

# ATF Regulations

## The Interstate Purchase / Sale and Transportation of a Handgun

**A person may “sell” a firearm to an unlicensed resident of his or her state (you the visitor in another state),** if the buyer is not prohibited by law from receiving or possessing a firearm, or to a licensee in any state. A firearm other than a curio or relic may not be transferred interstate to a licensed collector. [18 U. S. C 922(a)( 3) and (5), 922( b)( 3), 27 CFR 178.29]

**From whom may an unlicensed person acquire a firearm under the GCA?**

**A person may only “buy” a firearm within the person's own state (handgun),** except that he or she may buy a rifle or shotgun, in person, at a licensee's premises in any state, provided the sale complies with state laws applicable in the state of sale and the state where the purchaser resides. [18 U. S. C 922( a)( 3) and (5), 922( b)( 3), 27 CFR 178.29]

**May an unlicensed person obtain a firearm from an out-of-state source if the person arranges to obtain the firearm through a licensed dealer in the purchaser's own state?**

A person not licensed under the GCA and not prohibited from acquiring firearms may purchase a firearm from an out-of-state source and obtain the firearm **if an arrangement is made with a licensed dealer in the purchaser's state of residence for the purchaser to obtain the firearm from the dealer.** [18 U. S. C 922(a)( 3)and (5), 922( b)(3), 27 CFR 178.29]

**May an unlicensed person obtain ammunition from an out-of-state source?**

Yes, provided he or she is not a person prohibited from receiving firearms and ammunition. [18 U. S. C. 922( g) and (n)]

**Basically this is the procedure for the interstate (movement / purchase) of handguns in the United States:**

- 1. If you are not the registered owner** and you acquire the handgun in another state through a gift or purchase, the handgun is sent across state lines via gun dealers. The out of state dealer ships the handgun to another dealer in your state of residency. You then complete the purchase transition with a gun dealer in your state of residency. Your purchase permit is only valid in the state of Michigan.
- 2. If you are the registered owner of the handgun** you can take the gun into other states as long as you obey the laws of that state.

## **NICS Procedure**

A delayed transaction is a result of a name-based background check; it means that more research is required to determine a NICS "Proceed" or "Denied" response. A "Delayed" response to the Federal Firearm Licensee (FFL) indicates that it would be unlawful to transfer the firearm until receipt of a follow-up "Proceed" response from NICS or the expiration of three business days, which occurs first.

### **May a non-licensee transport firearms for sporting or other lawful purposes?**

Yes. Federal law provides a person, who is not prohibited by the GCA from receiving or transporting firearms, the right to transport a firearm under certain conditions, notwithstanding state or local law to the contrary. The firearms must be unloaded and in a locked trunk or, in a vehicle lacking a trunk, in a locked container other than the glove compartment or console. Also, the carrying and possession must be lawful at the place of origin and destination. [18 U. S. C. 926A, 27 CFR 178.38] 9

### **May a non-licensee ship a firearm through the U. S. Postal Service?**

A non-licensee may mail a shotgun or rifle to a resident of his or her own state or to a licensee in any state. Handguns are not mailable. A common or contract carrier must be used to ship a handgun. A non-licensee may not transfer any firearm to a non-licensed resident of another state. The Postal Service recommends that long guns be sent by registered mail and that no marking of any kind which would indicate the nature of the contents be placed on the outside of any parcel containing firearms.

### **May a non-licensee ship a firearm by carrier?**

A non-licensee may ship a firearm by carrier to a resident of his or her own state or to a licensee in any state. A common or contract carrier must be used to ship a handgun. In addition, Federal law requires that the carrier be notified that the shipment contains a firearm and prohibits common or contract carriers from requiring or causing any label to be placed on any package indicating that it contains a firearm. [18 U. S. C. 922( a)( 2)( A) and 922( e), 27 CFR 178.31]

### **May a non licensee ship firearms interstate for his or her use in hunting or other lawful activity?**

Yes. A person may ship a firearm to himself or herself in care of another person in the state where he or she intends to hunt or engage in any other lawful activity. The package should be addressed to the owner. Persons other than the owner should not open the package and take possession of the firearm.

### **(B11) May a person who is relocating out-of-state move firearms with other household goods?**

Yes. A person who lawfully possesses a firearm may transport or ship the firearm interstate when changing his or her state of residence. Certain NFA firearms must have prior approval from the Bureau of ATF, NFA Branch, Washington, DC 20226, before they may be moved interstate. The person must notify the mover that firearms are being transported. He or she should also check state and local laws where relocating to ensure that movement of firearms into the new state does not violate any state law or local ordinance. [18 U. S. C. 922( a)( 4), 27 CFR 178.28 and 178.31]

**What constitutes residency in a state?**

The state of residence is the state in which an individual is present with the intention of making a home in that state. A member of the Armed Forces on active duty is a resident of the state in which his or her permanent duty station is located. If a member of the Armed Forces maintains a home in one state and the member's permanent duty station is in a nearby state to which he or she commutes each day, then the member may purchase a firearm in either the state where the duty station is located or the state where the home is maintained. An alien who is legally in the United States is considered to be a resident of a state only if the alien is residing in that state and has resided in that state continuously for a period of at least 90 days prior to the date of sale of the firearm. [18 U. S. C. 921( b) and 922( b)( 3), 27 CFR 178.11]

**May a person who resides in one state and owns property in another state purchase a handgun in either state?**

If a person maintains a home in 2 states and resides in both states for certain periods of the year, he or she may, during the period of time the person actually resides in a particular state, purchase a handgun in that state. But simply owning property in another state does not qualify the person to purchase a handgun in that state.