

U.S. Department of Justice
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ATF

BEST PRACTICES: TRANSFERS OF FIREARMS BY PRIVATE SELLERS



TRANSFERS OF FIREARMS BY PRIVATE SELLERS

☐ An unlicensed individual may transfer a firearm to another unlicensed individual residing in the same State, provided that he or she has no reason to believe the buyer is prohibited by law from possessing firearms.

For a list of [categories](#) prohibiting a person from possessing a firearm, please refer to 18 U.S.C. 922(g) and (n).

☐ An unlicensed individual is prohibited from directly transferring a firearm to a person residing in another State.

Regardless of the purpose of the transfer (e.g. gift, trade, loan, sale, ownership, etc.), this restriction applies to all types of firearms.

☐ An unlicensed individual may complete a transfer to an out-of-State person through the following procedure:

- The unlicensed individual transfers the firearm to a Federal Firearms Licensee (FFL) located in the State of the person receiving the firearm.
- The FFL will transfer the firearm to the unlicensed out-of-State person.
- The FFL will be responsible for lawfully transferring the firearm.

☐ An unlicensed individual may transfer firearms directly to FFLs operating in any State.

☐ Under Federal law, there is no recordkeeping requirement pertaining to the transfer of a firearm between two unlicensed individuals.

☐ There may exist State or local laws that pertain to the transfer, including registration requirements. Contact the appropriate State agency for information regarding such requirements.

TRANSACTION ALTERNATIVES FOR PRIVATE SELLERS

*(*Please remember, these are not requirements, but may prove beneficial to both you and law enforcement)*

☐ For private sellers wanting assurance that other private individuals are not prohibited from possessing firearms, we encourage you to consider the following options:

- Transfer the firearm to the private individual through an FFL. The FFL will be responsible for conducting a background check on the person acquiring the firearm. The FFL will complete the required paperwork,

OR

- If you decide not to utilize the services of an FFL, examine the purchaser's identification document to confirm that the person is a resident of your State.

☐ If you are purchasing a firearm, record the acquisition in a "Personal Firearms Record," [ATF P 3312.8](#).

- Be sure to include all identifying information marked on the firearm, including the serial number.
- List all other personal firearms in that record.
- Secure the record in a location separate from where you store your firearms.
- In the event the firearm is lost or stolen, this procedure will assist you in reporting the necessary information.
- If authorities recover the firearm this procedure may assist you in demonstrating that you are the rightful owner of the firearm.