a hearing held under paragraph (2) the Attorney General decides not to reverse his decision to deny an application or revoke a license, the Attorney General shall give notice of his decision to the aggrieved party. The aggrieved party may at any time within sixty days after the date notice was given under this paragraph file a petition with the United States district court for the district in which he resides or has his principal place of business for a de novo judicial review of such denial or revocation. In a proceeding conducted under this subsection, the court may consider any evidence submitted by the parties to the proceeding whether or not such evidence was considered at the hearing held under paragraph (2). If the court decides that the Attorney General was not authorized to deny the application or to revoke the license, the court shall order the Attorney General to take such action as may be necessary to comply with the judgment of the court.

(4) If criminal proceedings are instituted against a licensee alleging any violation of this chapter [18 USCS §§ 921 et seq.] or of rules or regulations prescribed under this chapter [18 USCS §§ 921 et seq.], and the licensee is acquitted of such charges, or such proceedings are terminated, other than upon motion of the Government before trial upon such charges, the Attorney General shall be absolutely barred from denying or revoking any license granted absolutely barred from denying or revoking any license granted under this chapter [18 USCS §§ 921 et seq.] where such denial or revocation is based in whole or in part on the facts which form the basis of such criminal charges. No proceedings for the revocation of a license shall be instituted by the Attorney General more than one year after the filing of the indictment or information.

(g)

(1)

(A) Each licensed importer, licensed manufacturer, and licensed dealer shall maintain such records of importation, production, shipment, receipt, sale, or other disposition of firearms at his place of business for such period, and in such form, as the Attorney General may by regulations prescribe. Such importers, manufacturers, and dealers shall not be required to submit to the Attorney General reports and information with respect to such records and the contents thereof, except as expressly required by this section. The Attorney General, when he has

reasonable cause to believe a violation of this chapter [18 USCS §§ 921 et seq.] has occurred and that evidence thereof may be found on such premises, may, upon demonstrating such cause before a Federal magistrate [United States magistrate judge] and securing from such magistrate [United States magistrate judge] a warrant authorizing entry, enter during business hours the premises (including places of storage) of any licensed firearms importer, licensed manufacturer, licensed dealer, licensed collector, or any licensed importer or manufacturer of ammunition, for the purpose of inspecting or examining—

(i) any records or documents required to be kept by such licensed importer, licensed manufacturer, licensed dealer, or licensed collector under this chapter [18 USCS §§ 921 et seq.] or rules or regulations under this chapter [18 USCS §§ 921 et seq.], and

(ii) any firearms or ammunition kept or stored by such licensed importer, licensed manufacturer, licensed dealer, or licensed collector, at such premises.

**(B)** The Attorney General may inspect or examine the inventory and records of a licensed importer, licensed manufacturer, or licensed dealer without such reasonable cause or warrant—

(i) in the course of a reasonable inquiry during the course of a criminal investigation of a person or persons other than the licensee;

(ii) for ensuring compliance with the record keeping requirements of this chapter [18 USCS §§ 921 et seq.]—

(I) not more than once during any 12-month period; or

(II) at any time with respect to records relating to a firearm involved in a criminal investigation that is traced to the licensee; or

(iii) when such inspection or examination may be required for determining the disposition of one or more particular firearms in the course of a bona fide criminal investigation.

**(C)** The Attorney General may inspect the inventory and records of a licensed collector without such reasonable cause or warrant—

(i) for ensuring compliance with the record keeping requirements of this chapter [18 USCS §§ 921 et seq.] not more than once during any twelve-month period; or

(ii) when such inspection or examination may be required for determining the disposition of one or more particular firearms in the course of a bona fide criminal investigation.

**(D)** At the election of a licensed collector, the annual inspection of records and inventory permitted under this paragraph shall be performed at the office of the Attorney General designed for such inspections which is located in closest proximity to the premises where the inventory and records of such licensed collector are maintained. The inspection and examination authorized by this paragraph shall not be construed as authorizing the Attorney General to seize any



records or other documents other than those records or documents constituting material evidence of a violation of law. If the Attorney General seizes such records or documents, copies shall be provided the licensee within a reasonable time. The Attorney General may make available to any Federal, State, or local law enforcement agency any information which he may obtain by reason of this chapter [18 USCS §§ 921 et seq.] with respect to the identification of persons prohibited from purchasing or receiving firearms or ammunition who have purchased or received firearms or ammunition, together with a description of such firearms or ammunition, and he may provide information to the extent such information may be contained in the records required to be maintained by this chapter [18 USCS §§ 921 et seq.], when so requested by any Federal, State, or local law enforcement agency.

(2) Each licensed collector shall maintain in a bound volume the nature of which the Attorney General may by regulations prescribe, records of the receipt, sale, or other disposition of firearms. Such records shall include the name and address of any person to whom the collector sells or otherwise disposes of a firearm. Such collector shall not be required to submit to the Attorney General reports and information with respect to such records and the contents thereof, except as expressly required by this section.

(3)

(A) Each licensee shall prepare a report of multiple sales or other dispositions whenever the licensee sells or otherwise disposes of, at one time or during any five consecutive business days, two or more pistols, or revolvers, or any combination of pistols and revolvers totalling two or more, to an unlicensed person. The report shall be prepared on a form specified by the Attorney General and forwarded to the office specified thereon and to the department of State police or State law enforcement agency of the State or local law enforcement agency of the local jurisdiction in which the sale or other disposition took place, not later than the close of business on the day that the multiple sale or other disposition occurs.

(B) Except in the case of forms and contents thereof regarding a purchaser who is prohibited by subsection (g) or (n) of section 922 of this title [18 USCS § 922] from receipt of a firearm, the department of State police or State law enforcement agency or local law enforcement agency of the local jurisdiction shall not disclose any such form or the contents thereof to any person or entity, and shall destroy each such form and any record of the contents thereof no more than 20 days from the date such form is received. No later than the date that is 6 months after the effective date of this subparagraph [effective Nov. 30, 1993], and at the end of each 6-month period thereafter, the department of State police or State law enforcement agency or local law enforcement agency of the local jurisdiction shall certify to the Attorney General of the United States that no disclosure contrary to this subparagraph has been made and that all forms and any record of the contents thereof have been destroyed as provided in this subparagraph.

(4) Where a firearms or ammunition business is discontinued and succeeded by a new licensee, the records required to be kept by this chapter [18 USCS §§ 921 et

seq.] shall appropriately reflect such facts and shall be delivered to the successor. Where discontinuance of the business is absolute, such records shall be delivered within thirty days after the business discontinuance to the Attorney General. However, where State law or local ordinance requires the delivery of records to other responsible authority, the Attorney General may arrange for the delivery of such records to such other responsible authority.

(5)

(A) Each licensee shall, when required by letter issued by the Attorney General, and until notified to the contrary in writing by the Attorney General, submit on a form specified by the Attorney General, for periods and at the times specified in such letter, all record information required to be kept by this chapter [18 USCS §§ 921 et seq.] or such lesser record information as the Attorney General in such letter may specify.

(B) The Attorney General may authorize such record information to be submitted in a manner other than that prescribed in subparagraph (A) of this paragraph when it is shown by a licensee that an alternate method of reporting is reasonably necessary and will not unduly hinder the effective administration of this chapter [18 USCS §§ 921 et seq.]. A licensee may use an alternate method of reporting if the licensee describes the proposed alternate method of reporting and the need therefor in a letter application submitted to the Attorney General, and the Attorney General approves such alternate method of reporting.

(6) Each licensee shall report the theft or loss of a firearm from the licensee's inventory or collection, within 48 hours after the theft or loss is discovered, to the Attorney General and to the appropriate local authorities.

(7) Each licensee shall respond immediately to, and in no event later than 24 hours after the receipt of, a request by the Attorney General for information contained in the records required to be kept by this chapter [18 USCS §§ 921 et seq.] as may be required for determining the disposition of 1 or more firearms in the course of a bona fide criminal investigation. The requested information shall be provided orally or in writing, as the Attorney General may require. The Attorney General shall implement a system whereby the licensee can positively identify and establish that an individual requesting information via telephone is employed by and authorized by the agency to request such information.

(h) Licenses issued under the provisions of subsection (c) of this section shall be kept posted and kept available for inspection on the premises covered by the license.

(i) Licensed importers and licensed manufacturers shall identify, by means of a serial number engraved or cast on the receiver or frame of the weapon, in such manner as the Attorney General shall by regulations prescribe, each firearm imported or manufactured by such importer or manufacturer.

(j) A licensed importer, licensed manufacturer, or licensed dealer may, under rules or regulations prescribed by the Attorney General, conduct business temporarily at a location other than the location specified on the license if such temporary location is the location for a gun show or event sponsored by any national, State, or local organization,



or any affiliate of any such organization devoted to the collection, competitive use, or other sporting use of firearms in the community, and such location is in the State which is specified on the license. Records of receipt and disposition of firearms transactions conducted at such temporary location shall include the location of the sale or other disposition and shall be entered in the permanent records of the licensee and retained on the location specified on the license. Nothing in this subsection shall authorize any licensee to conduct business in or from any motorized or towed vehicle. Notwithstanding the provisions of subsection (a) of this section, a separate fee shall not be required of a licensee with respect to business conducted under this subsection. Any inspection or examination of inventory or records under this chapter [18 USCS §§ 921 et seq.] by the Attorney General at such temporary location shall be limited to inventory consisting of, or records relating to, firearms held or disposed at such temporary location. Nothing in this subsection shall be construed to authorize the Attorney General to inspect or examine the inventory or records of a licensed importer, licensed manufacturer, or licensed dealer at any location other than the location specified on the license. Nothing in this subsection shall be construed to diminish in any manner any right to display, sell, or otherwise dispose of firearms or ammunition, which is in effect before the date of the enactment of the Firearms Owners' Protection Act [enacted May 19, 1986], including the right of a licensee to conduct "curios or relics" firearms transfers and business away from their business premises with another licensee without regard as to whether the location of where the business is conducted is located in the State specified on the license of either licensee.

(k) Licensed importers and licensed manufacturers shall mark all armor piercing projectiles and packages containing such projectiles for distribution in the manner prescribed by the Attorney General by regulation. The Attorney General shall furnish information to each dealer licensed under this chapter [18 USCS §§ 921 et seq.] defining which projectiles are considered armor piercing ammunition as defined in section 921(a)(17)(B) [18 USCS § 921(a)(17)(B)].

(l) The Attorney General shall notify the chief law enforcement officer in the appropriate State and local jurisdictions of the names and addresses of all persons in the State to whom a firearms license is issued.

## History

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### HISTORY:

Added June 19, 1968, *P. L. 90-351*, Title IV, § 902, *82 Stat. 231*; Oct. 22, 1968, *P. L. 90-618*, Title I, § 102, *82 Stat. 1221*; Dec. 21, 1982, *P. L. 97-377*, Title I, § 165(b), *96 Stat. 1923*; May 19, 1986, *P. L. 99-308*, § 103, *100 Stat. 453*; July 8, 1986, *P. L. 99-360*, § 1(c), *100 Stat. 766*; Aug. 28, 1986, *P. L. 99-408*, §§ 3-7, *100 Stat. 921*; Nov. 18, 1988, *P. L. 100-690*, Title VII, Subtitle B, § 7060(d), *102 Stat. 4404*; Nov. 29, 1990, *P. L. 101-647*, Title XXII, § 2203(a), Title XXXV, § 3525, *104 Stat. 4857, 3924*; Nov. 30, 1993, *P. L. 103-159*, Title II, § 201, Title III, § 303, *107 Stat. 1544, 1545*; Sept. 13, 1994, *P. L. 103-322*, Title XI, Subtitle A, §§ 110102(d), 110103(d), Subtitle C, §§ 110301(a), 110302–110307, Title XXXIII, § 330011(i), *108 Stat. 1998*,

1999, 2012, 2013, 2145; Oct. 11, 1996, *P. L. 104-294*, Title VI, § 603(j)(1), (k), (l), *110 Stat. 3504*, 3505; Sept. 30, 1996, *P. L. 104-208*, Div A, Title I, § 101(f) [Title I, § 118], *110 Stat. 3009-326*; Oct. 21, 1998, *P. L. 105-277*, Div A, § 101(b) [Title I, § 119(b)–(d)], *112 Stat. 2681-69*; Nov. 25, 2002, *P. L. 107-296*, Title XI, Subtitle B, § 1112(e)(5), (6), *116 Stat. 2276*.

United States Code Service  
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**18 USCS § 924, Part 1 of 4**

Current through Public Law 118-19, approved October 6, 2023.

**United States Code Service > TITLE 18. CRIMES AND CRIMINAL PROCEDURE (§§ 1 — 6005) > Part I. Crimes (Chs. 1 — 123) > CHAPTER 44. Firearms (§§ 921 — 934)**

**§ 924. Penalties [Caution: See prospective amendment notes below.]**

**(a)**

**(1)** Except as otherwise provided in this subsection, subsection (b), (c), (f), or (p) of this section, or in section 929 [18 USCS § 929], whoever—

**(A)** knowingly makes any false statement or representation with respect to the information required by this chapter [18 USCS §§ 921 et seq.] to be kept in the records of a person licensed under this chapter [18 USCS §§ 921 et seq.] or in applying for any license or exemption or relief from disability under the provisions of this chapter [18 USCS §§ 921 et seq.];

**(B)** knowingly violates subsection (a)(4), (f), (k), or (q) of section 922 [18 USCS § 922];

**(C)** knowingly imports or brings into the United States or any possession thereof any firearm or ammunition in violation of section 922(l) [18 USCS § 922(1)]; or

**(D)** willfully violates any other provision of this chapter [18 USCS §§ 921 et seq.],

shall be fined under this title, imprisoned not more than five years, or both.

**(2)** Whoever knowingly violates subsection (a)(6), (h), (i), (j), or (o) of section 922 [18 USCS § 922] shall be fined as provided in this title, imprisoned not more than 10 years, or both.

**(3)** Any licensed dealer, licensed importer, licensed manufacturer, or licensed collector who knowingly—

**(A)** makes any false statement or representation with respect to the information required by the provisions of this chapter [18 USCS §§ 921 et seq.] to be kept in the records of a person licensed under this chapter [18 USCS §§ 921 et seq.], or

**(B)** violates subsection (m) of section 922 [18 USCS § 922],

shall be fined under this title, imprisoned not more than one year, or both.

**(4)** Whoever violates section 922(q) [18 USCS § 922(q)] shall be fined under this title, imprisoned for not more than 5 years, or both. Notwithstanding any other provision of law, the term of imprisonment imposed under this paragraph shall not run concurrently with any other term of imprisonment imposed under any other provision of law. Except for the authorization of a term of imprisonment of not more than 5 years made in this

paragraph, for the purpose of any other law a violation of section 922(q) [18 USCS § 922(q)] shall be deemed to be a misdemeanor.

(5) Whoever knowingly violates subsection (s) or (t) of section 922 [18 USCS § 922] shall be fined not more than \$1,000, imprisoned for not more than 1 year, or both.

(6)

(A)

(i) A juvenile who violates section 922(x) [18 USCS § 922(x)] shall be fined under this title, imprisoned not more than 1 year, or both, except that a juvenile described in clause (ii) shall be sentenced to probation on appropriate conditions and shall not be incarcerated unless the juvenile fails to comply with a condition of probation.

(ii) A juvenile is described in this clause if—

(I) the offense of which the juvenile is charged is possession of a handgun or ammunition in violation of section 922(x)(2); and

(II) the juvenile has not been convicted in any court of an offense (including an offense under section 922(x) [18 USCS § 922(x)] or a similar State law, but not including any other offense consisting of conduct that if engaged in by an adult would not constitute an offense) or adjudicated as a juvenile delinquent for conduct that if engaged in by an adult would constitute an offense.

(B) A person other than a juvenile who knowingly violates section 922(x) [18 USCS § 922(x)]—

(i) shall be fined under this title, imprisoned not more than 1 year, or both; and

(ii) if the person sold, delivered, or otherwise transferred a handgun or ammunition to a juvenile knowing or having reasonable cause to know that the juvenile intended to carry or otherwise possess or discharge or otherwise use the handgun or ammunition in the commission of a crime of violence, shall be fined under this title, imprisoned not more than 10 years, or both.

(7) Whoever knowingly violates section 931 [18 USCS § 931] shall be fined under this title, imprisoned not more than 3 years, or both.

(8) Whoever knowingly violates subsection (d) or (g) of section 922 [18 USCS § 922] shall be fined under this title, imprisoned for not more than 15 years, or both.

(b) Whoever, with intent to commit therewith an offense punishable by imprisonment for a term exceeding one year, or with knowledge or reasonable cause to believe that an offense punishable by imprisonment for a term exceeding one year is to be committed therewith, ships, transports, or receives a firearm or any ammunition in interstate or foreign commerce shall be fined under this title, or imprisoned not more than ten years, or both.

(c)

(1)



**(A)** Except to the extent that a greater minimum sentence is otherwise provided by this subsection or by any other provision of law, any person who, during and in relation to any crime of violence or drug trafficking crime (including a crime of violence or drug trafficking crime that provides for an enhanced punishment if committed by the use of a deadly or dangerous weapon or device) for which the person may be prosecuted in a court of the United States, uses or carries a firearm, or who, in furtherance of any such crime, possesses a firearm, shall, in addition to the punishment provided for such crime of violence or drug trafficking crime—

- (i)** be sentenced to a term of imprisonment of not less than 5 years;
- (ii)** if the firearm is brandished, be sentenced to a term of imprisonment of not less than 7 years; and
- (iii)** if the firearm is discharged, be sentenced to a term of imprisonment of not less than 10 years.

**(B)** If the firearm possessed by a person convicted of a violation of this subsection—

- (i)** is a short-barreled rifle, short-barreled shotgun, or semiautomatic assault weapon, the person shall be sentenced to a term of imprisonment of not less than 10 years; or
- (ii)** is a machinegun or a destructive device, or is equipped with a firearm silencer or firearm muffler, the person shall be sentenced to a term of imprisonment of not less than 30 years.

**(C)** In the case of a violation of this subsection that occurs after a prior conviction under this subsection has become final, the person shall—

- (i)** be sentenced to a term of imprisonment of not less than 25 years; and
- (ii)** if the firearm involved is a machinegun or a destructive device, or is equipped with a firearm silencer or firearm muffler, be sentenced to imprisonment for life.

**(D)** Notwithstanding any other provision of law—

- (i)** a court shall not place on probation any person convicted of a violation of this subsection; and
- (ii)** no term of imprisonment imposed on a person under this subsection shall run concurrently with any other term of imprisonment imposed on the person, including any term of imprisonment imposed for the crime of violence or drug trafficking crime during which the firearm was used, carried, or possessed.

**(2)** For purposes of this subsection, the term “drug trafficking crime” means any felony punishable under the Controlled Substances Act (21 U.S.C. 801 et seq.), the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.), or chapter 705 of title 46 [46 USCS §§ 70501 et seq.].

(3) For purposes of this subsection the term “crime of violence” means an offense that is a felony and—

(A) has as an element the use, attempted use, or threatened use of physical force against the person or property of another, or

(B) that by its nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense.

(4) For purposes of this subsection, the term “brandish” means, with respect to a firearm, to display all or part of the firearm, or otherwise make the presence of the firearm known to another person, in order to intimidate that person, regardless of whether the firearm is directly visible to that person.

(5) Except to the extent that a greater minimum sentence is otherwise provided under this subsection, or by any other provision of law, any person who, during and in relation to any crime of violence or drug trafficking crime (including a crime of violence or drug trafficking crime that provides for an enhanced punishment if committed by the use of a deadly or dangerous weapon or device) for which the person may be prosecuted in a court of the United States, uses or carries armor piercing ammunition, or who, in furtherance of any such crime, possesses armor piercing ammunition, shall, in addition to the punishment provided for such crime of violence or drug trafficking crime or conviction under this section—

(A) be sentenced to a term of imprisonment of not less than 15 years; and

(B) if death results from the use of such ammunition—

(i) if the killing is murder (as defined in section 1111 [18 USCS § 1111]), be punished by death or sentenced to a term of imprisonment for any term of years or for life; and

(ii) if the killing is manslaughter (as defined in section 1112 [18 USCS § 1112]), be punished as provided in section 1112 [18 USCS § 1112].

(d)

(1) Any firearm or ammunition involved in or used in any knowing violation of subsection (a)(4), (a)(6), (f), (g), (h), (i), (j), or (k) of section 922 [18 USCS § 922], or knowing importation or bringing into the United States or any possession thereof any firearm or ammunition in violation of section 922(l) [18 USCS § 922(1)], or knowing violation of section 924, 932, or 933 [18 USCS § 924, 932, or 933], or willful violation of any other provision of this chapter [18 USCS §§ 921 et seq.] or any rule or regulation promulgated thereunder, or any violation of any other criminal law of the United States, or any firearm or ammunition intended to be used in any offense referred to in paragraph (3) of this subsection, where such intent is demonstrated by clear and convincing evidence, shall be subject to seizure and forfeiture, and all provisions of the Internal Revenue Code of 1954 [Internal Revenue Code of 1986] [26 USCS §§ 1 et seq.] relating to the seizure, forfeiture, and disposition of firearms, as defined in section 5845(a) of that Code [26 USCS § 5845(a)], shall, so far as applicable, extend to seizures and forfeitures under the provisions of this chapter [18



USCS §§ 921 et seq.]: *Provided*, That upon acquittal of the owner or possessor, or dismissal of the charges against him other than upon motion of the Government prior to trial, or lapse of or court termination of the restraining order to which he is subject, the seized or relinquished firearms or ammunition shall be returned forthwith to the owner or possessor or to a person delegated by the owner or possessor unless the return of the firearms or ammunition would place the owner or possessor or his delegate in violation of law. Any action or proceeding for the forfeiture of firearms or ammunition shall be commenced within one hundred and twenty days of such seizure.

(2)

(A) In any action or proceeding for the return of firearms or ammunition seized under the provisions of this chapter [18 USCS §§ 921 et seq.], the court shall allow the prevailing party, other than the United States, a reasonable attorney's fee, and the United States shall be liable therefor.

(B) In any other action or proceeding under the provisions of this chapter [18 USCS §§ 921 et seq.], the court, when it finds that such action was without foundation, or was initiated vexatiously, frivolously, or in bad faith, shall allow the prevailing party, other than the United States, a reasonable attorney's fee, and the United States shall be liable therefor.

(C) Only those firearms or quantities of ammunition particularly named and individually identified as involved in or used in any violation of the provisions of this chapter [18 USCS §§ 921 et seq.] or any rule or regulation issued thereunder, or any other criminal law of the United States or as intended to be used in any offense referred to in paragraph (3) of this subsection, where such intent is demonstrated by clear and convincing evidence, shall be subject to seizure, forfeiture, and disposition.

(D) The United States shall be liable for attorneys' fees under this paragraph only to the extent provided in advance by appropriation Acts.

(3) The offenses referred to in paragraphs (1) and (2)(C) of this subsection are—

(A) any crime of violence, as that term is defined in section 924(c)(3) of this title [18 USCS § 924(c)(3)] [subsec. (c)(3) of this section];

(B) any offense punishable under the Controlled Substances Act (21 U.S.C. 801 et seq.) or the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.);

(C) any offense described in section 922(a)(1), 922(a)(3), 922(a)(5), or 922(b)(3) of this title [18 USCS § 922(a)(1), 922(a)(3), 922(a)(5), or 922(b)(3)] where the firearm or ammunition intended to be used in any such offense is involved in a pattern of activities which includes a violation of any offense described in section 922(a)(1), 922(a)(3), 922(a)(5), or 922(b)(3) of this title [18 USCS § 922(a)(1), 922(a)(3), 922(a)(5), or 922(b)(3)];

(D) any offense described in section 922(d) of this title [18 USCS § 922(d)] where the firearm or ammunition is intended to be used in such offense by the transferor of such firearm or ammunition;

(E) any offense described in section 922(i), 922(j), 922(l), 922(n), or 924(b) of this title [18 USCS § 922(i), 922(j), 922(l), 922(n), or 924(b)];

(F) any offense which may be prosecuted in a court of the United States which involves the exportation of firearms or ammunition; and

(G) any offense under section 932 or 933 [18 USCS § 932 or 933].

(e)

(1) In the case of a person who violates section 922(g) of this title [18 USCS § 922(g)] and has three previous convictions by any court referred to in section 922(g)(1) of this title [18 USCS § 922(g)(1)] for a violent felony or a serious drug offense, or both, committed on occasions different from one another, such person shall be fined under this title and imprisoned not less than fifteen years, and, notwithstanding any other provision of law, the court shall not suspend the sentence of, or grant a probationary sentence to, such person with respect to the conviction under section 922(g) [18 USCS § 922(g)].

(2) As used in this subsection—

(A) the term “serious drug offense” means—

(i) an offense under the Controlled Substances Act (21 U.S.C. 801 et seq.), the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.), or chapter 705 of title 46 [46 USCS §§ 70501 et seq.], for which a maximum term of imprisonment of ten years or more is prescribed by law; or

(ii) an offense under State law, involving manufacturing, distributing, or possessing with intent to manufacture or distribute, a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)), for which a maximum term of imprisonment of ten years or more is prescribed by law;

(B) the term “violent felony” means any crime punishable by imprisonment for a term exceeding one year, or any act of juvenile delinquency involving the use or carrying of a firearm, knife, or destructive device that would be punishable by imprisonment for such term if committed by an adult, that—

(i) has as an element the use, attempted use, or threatened use of physical force against the person of another; or

(ii) is burglary, arson, or extortion, involves use of explosives, or otherwise involves conduct that presents a serious potential risk of physical injury to another; and

(C) the term “conviction” includes a finding that a person has committed an act of juvenile delinquency involving a violent felony.

(f) In the case of a person who knowingly violates section 922(p) [18 USCS § 922(p)], such person shall be fined under this title, or imprisoned not more than 5 years, or both.

(g) Whoever, with the intent to engage in conduct which—

(1) constitutes an offense listed in section 1961(1) [18 USCS § 1961(1)],



(2) is punishable under the Controlled Substances Act (21 U.S.C. 801 et seq.), the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.), or chapter 705 of title 46 [46 USCS §§ 70501 et seq.],

(3) violates any State law relating to any controlled substance (as defined in section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6))), or

(4) constitutes a crime of violence (as defined in subsection (c)(3)),

travels from any State or foreign country into any other State and acquires, transfers, or attempts to acquire or transfer, a firearm in such other State in furtherance of such purpose, shall be imprisoned not more than 10 years, fined in accordance with this title, or both.

(h) Whoever knowingly receives or transfers a firearm or ammunition, or attempts or conspires to do so, knowing or having reasonable cause to believe that such firearm or ammunition will be used to commit a felony, a Federal crime of terrorism, or a drug trafficking crime (as such terms are defined in section 932(a) [18 USCS § 932(a)]), or a crime under the Arms Export Control Act (22 U.S.C. 2751 et seq.), the Export Control Reform Act of 2018 (50 U.S.C. 4801 et seq.), the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), or the Foreign Narcotics Kingpin Designation Act (21 U.S.C. 1901 et seq.), shall be fined under this title [18 USCS §§ 1 et seq.], imprisoned for not more than 15 years, or both.

(i)

(1) A person who knowingly violates section 922(u) [18 USCS § 922(u)] shall be fined under this title, imprisoned not more than 10 years, or both.

(2) Nothing contained in this subsection shall be construed as indicating an intent on the part of Congress to occupy the field in which provisions of this subsection operate to the exclusion of State laws on the same subject matter, nor shall any provision of this subsection be construed as invalidating any provision of State law unless such provision is inconsistent with any of the purposes of this subsection.

(j) A person who, in the course of a violation of subsection (c), causes the death of a person through the use of a firearm, shall—

(1) if the killing is a murder (as defined in section 1111 [18 USCS § 1111]), be punished by death or by imprisonment for any term of years or for life; and

(2) if the killing is manslaughter (as defined in section 1112 [18 USCS § 1112]), be punished as provided in that section.

(k)

(1) A person who smuggles or knowingly brings into the United States a firearm or ammunition, or attempts or conspires to do so, with intent to engage in or to promote conduct that—

(A) is punishable under the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.), or chapter 705 of title 46 [46 USCS §§ 70501 et seq.]; or

(B) constitutes a felony, a Federal crime of terrorism, or a drug trafficking crime (as such terms are defined in section 932(a) [18 USCS § 932(a)]),

shall be fined under this title, imprisoned for not more than 15 years, or both.

(2) A person who smuggles or knowingly takes out of the United States a firearm or ammunition, or attempts or conspires to do so, with intent to engage in or to promote conduct that—

(A) would be punishable under the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.), or chapter 705 of title 46 [46 USCS §§ 70501 et seq.], if the conduct had occurred within the United States; or

(B) would constitute a felony or a Federal crime of terrorism (as such terms are defined in section 932(a) [18 USCS § 932(a)]) for which the person may be prosecuted in a court of the United States, if the conduct had occurred within the United States,

shall be fined under this title, imprisoned for not more than 15 years, or both.

(l) A person who steals any firearm which is moving as, or is a part of, or which has moved in, interstate or foreign commerce shall be imprisoned for not more than 10 years, fined under this title, or both.

(m) A person who steals any firearm from a licensed importer, licensed manufacturer, licensed dealer, or licensed collector shall be fined under this title, imprisoned not more than 10 years, or both.

(n) A person who, with the intent to engage in conduct that constitutes a violation of section 922(a)(1)(A) [18 USCS § 922(a)(1)(A)], travels from any State or foreign country into any other State and acquires, or attempts to acquire, a firearm in such other State in furtherance of such purpose shall be imprisoned for not more than 10 years.

(o) A person who conspires to commit an offense under subsection (c) shall be imprisoned for not more than 20 years, fined under this title, or both; and if the firearm is a machinegun or destructive device, or is equipped with a firearm silencer or muffler, shall be imprisoned for any term of years or life.

**(p) Penalties relating to secure gun storage or safety device.**

(1) In general.

(A) Suspension or revocation of license; civil penalties. With respect to each violation of section 922(z)(1) [18 USCS § 922(z)(1)] by a licensed manufacturer, licensed importer, or licensed dealer, the Secretary may, after notice and opportunity for hearing—

(i) suspend for not more than 6 months, or revoke, the license issued to the licensee under this chapter [18 USCS §§ 921 et seq.] that was used to conduct the firearms transfer; or

(ii) subject the licensee to a civil penalty in an amount equal to not more than \$2,500.



(B) Review. An action of the Secretary under this paragraph may be reviewed only as provided under section 923(f) [*18 USCS § 923(f)*].

(2) Administrative remedies. The suspension or revocation of a license or the imposition of a civil penalty under paragraph (1) shall not preclude any administrative remedy that is otherwise available to the Secretary.

## History

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### HISTORY:

Added June 19, 1968, *P. L. 90-351*, Title IV, § 902, *82 Stat. 233*; Oct. 22, 1968, *P. L. 90-618*, Title I, § 102, *82 Stat. 1223*; Jan. 2, 1971, *P. L. 91-644*, Title II, § 13, *84 Stat. 1890*; Oct. 12, 1984, *P. L. 98-473*, Title II, Ch II, § 223(a), Ch X, Part D, § 1005, *98 Stat. 2038*, 2138; May 19, 1986, *P. L. 99-308*, § 104(a), *100 Stat. 456*; Oct. 27, 1986, *P. L. 99-570*, Title I, Subtitle I, § 1402, *100 Stat. 3207-39*; Nov. 11, 1988, *P. L. 100-649*, § 2(b), *102 Stat. 3817*; Nov. 18, 1988, *P. L. 100-690*, Title VI, Subtitle G, § 6211, Subtitle N, §§ 6451, 6460, 6462, Title VII, Subtitle B, §§ 7056, 7060(a), *102 Stat. 4361*, 4371, 4373, 4374, 4402, 4403; Nov. 29, 1990, *P. L. 101-647*, Title XI § 1101, Title XVII, § 1702(b)(3), Title XXII, §§ 2203(d), 2204(c), Title XXXV, §§ 3526-3529, *104 Stat. 4829*, 4845, 4857, 4924; Nov. 30, 1993, *P. L. 103-159*, Title I, § 102(c), Title III, § 302(d), *107 Stat. 1541*, 1545; Sept. 13, 1994, *P. L. 103-322*, Title VI, § 60013, Title XI, Subtitle A, §§ 110102(c), 110103(c), Subtitle B, § 110201(b), Subtitle D, § 110401(e), Subtitle E, §§ 110503, 110504(a), 110507, 110510, 110515(a), 110517, 110518, Title XXXIII, §§ 330002(h), 330003(f)(2), 330011(i), (j), 330016(1)(H), (K), (L), *108 Stat. 1973*, 1998, 1999, 2011, 2015, 2016, 2018–2020, 2140, 2141, 2145, 2147; Oct. 11, 1996, *P. L. 104-294*, Title VI, § 603(m)(1), (n), (o), (p)(1), (q)–(s), *110 Stat. 3505*; Nov. 13, 1998, *P. L. 105-386*, § 1(a), *112 Stat. 3469*; Nov. 2, 2002, *P. L. 107-273*, Div B, Title IV, § 4002(d)(1)(E), Div C, Title I, Subtitle A, § 11009(e)(3), *116 Stat. 1809*, 1821; Dec. 9, 2003, *P. L. 108-174*, § 1(2), (3), *117 Stat. 2481*; Oct. 26, 2005, *P. L. 109-92*, §§ 5(c)(2), 6(b), *119 Stat. 2100*, 2102; Oct. 6, 2006, *P. L. 109-304*, § 17(d)(3), *120 Stat. 1707*; Dec. 21, 2018, *P. L. 115-391*, Title IV, § 403(a), *132 Stat. 5221*, 5222; June 25, 2022, *P.L. 117-159*, Div A, Title II, § 12004(c)–(f), *136 Stat. 1329*, 1330.

United States Code Service  
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## 18 USCS § 925

Current through Public Law 118-19, approved October 6, 2023.

*United States Code Service* > **TITLE 18. CRIMES AND CRIMINAL PROCEDURE (§§ 1 — 6005)** > **Part I. Crimes (Chs. 1 — 123)** > **CHAPTER 44. Firearms (§§ 921 — 934)**

### **§ 925. Exceptions: Relief from disabilities [Caution: See prospective amendment notes below.]**

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(a)

(1) The provisions of this chapter [18 USCS §§ 921 et seq.], except for sections 922(d)(9) and 922(g)(9) [18 USCS §§ 922(d)(9) and 922(g)(9)] and provisions relating to firearms subject to the prohibitions of section 922(p) [18 USCS § 922(p)], shall not apply with respect to the transportation, shipment, receipt, possession, or importation of any firearm or ammunition imported for, sold or shipped to, or issued for the use of, the United States or any department or agency thereof or any State or any department, agency, or political subdivision thereof.

(2) The provisions of this chapter [18 USCS §§ 921 et seq.], except for provisions relating to firearms subject to the prohibitions of section 922(p) [18 USCS § 922(p)], shall not apply with respect to (A) the shipment or receipt of firearms or ammunition when sold or issued by the Secretary of the Army pursuant to section 4308 of title 10 before the repeal of such section by section 1624(a) of the Corporation for the Promotion of Rifle Practice and Firearms Safety Act, and (B) the transportation of any such firearm or ammunition carried out to enable a person, who lawfully received such firearm or ammunition from the Secretary of the Army, to engage in military training or in competitions.

(3) Unless otherwise prohibited by this chapter [18 USCS §§ 921 et seq.], except for provisions relating to firearms subject to the prohibitions of section 922(p) [18 USCS § 922(p)], or any other Federal law, a licensed importer, licensed manufacturer, or licensed dealer may ship to a member of the United States Armed Forces on active duty outside the United States or to clubs, recognized by the Department of Defense, whose entire membership is composed of such members, and such members or clubs may receive a firearm or ammunition determined by the Attorney General to be generally recognized as particularly suitable for sporting purposes and intended for the personal use of such member or club.

(4) When established to the satisfaction of the Attorney General to be consistent with the provisions of this chapter [18 USCS §§ 921 et seq.], except for provisions relating to firearms subject to the prohibitions of section 922(p) [18 USCS § 922(p)], and other applicable Federal and State laws and published ordinances, the Attorney General may authorize the transportation, shipment, receipt, or importation into the United States to the place of residence of any member of the United States Armed Forces



who is on active duty outside the United States (or who has been on active duty outside the United States within the sixty day period immediately preceding the transportation, shipment, receipt, or importation), of any firearm or ammunition which is (A) determined by the Attorney General to be generally recognized as particularly suitable for sporting purposes, or determined by the Department of Defense to be a type of firearm normally classified as a war souvenir, and (B) intended for the personal use of such member.

(5) For the purpose of paragraph (3) of this subsection, the term "United States" means each of the several States and the District of Columbia.

(b) A licensed importer, licensed manufacturer, licensed dealer, or licensed collector who is indicted for a crime punishable by imprisonment for a term exceeding one year, may, notwithstanding any other provision of this chapter [*18 USCS §§ 921 et seq.*], continue operation pursuant to his existing license (if prior to the expiration of the term of the existing license timely application is made for a new license) during the term of such indictment and until any conviction pursuant to the indictment becomes final.

(c) A person who is prohibited from possessing, shipping, transporting, or receiving firearms or ammunition may make application to the Attorney General for relief from the disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, transportation, or possession of firearms, and the Attorney General may grant such relief if it is established to his satisfaction that the circumstances regarding the disability, and the applicant's record and reputation, are such that the applicant will not be likely to act in a manner dangerous to public safety and that the granting of the relief would not be contrary to the public interest. Any person whose application for relief from disabilities is denied by the Attorney General may file a petition with the United States district court for the district in which he resides for a judicial review of such denial. The court may in its discretion admit additional evidence where failure to do so would result in a miscarriage of justice. A licensed importer, licensed manufacturer, licensed dealer, or licensed collector conducting operations under this chapter [*18 USCS §§ 921 et seq.*], who makes application for relief from the disabilities incurred under this chapter [*18 USCS §§ 921 et seq.*], shall not be barred by such disability, from further operations under his license pending final action on an application for relief filed pursuant to this section. Whenever the Attorney General grants relief to any person pursuant to this section he shall promptly publish in the Federal Register notice of such action, together with the reasons therefor.

(d) The Attorney General shall authorize a firearm or ammunition to be imported or brought into the United States or any possession thereof if the firearm or ammunition—

(1) is being imported or brought in for scientific or research purposes, or is for use in connection with competition or training pursuant to chapter 751 of title 10 [*10 USCS §§ 7401 et seq.*];

(2) is an unserviceable firearm, other than a machinegun as defined in *section 5845(b) of the Internal Revenue Code of 1954* [1986] [*26 USCS § 5845(b)*] (not readily restorable to firing condition), imported or brought in as a curio or museum piece;

(3) is of a type that does not fall within the definition of a firearm as defined in section 5845(a) of the Internal Revenue Code of 1954 [1986] [26 USCS § 5845(a)] and is generally recognized as particularly suitable for or readily adaptable to sporting purposes, excluding surplus military firearms, except in any case where the Attorney General has not authorized the importation of the firearm pursuant to this paragraph, it shall be unlawful to import any frame, receiver, or barrel of such firearm which would be prohibited if assembled; or

(4) was previously taken out of the United States or a possession by the person who is bringing in the firearm or ammunition.

The Attorney General shall permit the conditional importation or bringing in of a firearm or ammunition for examination and testing in connection with the making of a determination as to whether the importation or bringing in of such firearm or ammunition will be allowed under this subsection.

(e) Notwithstanding any other provision of this title, the Attorney General shall authorize the importation of, by any licensed importer, the following:

(1) All rifles and shotguns listed as curios or relics by the Attorney General pursuant to section 921(a)(13) [18 USCS § 921(a)(13)], and

(2) All handguns, listed as curios or relics by the Attorney General pursuant to section 921(a)(13) [18 USCS § 921(a)(13)], provided that such handguns are generally recognized as particularly suitable for or readily adaptable to sporting purposes.

(f) The Attorney General shall not authorize, under subsection (d), the importation of any firearm the importation of which is prohibited by section 922(p) [18 USCS § 922(p)].

## History

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### HISTORY:

Added June 19, 1968, *P. L. 90-351*, Title IV, § 902, *82 Stat. 233*; Oct. 22, 1968, *P. L. 90-618*, Title I, § 102, *82 Stat. 1224*; Oct. 30, 1984, *P. L. 98-573*, Title II, Subtitle C, § 233, *98 Stat. 2991*; May 19, 1986, *P. L. 99-308*, § 105, *100 Stat. 459*; Nov. 11, 1988, *P. L. 100-649*, § 2(c), *102 Stat. 3817*; Nov. 29, 1990, *P. L. 101-647*, Title XXII, § 2203(b), (c), *104 Stat. 4857*; Feb. 10, 1996, *P. L. 104-106*, Div A, Title XVI, Subtitle B, § 1624(b)(3), *110 Stat. 522*; Oct. 11, 1996, *P. L. 104-294*, Title VI, § 607(c), *110 Stat. 3511*; Sept. 30, 1996, *P. L. 104-208*, Div A, Title I, § 101(f) [Title VI, § 658(c)], *110 Stat. 3009-372*; Nov. 25, 2002, *P. L. 107-296*, Title XI, Subtitle B, § 1112(f)(6), *116 Stat. 2276*; Dec. 9, 2003, *P. L. 108-174*, § 1(3), *117 Stat. 2481*; Aug. 13, 2018, *P.L. 115-232*, Div A, Title VIII, Subtitle A, Part II, § 809(e)(3), *132 Stat. 1842*.

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## 18 USCS § 925A

Current through Public Law 118-19, approved October 6, 2023.

*United States Code Service* > **TITLE 18. CRIMES AND CRIMINAL PROCEDURE (§§ 1 — 6005)** >  
**Part I. Crimes (Chs. 1 — 123)** > **CHAPTER 44. Firearms (§§ 921 — 934)**

### **§ 925A. Remedy for erroneous denial of firearm**

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Any person denied a firearm pursuant to subsection (s) or (t) of section 922 [18 USCS § 922]<sup>—</sup>

(1) due to the provision of erroneous information relating to the person by any State or political subdivision thereof, or by the national instant criminal background check system established under section 103 of the Brady Handgun Violence Prevention Act [18 USCS § 922 note] or

(2) who was not prohibited from receipt of a firearm pursuant to subsection (g) or (n) of section 922 [18 USCS § 922],

may bring an action against the State or political subdivision responsible for providing the erroneous information, or responsible for denying the transfer, or against the United States, as the case may be, for an order directing that the erroneous information be corrected or that the transfer be approved, as the case may be. In any action under this section, the court, in its discretion, may allow the prevailing party a reasonable attorney's fee as part of the costs.

### **History**

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#### **HISTORY:**

Added Nov. 30, 1993, *P. L. 103-159*, Title I, § 104(a), *107 Stat. 1543*.

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## 18 USCS § 925B

Current through Public Law 118-19, approved October 6, 2023.

*United States Code Service* > **TITLE 18. CRIMES AND CRIMINAL PROCEDURE (§§ 1 — 6005)** > **Part I. Crimes (Chs. 1 — 123)** > **CHAPTER 44. Firearms (§§ 921 — 934)**

### § 925B. Reporting of background check denials to State authorities

**(a) In general.** If the national instant criminal background check system established under section 103 of the Brady Handgun Violence Prevention Act (34 U.S.C. 40901) (referred to in this section as “NICS”) provides a notice pursuant to section 922(t) [18 USCS § 922(t)] that the receipt of a firearm by a person would violate subsection (g) or (n) of section 922 [18 USCS § 922] or State, local, or Tribal law, the Attorney General shall, in accordance with subsection (b) of this section—

**(1)** report to the local law enforcement authority of the State or Tribe where the person sought to acquire the firearm and, if different, the local law enforcement authorities of the State or Tribe of residence of the person—

**(A)** that the notice was provided;

**(B)** the Federal, State, local or Tribal prohibition;

**(C)** the date and time the notice was provided;

**(D)** the location of the licensee where the firearm was sought to be transferred; and

**(E)** the identity of the person; and

**(2)** where practicable, report the incident to State and local prosecutors or Tribal prosecutors in the jurisdiction where the firearm transfer was sought.

**(b) Requirements for report.** A report is made in accordance with this subsection if the report is made under subsection (a) within 24 hours after the NICS denies a firearm transfer in accordance with section 922(t) of title 18, United States Code, except that the making of the report may be delayed for so long as is necessary to avoid compromising an ongoing investigation.

**(c) Amendment of report.** If a report is made in accordance with subsection (b) and, after such report is made, the Federal Bureau of Investigation determines that the receipt of a firearm by a person for whom the report was made would not violate subsection (g) or (n) of section 922 [18 USCS § 922] or State, local, or Tribal law, the Attorney General shall notify any law enforcement authority and any prosecutor to whom the report was made of that determination.

**(d) Rule of construction.** Nothing in subsection (a) shall be construed to require a report with respect to a person to be made to the same State authorities that made the original denial determination with respect to the transfer of the firearm.



## History

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Added March 15, 2022, *P.L. 117-103*, Div W, Title XI, § 1101(c), *136 Stat. 919*.

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## 18 USCS § 925C

Current through Public Law 118-19, approved October 6, 2023.

*United States Code Service* > **TITLE 18. CRIMES AND CRIMINAL PROCEDURE (§§ 1 — 6005)** > **Part I. Crimes (Chs. 1 — 123)** > **CHAPTER 44. Firearms (§§ 921 — 934)**

### § 925C. Annual report to Congress

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Not later than 1 year after the date of enactment of this section [enacted March 15, 2022], and annually thereafter, the Attorney General shall submit to Congress a report detailing the following, broken down by Federal judicial district:

(1) With respect to each category of persons prohibited by subsection (g) or (n) of section 922 [18 USCS § 922] or State law from receiving or possessing a firearm who are so denied a firearm—

(A) the number of denials;

(B) the number of denials referred to the Bureau of Alcohol, Tobacco, Firearms, and Explosives;

(C) the number of denials for which the Bureau of Alcohol, Tobacco, Firearms, and Explosives determines that the person denied was not prohibited by subsection (g) or (n) of section 922 [18 USCS § 922] or State law from receiving or possessing a firearm;

(D) the number of denials overturned through the appeals process of the national instant criminal background check system established under section 103 of the Brady Handgun Violence Prevention Act (34 U.S.C. 40901);

(E) the number of denials with respect to which an investigation was opened by a field division of the Bureau of Alcohol, Tobacco, Firearms, and Explosives;

(F) the number of persons charged with a Federal criminal offense in connection with a denial; and

(G) the number of convictions obtained by Federal authorities in connection with a denial.

(2) The number of background check notices reported pursuant to section 925B [18 USCS § 925B] (including the number of the notices that would have been so reported but for section 925B(c) [18 USCS § 925B(c)]).

### History

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Added March 15, 2022, *P.L. 117-103*, Div W, Title XI, § 1102(a), *136 Stat. 920*.



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## 18 USCS § 925D

Current through Public Law 118-19, approved October 6, 2023.

*United States Code Service* > **TITLE 18. CRIMES AND CRIMINAL PROCEDURE (§§ 1 — 6005)** > **Part I. Crimes (Chs. 1 — 123)** > **CHAPTER 44. Firearms (§§ 921 — 934)**

### § 925D. Special assistant U.S. attorneys and cross-deputized attorneys

**(a) In general.** In order to improve the enforcement of paragraphs (8) and (9) of section 922(g) [*18 USCS § 922(g)*], the Attorney General may—

- (1) appoint, in accordance with section 543 of title 28 [*28 USCS § 543*], qualified State, Tribal, territorial and local prosecutors and qualified attorneys working for the United States government to serve as special assistant United States attorneys for the purpose of prosecuting violations of such paragraphs; and
- (2) deputize State, Tribal, territorial and local law enforcement officers for the purpose of enhancing the capacity of the agents of the Bureau of Alcohol, Tobacco, Firearms, and Explosives in responding to and investigating violations of such paragraphs.

**(b) Improve intimate partner and public safety.** The Attorney General shall—

- (1) identify not fewer than 75 jurisdictions among States, territories and Tribes where there are high rates of firearms violence and threats of firearms violence against intimate partners and other persons protected under paragraphs (8) and (9) of section 922(g) [*18 USCS § 922(g)*] and where local authorities lack the resources to address such violence;
- (2) make such appointments as described in subsection (a) in jurisdictions where enhanced enforcement of such paragraphs is necessary to reduce firearms homicide and injury rates; and
- (3) establish, in order to receive and expedite requests for assistance from State, Tribal, territorial, and local law enforcement agencies responding to intimate partner violence cases where such agencies have probable cause to believe that the offenders may be in violation of such paragraphs, points of contact within—
  - (A) each Field Division of the Bureau of Alcohol, Tobacco, Firearms, and Explosives; and
  - (B) each District Office of the United States Attorneys.

**(c) Qualified defined.** For purposes of this section, the term “qualified” means, with respect to an attorney, that the attorney is a licensed attorney in good standing with any relevant licensing authority.

### History



§ 925D. Special assistant U.S. attorneys and cross-deputized attorneys

Added March 15, 2022, *P.L. 117-103*, Div W, Title XI, § 1103(a), *136 Stat. 920*.

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## 18 USCS § 926

Current through Public Law 118-19, approved October 6, 2023.

*United States Code Service* > **TITLE 18. CRIMES AND CRIMINAL PROCEDURE (§§ 1 — 6005)** > **Part I. Crimes (Chs. 1 — 123)** > **CHAPTER 44. Firearms (§§ 921 — 934)**

### § 926. Rules and regulations

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(a) The Attorney General may prescribe only such rules and regulations as are necessary to carry out the provisions of this chapter [18 USCS §§ 921 et seq.], including—

- (1) regulations providing that a person licensed under this chapter [18 USCS §§ 921 et seq.], when dealing with another person so licensed, shall provide such other licensed person a certified copy of this license;
- (2) regulations providing for the issuance, at a reasonable cost, to a person licensed under this chapter [18 USCS §§ 921 et seq.], of certified copies of his license for use as provided under regulations issued under paragraph (1) of this subsection; and
- (3) regulations providing for effective receipt and secure storage of firearms relinquished by or seized from persons described in subsection (d)(8) or (g)(8) of section 922 [18 USCS § 922].

No such rule or regulation prescribed after the date of the enactment of the Firearms Owners' Protection Act [enacted May 19, 1986] may require that records required to be maintained under this chapter [18 USCS §§ 921 et seq.] or any portion of the contents of such records, be recorded at or transferred to a facility owned, managed, or controlled by the United States or any State or any political subdivision thereof, nor that any system of registration of firearms, firearms owners, or firearms transactions or dispositions be established. Nothing in this section expands or restricts the Attorney General's authority to inquire into the disposition of any firearm in the course of a criminal investigation.

(b) The Attorney General shall give not less than ninety days public notice, and shall afford interested parties opportunity for hearing, before prescribing such rules and regulations.

(c) The Attorney General shall not prescribe rules or regulations that require purchasers of black powder under the exemption provided in section 845(a)(5) of this title [18 USCS § 845(a)(5)] to complete affidavits or forms attesting to that exemption.

### History

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#### **HISTORY:**



§ 926. Rules and regulations

Added June 19, 1968, P. L. 90-351, Title IV, § 902, 82 Stat. 234; Oct. 22, 1968, P. L. 90-618, Title I, § 102, 82 Stat. 1226; May 19, 1986, P. L. 99-308, § 106, 100 Stat. 459; Sept. 13, 1994, P. L. 103-322, Title XI, Subtitle D, § 110401(d), 108 Stat. 2015; Nov. 25, 2002, P. L. 107-296, Title XI, Subtitle B, § 1112(f)(6), 116 Stat. 2276.

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## 18 USCS § 926A

Current through Public Law 118-19, approved October 6, 2023.

*United States Code Service* > **TITLE 18. CRIMES AND CRIMINAL PROCEDURE (§§ 1 — 6005)** >  
**Part I. Crimes (Chs. 1 — 123)** > **CHAPTER 44. Firearms (§§ 921 — 934)**

### § 926A. Interstate transportation of firearms

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Notwithstanding any other provision of any law or any rule or regulation of a State or any political subdivision thereof, any person who is not otherwise prohibited by this chapter [18 USCS §§ 921 et seq.] from transporting, shipping, or receiving a firearm shall be entitled to transport a firearm for any lawful purpose from any place where he may lawfully possess and carry such firearm to any other place where he may lawfully possess and carry such firearm if, during such transportation the firearm is unloaded, and neither the firearm nor any ammunition being transported is readily accessible or is directly accessible from the passenger compartment of such transporting vehicle:  
*Provided*, That in the case of a vehicle without a compartment separate from the driver's compartment the firearm or ammunition shall be contained in a locked container other than the glove compartment or console.

### History

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#### **HISTORY:**

Added July 8, 1986, P.L. 99-360, § 1(a), 100 Stat. 766.

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## 18 USCS § 926B

Current through Public Law 118-19, approved October 6, 2023.

*United States Code Service* > **TITLE 18. CRIMES AND CRIMINAL PROCEDURE (§§ 1 — 6005)** > **Part I. Crimes (Chs. 1 — 123)** > **CHAPTER 44. Firearms (§§ 921 — 934)**

### § 926B. Carrying of concealed firearms by qualified law enforcement officers

- (a) Notwithstanding any other provision of the law of any State or any political subdivision thereof, an individual who is a qualified law enforcement officer and who is carrying the identification required by subsection (d) may carry a concealed firearm that has been shipped or transported in interstate or foreign commerce, subject to subsection (b).
- (b) This section shall not be construed to supersede or limit the laws of any State that—
- (1) permit private persons or entities to prohibit or restrict the possession of concealed firearms on their property; or
  - (2) prohibit or restrict the possession of firearms on any State or local government property, installation, building, base, or park.
- (c) As used in this section, the term “qualified law enforcement officer” means an employee of a governmental agency who—
- (1) is authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law, and has statutory powers of arrest or apprehension under section 807(b) of title 10, United States Code (article 7(b) of the Uniform Code of Military Justice);
  - (2) is authorized by the agency to carry a firearm;
  - (3) is not the subject of any disciplinary action by the agency which could result in suspension or loss of police powers;
  - (4) meets standards, if any, established by the agency which require the employee to regularly qualify in the use of a firearm;
  - (5) is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance; and
  - (6) is not prohibited by Federal law from receiving a firearm.
- (d) The identification required by this subsection is the photographic identification issued by the governmental agency for which the individual is employed that identifies the employee as a police officer or law enforcement officer of the agency.
- (e) As used in this section, the term “firearm”—
- (1) except as provided in this subsection, has the same meaning as in section 921 of this title [26 USCS § 921];

§ 926B. Carrying of concealed firearms by qualified law enforcement officers

(2) includes ammunition not expressly prohibited by Federal law or subject to the provisions of the National Firearms Act [26 USCS §§ 5801 et seq.]; and

(3) does not include—

(A) any machinegun (as defined in section 5845 of the National Firearms Act [26 USCS § 5845]);

(B) any firearm silencer (as defined in section 921 of this title [26 USCS § 921]); and

(C) any destructive device (as defined in section 921 of this title [26 USCS § 921]).

(f) For the purposes of this section, a law enforcement officer of the Amtrak Police Department, a law enforcement officer of the Federal Reserve, or a law enforcement or police officer of the executive branch of the Federal Government qualifies as an employee of a governmental agency who is authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law, and has statutory powers of arrest or apprehension under section 807(b) of title 10, United States Code (article 7(b) of the Uniform Code of Military Justice).

## History

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### HISTORY:

Added July 22, 2004, *P. L. 108-277*, § 2(a), *118 Stat. 865*; Oct. 12, 2010, *P. L. 111-272*, § 2(a), (b), *124 Stat. 2855*; Jan. 2, 2013, *P. L. 112-239*, Div A, Title X, Subtitle H, § 1089(1), *126 Stat. 1970*.

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## 18 USCS § 926C

Current through Public Law 118-19, approved October 6, 2023.

*United States Code Service* > **TITLE 18. CRIMES AND CRIMINAL PROCEDURE (§§ 1 — 6005)** > **Part I. Crimes (Chs. 1 — 123)** > **CHAPTER 44. Firearms (§§ 921 — 934)**

### **§ 926C. Carrying of concealed firearms by qualified retired law enforcement officers**

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- (a) Notwithstanding any other provision of the law of any State or any political subdivision thereof, an individual who is a qualified retired law enforcement officer and who is carrying the identification required by subsection (d) may carry a concealed firearm that has been shipped or transported in interstate or foreign commerce, subject to subsection (b).
- (b) This section shall not be construed to supersede or limit the laws of any State that—
- (1) permit private persons or entities to prohibit or restrict the possession of concealed firearms on their property; or
  - (2) prohibit or restrict the possession of firearms on any State or local government property, installation, building, base, or park.
- (c) As used in this section, the term “qualified retired law enforcement officer” means an individual who—
- (1) separated from service in good standing from service with a public agency as a law enforcement officer;
  - (2) before such separation, was authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law, and had statutory powers of arrest or apprehension under *section 807(b) of title 10, United States Code* (article 7(b) of the Uniform Code of Military Justice);
  - (3)
    - (A) before such separation, served as a law enforcement officer for an aggregate of 10 years or more; or
    - (B) separated from service with such agency, after completing any applicable probationary period of such service, due to a service-connected disability, as determined by such agency;
  - (4) during the most recent 12-month period, has met, at the expense of the individual, the standards for qualification in firearms training for active law enforcement officers, as determined by the former agency of the individual, the State in which the individual resides or, if the State has not established such standards, either a law enforcement agency within the State in which the individual resides or the standards used by a

certified firearms instructor that is qualified to conduct a firearms qualification test for active duty officers within that State;

(5)

(A) has not been officially found by a qualified medical professional employed by the agency to be unqualified for reasons relating to mental health and as a result of this finding will not be issued the photographic identification as described in subsection (d)(1); or

(B) has not entered into an agreement with the agency from which the individual is separating from service in which that individual acknowledges he or she is not qualified under this section for reasons relating to mental health and for those reasons will not receive or accept the photographic identification as described in subsection (d)(1);

(6) is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance; and

(7) is not prohibited by Federal law from receiving a firearm.

(d) The identification required by this subsection is—

(1) a photographic identification issued by the agency from which the individual separated from service as a law enforcement officer that identifies the person as having been employed as a police officer or law enforcement officer and indicates that the individual has, not less recently than one year before the date the individual is carrying the concealed firearm, been tested or otherwise found by the agency to meet the active duty standards for qualification in firearms training as established by the agency to carry a firearm of the same type as the concealed firearm; or

(2)

(A) a photographic identification issued by the agency from which the individual separated from service as a law enforcement officer that identifies the person as having been employed as a police officer or law enforcement officer; and

(B) a certification issued by the State in which the individual resides or by a certified firearms instructor that is qualified to conduct a firearms qualification test for active duty officers within that State that indicates that the individual has, not less than 1 year before the date the individual is carrying the concealed firearm, been tested or otherwise found by the State or a certified firearms instructor that is qualified to conduct a firearms qualification test for active duty officers within that State to have met—

(I) the active duty standards for qualification in firearms training, as established by the State, to carry a firearm of the same type as the concealed firearm; or

(II) if the State has not established such standards, standards set by any law enforcement agency within that State to carry a firearm of the same type as the concealed firearm.

(e) As used in this section—



(1) the term “firearm”—

(A) except as provided in this paragraph, has the same meaning as in section 921 of this title [18 USCS § 921];

(B) includes ammunition not expressly prohibited by Federal law or subject to the provisions of the National Firearms Act [26 USCS §§ 5801 et seq.]; and

(C) does not include—

(i) any machinegun (as defined in section 5845 of the National Firearms Act [26 USCS § 5845]);

(ii) any firearm silencer (as defined in section 921 of this title [18 USCS § 921]); and

(iii) any destructive device (as defined in section 921 of this title [18 USCS § 921]); and

(2) the term “service with a public agency as a law enforcement officer” includes service as a law enforcement officer of the Amtrak Police Department, service as a law enforcement officer of the Federal Reserve, or service as a law enforcement or police officer of the executive branch of the Federal Government.

## History

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### HISTORY:

Added July 22, 2004, *P. L. 108-277*, § 3(a), *118 Stat. 866*; Oct. 12, 2010, *P. L. 111-272*, § 2(c), *124 Stat. 2855*; Jan. 2, 2013, *P. L. 112-239*, Div A, Title X, Subtitle H, § 1089(2), *126 Stat. 1971*.

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## 18 USCS § 927

Current through Public Law 118-19, approved October 6, 2023.

*United States Code Service* > **TITLE 18. CRIMES AND CRIMINAL PROCEDURE (§§ 1 — 6005)** >  
**Part I. Crimes (Chs. 1 — 123)** > **CHAPTER 44. Firearms (§§ 921 — 934)**

### **§ 927. Effect on State law**

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No provision of this chapter [18 USCS §§ 921 et seq.] shall be construed as indicating an intent on the part of the Congress to occupy the field in which such provision operates to the exclusion of the law of any State on the same subject matter, unless there is a direct and positive conflict between such provision and the law of the State so that the two cannot be reconciled or consistently stand together.

### **History**

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#### **HISTORY:**

Added June 19, 1968, P. L. 90-351, Title IV, § 902, 82 Stat. 234; Oct. 22, 1968, P. L. 90-618, Title I, § 102, 82 Stat. 1226.

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## 18 USCS § 928

Current through Public Law 118-19, approved October 6, 2023.

*United States Code Service* > **TITLE 18. CRIMES AND CRIMINAL PROCEDURE (§§ 1 — 6005)** >  
**Part I. Crimes (Chs. 1 — 123)** > **CHAPTER 44. Firearms (§§ 921 — 934)**

### **§ 928. Separability**

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If any provision of this chapter [*18 USCS §§ 921 et seq.*] or the application thereof to any person or circumstance is held invalid, the remainder of the chapter [*18 USCS §§ 921 et seq.*] and the application of such provision to other persons not similarly situated or to other circumstances shall not be affected thereby.

### **History**

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#### **HISTORY:**

Added June 19, 1968, *P. L. 90-351*, Title IV, § 902, *82 Stat. 234*; Oct. 22, 1968, *P. L. 90-618*, Title I, § 102, *82 Stat. 1226*.

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## 18 USCS § 929

Current through Public Law 118-19, approved October 6, 2023.

*United States Code Service* > **TITLE 18. CRIMES AND CRIMINAL PROCEDURE (§§ 1 — 6005)** > **Part I. Crimes (Chs. 1 — 123)** > **CHAPTER 44. Firearms (§§ 921 — 934)**

### **§ 929. Use of restricted ammunition**

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(a)

(1) Whoever, during and in relation to the commission of a crime of violence or drug trafficking crime (including a crime of violence or drug trafficking crime which provides for an enhanced punishment if committed by the use of a deadly or dangerous weapon or device) for which he may be prosecuted in a court of the United States, uses or carries a firearm and is in possession of armor piercing ammunition capable of being fired in that firearm, shall, in addition to the punishment provided for the commission of such crime of violence or drug trafficking crime be sentenced to a term of imprisonment for not less than five years.

(2) For purposes of this subsection, the term “drug trafficking crime” means any felony punishable under the Controlled Substances Act (21 U.S.C. 801 et seq.), the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.), or chapter 705 of title 46 [46 USCS §§ 70501 et seq.].

(b) Notwithstanding any other provision of law, the court shall not suspend the sentence of any person convicted of a violation of this section, nor place the person on probation, nor shall the terms of imprisonment run concurrently with any other terms of imprisonment, including that imposed for the crime in which the armor piercing ammunition was used or possessed.

### **History**

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#### **HISTORY:**

Added Oct. 12, 1984, *P. L. 98-473*, Title II, Ch X, Part E, § 1006(a), *98 Stat. 2139*; May 19, 1986, *P. L. 99-308*, § 108, *100 Stat. 460*; Aug. 28, 1986, *P. L. 99-408*, § 8, *100 Stat. 921*; Nov. 18, 1988, *P. L. 100-690*, Title VI, Subtitle G, § 6212, Title VII, Subtitle B, § 7060(b), *102 Stat. 4360*, 4404; Nov. 2, 2002, *P. L. 107-273*, Div B, Title IV, § 4002(c)(4), *116 Stat. 1809*; Oct. 6, 2006, *P. L. 109-304*, § 17(d)(4), *120 Stat. 1707*.

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## 18 USCS § 930

Current through Public Law 118-19, approved October 6, 2023.

*United States Code Service* > **TITLE 18. CRIMES AND CRIMINAL PROCEDURE (§§ 1 — 6005)** > **Part I. Crimes (Chs. 1 — 123)** > **CHAPTER 44. Firearms (§§ 921 — 934)**

### § 930. Possession of firearms and dangerous weapons in Federal facilities

(a) Except as provided in subsection (d), whoever knowingly possesses or causes to be present a firearm or other dangerous weapon in a Federal facility (other than a Federal court facility), or attempts to do so, shall be fined under this title or imprisoned not more than 1 year, or both.

(b) Whoever, with intent that a firearm or other dangerous weapon be used in the commission of a crime, knowingly possesses or causes to be present such firearm or dangerous weapon in a Federal facility, or attempts to do so, shall be fined under this title or imprisoned not more than 5 years, or both.

(c) A person who kills any person in the course of a violation of subsection (a) or (b), or in the course of an attack on a Federal facility involving the use of a firearm or other dangerous weapon, or attempts or conspires to do such an act, shall be punished as provided in sections 1111, 1112, 1113, and 1117 [*18 USCS §§ 1111, 1112, 1113, and 1117*].

(d) Subsection (a) shall not apply to—

(1) the lawful performance of official duties by an officer, agent, or employee of the United States, a State, or a political subdivision thereof, who is authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of any violation of law;

(2) the possession of a firearm or other dangerous weapon by a Federal official or a member of the Armed Forces if such possession is authorized by law; or

(3) the lawful carrying of firearms or other dangerous weapons in a Federal facility incident to hunting or other lawful purposes.

(e)

(1) Except as provided in paragraph (2), whoever knowingly possesses or causes to be present a firearm or other dangerous weapon in a Federal court facility, or attempts to do so, shall be fined under this title, imprisoned not more than 2 years, or both.

(2) Paragraph (1) shall not apply to conduct which is described in paragraph (1) or (2) of subsection (d).

(f) Nothing in this section limits the power of a court of the United States to punish for contempt or to promulgate rules or orders regulating, restricting, or prohibiting the



possession of weapons within any building housing such court or any of its proceedings, or upon any grounds appurtenant to such building.

(g) As used in this section:

(1) The term "Federal facility" means a building or part thereof owned or leased by the Federal Government, where Federal employees are regularly present for the purpose of performing their official duties.

(2) The term "dangerous weapon" means a weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, except that such term does not include a pocket knife with a blade of less than 2 ½ inches in length.

(3) The term "Federal court facility" means the courtroom, judges' chambers, witness rooms, jury deliberation rooms, attorney conference rooms, prisoner holding cells, offices of the court clerks, the United States attorney, and the United States marshal, probation and parole offices, and adjoining corridors of any court of the United States.

(h) Notice of the provisions of subsections (a) and (b) shall be posted conspicuously at each public entrance to each Federal facility, and notice of subsection (e) shall be posted conspicuously at each public entrance to each Federal court facility, and no person shall be convicted of an offense under subsection (a) or (e) with respect to a Federal facility if such notice is not so posted at such facility, unless such person had actual notice of subsection (a) or (e), as the case may be.

## History

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### HISTORY:

Added Nov. 18, 1988, *P. L. 100-690*, Title VI, Subtitle G, § 6215(a), *102 Stat. 4361*; Nov. 29, 1990, *P. L. 101-647*, Title XXII, § 2205(a), *104 Stat. 4858*; Sept. 13, 1994, *P. L. 103-322*, Title VI, § 60014, *108 Stat. 1973*; Oct. 11, 1996, *P. L. 104-294*, Title VI, § 603(t), (u), *110 Stat. 3506*; Oct. 26, 2001, *P. L. 107-56*, Title VIII, § 811(b), *115 Stat. 381*; Jan. 7, 2008, *P. L. 110-177*, Title II, § 203, *121 Stat. 2537*.

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## 18 USCS § 931

Current through Public Law 118-19, approved October 6, 2023.

*United States Code Service* > **TITLE 18. CRIMES AND CRIMINAL PROCEDURE (§§ 1 — 6005)** > **Part I. Crimes (Chs. 1 — 123)** > **CHAPTER 44. Firearms (§§ 921 — 934)**

### **§ 931. Prohibition on purchase, ownership, or possession of body armor by violent felons**

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**(a) In general.** Except as provided in subsection (b), it shall be unlawful for a person to purchase, own, or possess body armor, if that person has been convicted of a felony that is—

- (1)** a crime of violence (as defined in section 16 [18 USCS § 16]); or
- (2)** an offense under State law that would constitute a crime of violence under paragraph (1) if it occurred within the special maritime and territorial jurisdiction of the United States.

**(b) Affirmative defense.**

**(1)** In general. It shall be an affirmative defense under this section that—

- (A)** the defendant obtained prior written certification from his or her employer that the defendant's purchase, use, or possession of body armor was necessary for the safe performance of lawful business activity; and
- (B)** the use and possession by the defendant were limited to the course of such performance.

**(2) Employer.** In this subsection, the term "employer" means any other individual employed by the defendant's business that supervises defendant's activity. If that defendant has no supervisor, prior written certification is acceptable from any other employee of the business.

### **History**

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#### **HISTORY:**

Added Nov. 2, 2002, *P. L. 107-273*, Div C, Title I, Subtitle A, § 11009(e)(2)(A), *116 Stat. 1821*.

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## 18 USCS § 932

Current through Public Law 118-19, approved October 6, 2023.

*United States Code Service* > **TITLE 18. CRIMES AND CRIMINAL PROCEDURE (§§ 1 — 6005)** >  
**Part I. Crimes (Chs. 1 — 123)** > **CHAPTER 44. Firearms (§§ 921 — 934)**

### § 932. Straw purchasing of firearms

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**(a) Definitions.** For purposes of this section—

(1) the term “drug trafficking crime”—

(A) has the meaning given that term in section 924(c)(2) [*18 USCS § 924(c)(2)*]; and

(B) includes a felony punishable under the law of a State for which the conduct constituting the offense would constitute a felony punishable under the Controlled Substances Act (*21 U.S.C. 801* et seq.), the Controlled Substances Import and Export Act (*21 U.S.C. 951* et seq.), or chapter 705 of title 46 [*46 USCS §§ 70501* et seq.];

(2) the term “Federal crime of terrorism” has the meaning given that term in section 2332b(g)(5) [*18 USCS § 2332b(g)(5)*]; and

(3) the term “felony” means any offense under Federal or State law punishable by imprisonment for a term exceeding 1 year.

**(b) Violation.** It shall be unlawful for any person to knowingly purchase, or conspire to purchase, any firearm in or otherwise affecting interstate or foreign commerce for, on behalf of, or at the request or demand of any other person, knowing or having reasonable cause to believe that such other person—

(1) meets the criteria of 1 or more paragraphs of section 922(d) [*18 USCS § 922(d)*];

(2) intends to use, carry, possess, or sell or otherwise dispose of the firearm in furtherance of a felony, a Federal crime of terrorism, or a drug trafficking crime; or

(3) intends to sell or otherwise dispose of the firearm to a person described in paragraph (1) or (2).

**(c) Penalty.**

(1) In general. Except as provided in paragraph (2), any person who violates subsection (b) shall be fined under this title, imprisoned for not more than 15 years, or both.

(2) Use in felonies, crimes of terrorism, or drug trafficking crimes. If a violation of subsection (b) is committed knowing or with reasonable cause to believe that any firearm involved will be used to commit a felony, a Federal crime of terrorism, or a

§ 932. Straw purchasing of firearms

drug trafficking crime, the person shall be sentenced to a term of imprisonment of not more than 25 years.

## History

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Added June 25, 2022, *P.L. 117-159*, Div A, Title II, § 12004(a)(1), *136 Stat. 1326*.

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## 18 USCS § 933

Current through Public Law 118-19, approved October 6, 2023.

*United States Code Service* > **TITLE 18. CRIMES AND CRIMINAL PROCEDURE (§§ 1 — 6005)** >  
**Part I. Crimes (Chs. 1 — 123)** > **CHAPTER 44. Firearms (§§ 921 — 934)**

### **§ 933. Trafficking in firearms**

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**(a) In general.** It shall be unlawful for any person to—

(1) ship, transport, transfer, cause to be transported, or otherwise dispose of any firearm to another person in or otherwise affecting interstate or foreign commerce, if such person knows or has reasonable cause to believe that the use, carrying, or possession of a firearm by the recipient would constitute a felony (as defined in section 932(a) [*18 USCS § 932(a)*]);

(2) receive from another person any firearm in or otherwise affecting interstate or foreign commerce, if the recipient knows or has reasonable cause to believe that such receipt would constitute a felony; or

(3) attempt or conspire to commit the conduct described in paragraph (1) or (2).

**(b) Penalty.** Any person who violates subsection (a) shall be fined under this title, imprisoned for not more than 15 years, or both.

### **History**

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Added June 25, 2022, *P.L. 117-159*, Div A, Title II, § 12004(a)(1), *136 Stat. 1327*.

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## 18 USCS § 934

Current through Public Law 118-19, approved October 6, 2023.

United States Code Service > TITLE 18. CRIMES AND CRIMINAL PROCEDURE (§§ 1 — 6005) >  
Part I. Crimes (Chs. 1 — 123) > CHAPTER 44. Firearms (§§ 921 — 934)

### § 934. Forfeiture and fines

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#### **(a) Forfeiture.**

(1) In general. Any person convicted of a violation of section 932 or 933 [18 USCS § 932 or 933] shall forfeit to the United States, irrespective of any provision of State law—

(A) any property constituting, or derived from, any proceeds the person obtained, directly or indirectly, as the result of such violation; and

(B) any of the person's property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, such violation, except that for any forfeiture of any firearm or ammunition pursuant to this section, section 924(d) [18 USCS § 924(d)] shall apply.

(2) Imposition. The court, in imposing sentence on a person convicted of a violation of section 932 or 933 [18 USCS § 932 or 933], shall order, in addition to any other sentence imposed pursuant to section 932 or 933 [18 USCS § 932 or 933], that the person forfeit to the United States all property described in paragraph (1).

**(b) Fines.** A defendant who derives profits or other proceeds from an offense under section 932 or 933 [18 USCS § 932 or 933] may be fined not more than the greater of—

(1) the fine otherwise authorized by this part [18 USCS §§ 1 et seq.]; or

(2) the amount equal to twice the gross profits or other proceeds of the offense under section 932 or 933 [18 USCS § 932 or 933].

### History

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Added June 25, 2022, *P.L. 117-159*, Div A, Title II, § 12004(a)(1), *136 Stat. 1327*.

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## 26 USCS § 5812

Current through Public Law 118-19, approved October 6, 2023.

*United States Code Service* > **TITLE 26. INTERNAL REVENUE CODE (§§ 1 — 9834)** > *Subtitle E. Alcohol, tobacco, and certain other excise taxes. (Chs. 51 — 55)* > **CHAPTER 53. Machine guns and certain other firearms. (Subchs. A — D)** > *Subchapter A. Taxes. (Pts. I — III)* > **Part II. Tax on transferring firearms. (§§ 5811 — 5820)**

### **§ 5812. Transfers.**

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**(a) Application.** A firearm shall not be transferred unless (1) the transferor of the firearm has filed with the Secretary a written application, in duplicate, for the transfer and registration of the firearm to the transferee on the application form prescribed by the Secretary; (2) any tax payable on the transfer is paid as evidenced by the proper stamp affixed to the original application form; (3) the transferee is identified in the application form in such manner as the Secretary may by regulations prescribe, except that, if such person is an individual, the identification must include his fingerprints and his photograph; (4) the transferor of the firearm is identified in the application form in such manner as the Secretary may by regulations prescribe; (5) the firearm is identified in the application form in such manner as the Secretary may by regulations prescribe; and (6) the application form shows that the Secretary has approved the transfer and the registration of the firearm to the transferee. Applications shall be denied if the transfer, receipt, or possession of the firearm would place the transferee in violation of law.

**(b) Transfer of possession.** The transferee of a firearm shall not take possession of the firearm unless the Secretary has approved the transfer and registration of the firearm to the transferee as required by subsection (a) of this section.

### **History**

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#### **HISTORY:**

Added Oct. 22, 1968, P. L. 90-618, Title II, § 201, 82 Stat. 1228; Oct. 4, 1976, P. L. 94-455, Title XIX, § 1906(b)(13)(A), 90 Stat. 1834.

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## 26 USCS § 5822

Current through Public Law 118-19, approved October 6, 2023.

*United States Code Service > TITLE 26. INTERNAL REVENUE CODE (§§ 1 — 9834) > Subtitle E. Alcohol, tobacco, and certain other excise taxes. (Chs. 51 — 55) > CHAPTER 53. Machine guns and certain other firearms. (Subchs. A — D) > Subchapter A. Taxes. (Pts. I — III) > Part III. Tax on making firearms. (§§ 5821 — 5840)*

### **§ 5822. Making.**

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No person shall make a firearm unless he has (a) filed with the Secretary a written application, in duplicate, to make and register the firearm on the form prescribed by the Secretary; (b) paid any tax payable on the making and such payment is evidenced by the proper stamp affixed to the original application form; (c) identified the firearm to be made in the application form in such manner as the Secretary may by regulations prescribe; (d) identified himself in the application form in such manner as the Secretary may by regulations prescribe, except that, if such person is an individual, the identification must include his fingerprints and his photograph; and (e) obtained the approval of the Secretary to make and register the firearm and the application form shows such approval. Applications shall be denied if the making or possession of the firearm would place the person making the firearm in violation of law.

### **History**

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#### **HISTORY:**

Added Oct. 22, 1968, P. L. 90-618, Title II, § 201, 82 Stat. 1228; Oct. 4, 1976, P. L. 94-455, Title XIX, § 1906(b)(13)(A), 90 Stat. 1834.

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## 26 USCS § 5841

Current through Public Law 118-19, approved October 6, 2023.

*United States Code Service > TITLE 26. INTERNAL REVENUE CODE (§§ 1 — 9834) > Subtitle E. Alcohol, tobacco, and certain other excise taxes. (Chs. 51 — 55) > CHAPTER 53. Machine guns and certain other firearms. (Subchs. A — D) > Subchapter B. General provisions and exemptions. (Pts. I — II) > Part I. General provisions. (§§ 5841 — 5850)*

### § 5841. Registration of firearms.

---

**(a) Central registry.** The Secretary shall maintain a central registry of all firearms in the United States which are not in the possession or under the control of the United States. This registry shall be known as the National Firearms Registration and Transfer Record. The registry shall include—

- (1) identification of the firearm;
- (2) date of registration; and
- (3) identification and address of person entitled to possession of the firearm.

**(b) By whom registered.** Each manufacturer, importer, and maker shall register each firearm he manufactures, imports, or makes. Each firearm transferred shall be registered to the transferee by the transferor.

**(c) How registered.** Each manufacturer shall notify the Secretary of the manufacture of a firearm in such manner as may by regulations be prescribed and such notification shall effect the registration of the firearm required by this section. Each importer, maker, and transferor of a firearm shall, prior to importing, making, or transferring a firearm, obtain authorization in such manner as required by this chapter [26 USCS §§ 5801 et seq.] or regulations issued thereunder to import, make, or transfer the firearm, and such authorization shall effect the registration of the firearm required by this section.

**(d) Firearms registered on effective date of this Act.** A person shown as possessing a firearm by the records maintained by the Secretary pursuant to the National Firearms Act in force on the day immediately prior to the effective date of the National Firearms Act of 1968 [effective Nov. 1, 1968] shall be considered to have registered under this section the firearms in his possession which are disclosed by that record as being in his possession.

**(e) Proof of registration.** A person possessing a firearm registered as required by this section shall retain proof of registration which shall be made available to the Secretary upon request.

### History

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**HISTORY:**

Added Oct. 22, 1968, P. L. 90-618, Title II, § 201, *82 Stat. 1229*; Oct. 4, 1976, P. L. 94-455, Title XIX, § 1906(b)(13)(A), 90 Stat. 1834.

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## 26 USCS § 5842

Current through Public Law 118-19, approved October 6, 2023.

*United States Code Service > TITLE 26. INTERNAL REVENUE CODE (§§ 1 — 9834) > Subtitle E. Alcohol, tobacco, and certain other excise taxes. (Chs. 51 — 55) > CHAPTER 53. Machine guns and certain other firearms. (Subchs. A — D) > Subchapter B. General provisions and exemptions. (Pts. I — II) > Part I. General provisions. (§§ 5841 — 5850)*

### **§ 5842. Identification of firearms.**

---

**(a) Identification of firearms other than destructive devices.** Each manufacturer and importer and anyone making a firearm shall identify each firearm, other than a destructive device, manufactured, imported, or made by a serial number which may not be readily removed, obliterated, or altered, the name of the manufacturer, importer, or maker, and such other identification as the Secretary may by regulations prescribe.

**(b) Firearms without serial number.** Any person who possesses a firearm, other than a destructive device, which does not bear the serial number and other information required by subsection (a) of this section shall identify the firearm with a serial number assigned by the Secretary and any other information the Secretary may by regulations prescribe.

**(c) Identification of destructive device.** Any firearm classified as a destructive device shall be identified in such manner as the Secretary may by regulations prescribe.

### **History**

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#### **HISTORY:**

Added Oct. 22, 1968, P. L. 90-618, Title II, § 201, 82 Stat. 1230; Oct. 4, 1976, P. L. 94-455, Title XIX, § 1906(b)(13)(A), 90 Stat. 1834.

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## 26 USCS § 5843

Current through Public Law 118-19, approved October 6, 2023.

*United States Code Service > TITLE 26. INTERNAL REVENUE CODE (§§ 1 — 9834) > Subtitle E. Alcohol, tobacco, and certain other excise taxes. (Chs. 51 — 55) > CHAPTER 53. Machine guns and certain other firearms. (Subchs. A — D) > Subchapter B. General provisions and exemptions. (Pts. I — II) > Part I. General provisions. (§§ 5841 — 5850)*

### § 5843. Records and returns.

---

Importers, manufacturers, and dealers shall keep such records of, and render such returns in relation to, the importation, manufacture, making, receipt, and sale, or other disposition, of firearms as the Secretary may by regulations prescribe.

### History

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#### **HISTORY:**

Added Oct. 22, 1968, P. L. 90-618, Title II, § 201, 82 Stat. 1230; Oct. 4, 1976, P. L. 94-455, Title XIX, § 1906(b)(13)(A), 90 Stat. 1834.

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## 26 USCS § 5844

Current through Public Law 118-19, approved October 6, 2023.

*United States Code Service > TITLE 26. INTERNAL REVENUE CODE (§§ 1 — 9834) > Subtitle E. Alcohol, tobacco, and certain other excise taxes. (Chs. 51 — 55) > CHAPTER 53. Machine guns and certain other firearms. (Subchs. A — D) > Subchapter B. General provisions and exemptions. (Pts. I — II) > Part I. General provisions. (§§ 5841 — 5850)*

### **§ 5844. Importation.**

---

No firearm shall be imported or brought into the United States or any territory under its control or jurisdiction unless the importer establishes, under regulations as may be prescribed by the Secretary, that the firearm to be imported or brought in is—

- (1) being imported or brought in for the use of the United States or any department, independent establishment, or agency thereof or any State or possession or any political subdivision thereof; or
- (2) being imported or brought in for scientific or research purposes; or
- (3) being imported or brought in solely for testing or use as a model by a registered manufacturer or solely for use as a sample by a registered importer or registered dealer;

except that, the Secretary may permit the conditional importation or bringing in of a firearm for examination and testing in connection with classifying the firearm.

### **History**

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#### **HISTORY:**

Added Oct. 22, 1968, P. L. 90-618, Title II, § 201, 82 Stat. 1230; Oct. 4, 1976, P. L. 94-455, Title XIX, § 1906(b)(13)(A), 90 Stat. 1834.

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## 26 USCS § 5845

Current through Public Law 118-19, approved October 6, 2023.

*United States Code Service > TITLE 26. INTERNAL REVENUE CODE (§§ 1 — 9834) > Subtitle E. Alcohol, tobacco, and certain other excise taxes. (Chs. 51 — 55) > CHAPTER 53. Machine guns and certain other firearms. (Subchs. A — D) > Subchapter B. General provisions and exemptions. (Pts. I — II) > Part I. General provisions. (§§ 5841 — 5850)*

### **§ 5845. Definitions.**

---

For the purpose of this chapter [26 USCS §§ 5801 et seq.]—

**(a) Firearm.** The term “firearm” means (1) a shotgun having a barrel or barrels of less than 18 inches in length; (2) a weapon made from a shotgun if such weapon as modified has an overall length of less than 26 inches or a barrel or barrels of less than 18 inches in length; (3) a rifle having a barrel or barrels of less than 16 inches in length; (4) a weapon made from a rifle if such weapon as modified has an overall length of less than 26 inches or a barrel or barrels of less than 16 inches in length; (5) any other weapon, as defined in subsection (e); (6) a machinegun; (7) any silencer (as defined in section 921 of title 18, United States Code); and (8) a destructive device. The term “firearm” shall not include an antique firearm or any device (other than a machinegun or destructive device) which, although designed as a weapon, the Secretary finds by reason of the date of its manufacture, value, design, and other characteristics is primarily a collector’s item and is not likely to be used as a weapon.

**(b) Machinegun.** The term “machinegun” means any weapon which shoots, is designed to shoot, or can be readily restored to shoot, automatically more than one shot, 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.

**(c) Rifle.** The term “rifle” means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed cartridge to fire only a single projectile through a rifled bore for each single pull of the trigger, and shall include any such weapon which may be readily restored to fire a fixed cartridge.

**(d) Shotgun.** The term “shotgun” means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of projectiles (ball shot) or a single projectile for each pull of the trigger, and shall include any such weapon which may be readily restored to fire a fixed shotgun shell.

**(e) Any other weapon.** The term “any other weapon” means any weapon or device capable of being concealed on the person from which a shot can be discharged through the energy of an explosive, a pistol or revolver having a barrel with a smooth bore designed or redesigned to fire a fixed shotgun shell, weapons with combination shotgun and rifle barrels 12 inches or more, less than 18 inches in length, from which only a single discharge can be made from either barrel without manual reloading, and shall include any such weapon which may be readily restored to fire. Such term shall not include a pistol or a revolver having a rifled bore, or rifled bores, or weapons designed, made, or intended to be fired from the shoulder and not capable of firing fixed ammunition.

**(f) Destructive device.** The term “destructive device” means (1) any explosive, incendiary, or poison gas (A) bomb, (B) grenade, (C) rocket having a propellant charge of more than four ounces, (D) missile having an explosive or incendiary charge of more than one-quarter ounce, (E) mine, or (F) similar device; (2) any type of weapon by whatever name known which will, or which may be readily converted to, expel a projectile by the action of an explosive or other propellant, the barrel or barrels of which have a bore of more than one-half inch in diameter, except a shotgun or shotgun shell which the Secretary finds is generally recognized as particularly suitable for sporting purposes; and (3) any combination of parts either designed or intended for use in converting any device into a destructive device as defined in subparagraphs (1) and (2) and from which a destructive device may be readily assembled. The term “destructive device” shall not include any device which is neither designed nor redesigned for use as a weapon; any device, although originally designed for use as a weapon, which is redesigned for use as a signaling, pyrotechnic, line throwing, safety, or similar device; surplus ordnance sold, loaned, or given by the Secretary of the Army pursuant to the provisions of section 7684(2), 7685, or 7686 of title 10, United States Code [10 USCS § 7684(2), 7685, or 7686]; or any other device which the Secretary finds is not likely to be used as a weapon, or is an antique or is a rifle which the owner intends to use solely for sporting purposes.

**(g) Antique firearm.** The term “antique firearm” means any firearm not designed or redesigned for using rim fire or conventional center fire ignition with fixed ammunition and manufactured in or before 1898 (including any matchlock, flintlock, percussion cap, or similar type of ignition system or replica thereof, whether actually manufactured before or after the year 1898) and also any firearm using fixed ammunition manufactured in or before 1898, for which ammunition is no longer manufactured in the United States and is not readily available in the ordinary channels of commercial trade.

**(h) Unserviceable firearm.** The term “unservicable firearm” means a firearm which is incapable of discharging a shot by means of an explosive and incapable of being readily restored to a firing condition.

**(i) Make.** The term “make”, and the various derivatives of such word, shall include manufacturing (other than by one qualified to engage in such business under this chapter [26 USCS §§ 5801 et seq.]), putting together, altering, any combination of these, or otherwise producing a firearm.

**(j) Transfer.** The term “transfer” and the various derivatives of such word, shall include selling, assigning, pledging, leasing, loaning, giving away, or otherwise disposing of.



**(k) Dealer.** The term “dealer” means any person, not a manufacturer or importer, engaged in the business of selling, renting, leasing, or loaning firearms and shall include pawnbrokers who accept firearms as collateral for loans.

**(l) Importer.** The term “importer” means any person who is engaged in the business of importing or bringing firearms into the United States.

**(m) Manufacturer.** The term “manufacturer” means any person who is engaged in the business of manufacturing firearms.

## History

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### HISTORY:

Added Oct. 22, 1968, *P. L. 90-618*, Title II, § 201, 82 Stat. 1230; Oct. 4, 1976, *P. L. 94-455*, Title XIX, § 1906(b)(13)(A), (J), *90 Stat. 1834*, 1835; May 19, 1986, *P. L. 99-308*, § 109, *100 Stat. 460*; Aug. 13, 2018, *P.L. 115-232*, Div A, Title VIII, Subtitle A, Part II, § 809(h)(3), *132 Stat. 1842*.

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## 26 USCS § 5848

Current through Public Law 118-19, approved October 6, 2023.

*United States Code Service > TITLE 26. INTERNAL REVENUE CODE (§§ 1 — 9834) > Subtitle E. Alcohol, tobacco, and certain other excise taxes. (Chs. 51 — 55) > CHAPTER 53. Machine guns and certain other firearms. (Subchs. A — D) > Subchapter B. General provisions and exemptions. (Pts. I — II) > Part I. General provisions. (§§ 5841 — 5850)*

### § 5848. Restrictive use of information.

---

**(a) General rule.** No information or evidence obtained from an application, registration, or records required to be submitted or retained by a natural person in order to comply with any provision of this chapter [*26 USCS §§ 5801 et seq.*] or regulations issued thereunder, shall, except as provided in subsection (b) of this section, be used, directly or indirectly, as evidence against that person in a criminal proceeding with respect to a violation of law occurring prior to or concurrently with the filing of the application or registration, or the compiling of the records containing the information or evidence.

**(b) Furnishing false information.** Subsection (a) of this section shall not preclude the use of any such information or evidence in a prosecution or other action under any applicable provision of law with respect to the furnishing of false information.

### History

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#### **HISTORY:**

Added Oct. 22, 1968, *P. L. 90-618*, Title II, § 201, 82 Stat. 1232.

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## 26 USCS § 5861

Current through Public Law 118-19, approved October 6, 2023.

*United States Code Service* > **TITLE 26. INTERNAL REVENUE CODE (§§ 1 — 9834)** > **Subtitle E. Alcohol, tobacco, and certain other excise taxes. (Chs. 51 — 55)** > **CHAPTER 53. Machine guns and certain other firearms. (Subchs. A — D)** > **Subchapter C. Prohibited acts. (§§ 5861 — 5870)**

### § 5861. Prohibited acts.

---

It shall be unlawful for any person—

- (a) to engage in business as a manufacturer or importer of, or dealer in, firearms without having paid the special (occupational) tax required by section 5801 [26 USCS § 5801] for his business or having registered as required by section 5802 [26 USCS § 5802]; or
- (b) to receive or possess a firearm transferred to him in violation of the provisions of this chapter [26 USCS §§ 5801 et seq.]; or
- (c) to receive or possess a firearm made in violation of the provisions of this chapter [26 USCS §§ 5801 et seq.]; or
- (d) to receive or possess a firearm which is not registered to him in the National Firearms Registration and Transfer Record; or
- (e) to transfer a firearm in violation of the provisions of this chapter [26 USCS §§ 5801 et seq.]; or
- (f) to make a firearm in violation of the provisions of this chapter [26 USCS §§ 5801 et seq.]; or
- (g) to obliterate, remove, change, or alter the serial number or other identification of a firearm required by this chapter [26 USCS §§ 5801 et seq.]; or
- (h) to receive or possess a firearm having the serial number or other identification required by this chapter [26 USCS §§ 5801 et seq.] obliterated, removed, changed, or altered; or
- (i) to receive or possess a firearm which is not identified by a serial number as required by this chapter [26 USCS §§ 5801 et seq.]; or
- (j) to transport, deliver, or receive any firearm in interstate commerce which has not been registered as required by this chapter [26 USCS §§ 5801 et seq.]; or
- (k) to receive or possess a firearm which has been imported or brought into the United States in violation of section 5844 [26 USCS § 5844]; or
- (l) to make, or cause the making of, a false entry on any application, return, or record required by this chapter [26 USCS §§ 5801 et seq.], knowing such entry to be false.

### History

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**HISTORY:**

Added Oct. 22, 1968, P. L. 90-618, Title II, § 201, 82 Stat. 1234.

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## 26 USCS § 5872

Current through Public Law 118-19, approved October 6, 2023.

*United States Code Service > TITLE 26. INTERNAL REVENUE CODE (§§ 1 — 9834) > Subtitle E. Alcohol, tobacco, and certain other excise taxes. (Chs. 51 — 55) > CHAPTER 53. Machine guns and certain other firearms. (Subchs. A — D) > Subchapter D. Penalties and forfeitures. (§§ 5871 — 5880)*

### § 5872. Forfeitures.

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**(a) Laws applicable.** Any firearm involved in any violation of the provisions of this chapter [26 USCS §§ 5801 et seq.] shall be subject to seizure and forfeiture, and (except as provided in subsection (b)) all the provisions of internal revenue laws relating to searches, seizures, and forfeitures of unstamped articles are extended to and made to apply to the articles taxed under this chapter [26 USCS §§ 5801 et seq.], and the persons to whom this chapter [26 USCS §§ 5801 et seq.] applies.

**(b) Disposal.** In the case of the forfeiture of any firearm by reason of a violation of this chapter [26 USCS §§ 5801 et seq.], no notice of public sale shall be required; no such firearm shall be sold at public sale; if such firearm is forfeited for a violation of this chapter [26 USCS §§ 5801 et seq.] and there is no remission or mitigation of forfeiture thereof, it shall be delivered by the Secretary to the Administrator of General Services, General Services Administration, who may order such firearm destroyed or may sell it to any State, or possession, or political subdivision thereof, or at the request of the Secretary, may authorize its retention for official use of the Treasury Department, or may transfer it without charge to any executive department or independent establishment of the Government for use by it.

### History

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#### **HISTORY:**

Added Oct. 22, 1968, P. L. 90-618, Title II, § 201, 82 Stat. 1235; Oct. 4, 1976, P. L. 94-455, Title XIX, § 1906(b)(13)(A), 90 Stat. 1834.

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## A.C.A. § 4-21-103

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**AR - Arkansas Code Annotated**   **Title 4 Business and Commercial Law**   **Subtitle 2. Miscellaneous Commercial Law Provisions**   **Chapter 21 Jurisdiction Over Firearm Regulation**

### **4-21-103. Prohibitions.**

**(a)** A personal firearm, a firearms accessory, or ammunition that is manufactured commercially or privately in Arkansas and that remains within the borders of Arkansas is not subject to federal law or federal regulation, including registration, under the authority of the United States Congress to regulate interstate commerce, as those items have not traveled in interstate commerce.

**(b)**

**(1)** This chapter applies to a firearm, a firearms accessory, or ammunition that is manufactured in Arkansas from basic materials and that can be manufactured without the inclusion of any significant parts imported from another state.

**(2)** Generic and insignificant parts that have other manufacturing or consumer product applications that are not firearms, firearms accessories, or ammunition that are imported into Arkansas and incorporated into a firearm, a firearm accessory, or ammunition manufactured in Arkansas do not subject the firearm, firearm accessory, or ammunition to federal regulation.

**(3)** Basic materials, such as unmachined steel and unshaped wood, are not firearms, firearms accessories, or ammunition and are not subject to congressional authority to regulate firearms, firearms accessories, and ammunition under interstate commerce as if they were actually firearms, firearms accessories, or ammunition.

**(4)** The authority of the United States Congress to regulate interstate commerce in basic materials does not include authority to regulate firearms, firearms accessories, and ammunition made in Arkansas from the materials contained in this subsection as long as the firearm is not taken or sold outside the boundaries of the State of Arkansas.

**(c)** Firearms accessories that are imported into Arkansas from another state and that are subject to federal regulation as being in interstate commerce do not subject a firearm to federal regulation under interstate commerce because they are attached to or used in conjunction with a firearm in Arkansas.

**(d)** This section does not apply to:

- (1)** A firearm that cannot be carried and used by one (1) person;
- (2)** A firearm that has a bore diameter greater than one and one-half inches (1 ½") and that uses smokeless powder, not black powder, as a propellant;
- (3)** Ammunition with a projectile that explodes using an explosion of chemical energy after the projectile leaves the firearm; or
- (4)** Other than shotguns, a firearm that discharges two (2) or more projectiles with one (1) activation of the trigger or other firing device.

## History

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Acts 2021, No. 872, § 1.

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[AR - Arkansas Code Annotated](#) [Title 4 Business and Commercial Law](#) [Subtitle 2.](#)  
[Miscellaneous Commercial Law Provisions](#) [Chapter 21 Jurisdiction Over Firearm](#)  
[Regulation](#)

### **4-21-105.** Unlawful enforcement of federal statutes.

(a) An employee of a state agency, a public servant of the state, or an agent or employee of the United States Government shall not knowingly enforce or attempt to enforce any act, law, statute, rule, or regulation of the United States Government created or effective on or after January 1, 2021, and relating to a personal firearm, firearm accessory, or ammunition that is owned or manufactured commercially or privately in Arkansas so long as the personal firearm, firearm accessory, or ammunition is within the borders of Arkansas.

(b) A person who violates this section upon conviction is guilty of a Class A misdemeanor.

### History

Acts 2021, No. 872, § 1.

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## A.C.A. § 5-26-313

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[AR - Arkansas Code Annotated](#) [Title 5 Criminal Offenses](#) [Subtitle 3. Offenses Involving Families, Dependents, Etc.](#) [Chapter 26 Offenses Involving the Family](#) [Subchapter 3 — Domestic Battering and Assault](#)

### 5-26-313. Notice.

A person who is convicted of any misdemeanor of domestic violence shall be notified by the court that it is unlawful for the person to ship, transport, or possess a firearm or ammunition pursuant to 18 U.S.C. § 922(g)(8) and (9), as they existed on January 1, 2007.

### History

Acts 2007, No. 676, § 1.

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**A.C.A. § 5-73-112****Copy Citation**

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AR - Arkansas Code Annotated   Title 5 Criminal Offenses   Subtitle 6. Offenses Against Public Health, Safety, or Welfare   Chapter 73 Weapons   Subchapter 1 – Possession and Use Generally

**5-73-112. Certification by a chief law enforcement officer regarding receipt or manufacture of a firearm.**

(a) As used in this section:

(1) "Certification" means the participation and assent of the chief law enforcement officer or his or her designee necessary under federal law for the approval of an application to transfer or manufacture a firearm; and

(2) "Firearm" means the same as defined in § 5845(a) of the National Firearms Act, 26 U.S.C. § 5801 et seq. as it existed on January 1, 2015.

(b)

(1) When certification by the chief law enforcement officer of a jurisdiction is required by federal law or regulation for the transfer or manufacture of a firearm within fifteen (15) days of receipt of a request for certification, the chief law enforcement officer or his or her designee shall provide the certification if the applicant is not prohibited by law from receiving or manufacturing the firearm or is not the subject of a proceeding that could result in the applicant's being prohibited by law from receiving or manufacturing the firearm.

(2) If the applicant is prohibited by law from receiving or manufacturing the firearm or is the subject of a proceeding that could result in a prohibition against his or her receiving or manufacturing the firearm, the chief law enforcement officer or his or her designee shall provide written notification to the applicant that states the reasons for his or her findings and that the certification is denied.

(c)

(1) An applicant whose request for certification is denied may appeal the denial to the circuit court where the applicant resides.

(2) The circuit court shall review the denial de novo.

(3) If the circuit court finds that the applicant is not prohibited by law from receiving or manufacturing the firearm or is not the subject of a proceeding that could result in a prohibition against his or her receiving or manufacturing the firearm, the circuit court shall order the chief law enforcement officer to issue the certification to the applicant.



(d) Except as provided in subdivision (c)(3) of this section, the chief law enforcement officer of a jurisdiction and his or her employees who act in good faith are immune from civil liability arising from any act or omission in making a certification under this section.

## History

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Acts 2015, No. 720, § 1.

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## A.C.A. § 5-73-125

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### **5-73-125.** Interstate sale and purchase of shotguns, rifles, and ammunition.

(a) The sale of shotguns and rifles and ammunition in this state to residents of other states is authorized under regulations issued by the United States Attorney General under the Gun Control Act of 1968, 18 U.S.C. § 921 et seq., as in effect on January 1, 2009.

(b) A resident of this state may purchase a rifle, shotgun, or ammunition in another state as expressly authorized under the regulations issued under the Gun Control Act of 1968, 18 U.S.C. § 921 et seq., as in effect on January 1, 2009.

### History

Acts 1969, No. 159, §§ 1, 2; A.S.A. 1947, §§ 41-3174, 41-3175; Acts 2009, No. 487, § 1.

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## A.C.A. § 5-73-324

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### **5-73-324.** Firearm rights shall not be infringed.

(a) A license to carry a concealed handgun issued under this subchapter shall not be denied, suspended, or revoked because a person was lawfully exercising his or her rights to carry a firearm under the United States Constitution, Amendment 2, the Arkansas Constitution, Article 2, § 5, or the Arkansas Code.

(b) The Division of Arkansas State Police shall not promulgate any rule and shall amend any existing rule that would result in a licensee having his or her license to carry a concealed handgun suspended or revoked solely because he or she possessed a handgun and the possession was not in violation of any criminal offense or § 5-73-306.

### History

Acts 2017, No. 486, § 1.

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[AR - Arkansas Code Annotated](#) [Title 21 Public Officers and Employees](#) [Chapter 1](#)  
[General Provisions](#) [Subchapter 9 — Arkansas Sovereignty Act of 2021](#)

### **21-1-901.** Title.

This subchapter shall be known and may be cited as the "Arkansas Sovereignty Act of 2021".

### History

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Acts 2021, No. 1012, § 1.

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[General Provisions](#)   [Subchapter 9 — Arkansas Sovereignty Act of 2021](#)

**21-1-902. Legislative findings.**

The General Assembly finds that:

- (1) The State of Arkansas is firmly resolved to support and defend the United States Constitution against every aggression, either foreign or domestic, and the General Assembly is duty bound to watch over and oppose every infraction of those principles that constitute the basis of the United States because only a faithful observance of those principles can secure the nation's existence and the public happiness;
- (2) Acting through the United States Constitution, the people of the several states created the United States Government to be their agent in the exercise of a few defined powers, while reserving to the state governments the power to legislate on matters that concern the lives, liberties, and properties of citizens in the ordinary course of affairs;
- (3) The limitation of the United States Government's power is affirmed under the Tenth Amendment to the United States Constitution, which defines the total scope of federal power as being that which has been delegated by the people of the several states to the United States Government, and all power not delegated to the United States Government in the United States Constitution is reserved to the states respectively, or to the people themselves;
- (4) Whenever the United States Government assumes powers that the people did not grant it in the United States Constitution, its acts are unauthoritative, void, and of no force;
- (5)
  - (A) The several states of the United States are not united on the principle of unlimited submission to the United States Government.
  - (B) The United States Government created by the United States Constitution is not the exclusive or final judge of the extent of the powers granted to it by the United States Constitution, because that would have made the United States Government's discretion, and not the United States Constitution, the measure of those powers.
  - (C) To the contrary, as in all other cases of compacts among powers having no common judge, each party has an equal right to judge itself, as well as infractions and the mode and measure of redress.

**(D)**

**(i)** Although the several states have granted supremacy to laws and treaties made under the powers granted in the United States Constitution, such supremacy does not apply to various federal statutes, orders, rules, regulations, or other actions that restrict or prohibit the manufacture, ownership, and use of firearms, firearm accessories, or ammunition exclusively within the borders of Arkansas.

**(ii)** Such statutes, orders, rules, regulations, and other actions exceed the powers granted to the United States Government except to the extent that they are necessary and proper for the United States Government and regulation of the land and naval forces of the United States Armed Forces or for the organizing, arming, and disciplining of militia forces actively employed in the service of the United States Armed Forces;

**(6)** The people of the several states have given the United States Congress the power "to regulate commerce with foreign nations, and among the several states, and with the Indian tribes", but regulating commerce does not include the power to limit citizens' right to keep and bear arms in defense of their families, neighbors, persons, or property or to dictate what sort of arms and accessories law-abiding, mentally competent Arkansas citizens may buy, sell, exchange, or otherwise possess within the borders of this state;

**(7)**

**(A)** The people of the several states have also given the United States Congress the power "to lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defense and general welfare of the United States" and "to make all laws which shall be necessary and proper for carrying into execution ... the powers vested by this Constitution in the Government of the United States, or in any department or officer thereof".

**(B)**

**(i)** These federal constitutional provisions merely identify the means by which the United States Government may execute its limited powers and ought not to be so construed as themselves to give unlimited powers because to do so would be to destroy the balance of power between the United States Government and the state governments.

**(ii)** The General Assembly denies any claim that the taxing and spending powers of the United States Congress can be used to diminish in any way the people's right to keep and bear arms; and

**(8)** The people of Arkansas have vested the General Assembly with the authority to regulate the manufacture, possession, exchange, and use of firearms within this state's borders, subject only to the limits imposed by the Second Amendment to the United States Constitution and Arkansas Constitution, Article 2, § 5.

## History

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**AR - Arkansas Code Annotated**   **Title 21 Public Officers and Employees**   **Chapter 1 General Provisions**   **Subchapter 9 — Arkansas Sovereignty Act of 2021**

### **21-1-903. Definitions.**

As used in this subchapter:

- (1) "Federal ban" means a federal law, executive order, rule, or regulation that is enacted, adopted, or becomes effective on or after January 1, 2021, that infringes upon, calls into question, or prohibits, restricts, or requires individual licensure for or registration of the purchase, ownership, possession, transfer, or use of any firearm, any magazine or other ammunition feeding device, or other firearm accessory; and
- (2) "Firearm" means a self-loading rifle, pistol, revolver, or shotgun or any manually loaded rifle, pistol, revolver, or shotgun.

### History

Acts 2021, No. 1012, § 1.

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## A.C.A. § 21-1-904

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**AR - Arkansas Code Annotated**   **Title 21 Public Officers and Employees**   **Chapter 1 General Provisions**   **Subchapter 9 — Arkansas Sovereignty Act of 2021**

### **21-1-904. Firearm rights.**

**(a)** All acts, laws, orders, rules, and regulations of the United States Government that were enacted on or after January 1, 2021, that infringe on the people's right to keep and bear arms as guaranteed by the Second Amendment to the United States Constitution and Arkansas Constitution, Article 2, § 5, are invalid in this state, shall not be recognized by this state, are specifically rejected by this state, and shall be considered null and void and of no effect in this state.

**(b)** Such a federal ban that is null and void in this state under subsection (a) of this section includes without limitation:

**(1)** Any tax, levy, fee, or stamp imposed on firearms, firearm accessories, or ammunition not common to all other goods and services that could have a chilling effect on the purchase or ownership of those items by law-abiding citizens that was enacted after January 1, 2021;

**(2)** Any registering or tracking of firearms, firearm accessories, or ammunition that could have a chilling effect on the purchase or ownership of those items by law-abiding citizens;

**(3)** Any registering or tracking of the owners of firearms, firearm accessories, or ammunition that could have a chilling effect on the purchase or ownership of those items by law-abiding citizens;

**(4)** Any act forbidding the possession, ownership, use, or transfer of any type of firearm, firearm accessory, or ammunition by law-abiding citizens; and

**(5)** Any act ordering the confiscation of firearms, firearm accessories, or ammunition from law-abiding citizens.

**(c)**

**(1)** The following persons shall not enforce or assist federal agencies or officers in the enforcement of any federal statute, executive order, or federal agency directive that conflicts

with Arkansas Constitution, Article 2, § 5, or any Arkansas law:

**(A)** A public officer or employee of this state; or

**(B)** A representative, agent, or employee of a municipality, a county, or the state, acting under the color of law, with all the rights, grants, and assignments of a law enforcement officer in the state.

**(2)** The persons and prohibitions described under subdivision (c)(1) of this section include personnel, agents of the state or local government, including volunteers, the use of tax dollars, and persons having authority to enforce or attempt to enforce any of the infringements on the right to keep and bear arms described under subsection (b) of this section.

**(d)** An elected official who knowingly directs any law enforcement officer to assist a federal law enforcement agency in violating the rights of a person as described under subsection (c) of this section upon conviction is guilty of an unclassified misdemeanor.

**(e)** A law enforcement officer not described under subsection (d) of this section who knowingly assists a federal law enforcement agency in violating the rights of a person as described under subsection (c) of this section is subject to being decertified as a law enforcement officer.

## History

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Acts 2021, No. 1012, § 1.

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**21-1-905. Enumerated rights.**

**(a)** All federal acts, laws, orders, rules, and regulations that were enacted on or after January 1, 2021, that infringe on the enumerated rights under Arkansas Constitution, Article 2, are invalid in this state, shall not be recognized by this state, are specifically rejected by this state, and shall be considered null and void and of no effect in this state.

**(b)**

**(1)** The following persons shall not enforce or assist federal agencies or officers in the enforcement of any federal statute, executive order, or federal agency directive that conflicts with Arkansas Constitution, Article 2, § 5, or any Arkansas law:

**(A)** A public officer or employee of this state; or

**(B)** A representative, agent, or employee of a municipality, a county, or the state, acting under the color of law, with all the rights, grants, and assignments of a law enforcement officer in the state.

**(2)** The persons and prohibitions described under subdivision (b)(1) of this section include personnel, agents of the state or local government, including volunteers, the use of tax dollars, and persons having authority to enforce or attempt to enforce any of the infringements on the rights described under subsection (a) of this section.

**(c)** An elected official who knowingly directs any law enforcement officer to assist a federal law enforcement agency in violating the rights described under subsection (a) of this section upon conviction is guilty of an unclassified misdemeanor.

**History**

Acts 2021, No. 1012, § 1.



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### **21-1-906. Exceptions.**

This subchapter shall not be construed to prohibit or otherwise limit a state law enforcement officer, state employee, or employee of a political subdivision of the state from cooperating, communicating, or collaborating with a federal agency if the primary purpose is not:

- (1) Law enforcement activity related to a federal ban, as defined under § 21-1-903(1); or
- (2) The investigation of a violation of a federal ban, as defined under § 21-1-903(1).

### **History**

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