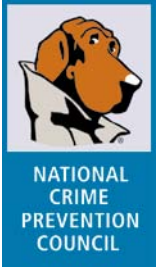


SELLING YOUR FIREARM SAFELY:

A Guide for Private Sellers



FIND OUT MORE AT [SELLWITHCERTAINTY.ORG](https://sellwithcertainty.org)



The National Crime Prevention Council (NCPC) is the nonprofit leader in crime prevention. NCPC is a private, nonprofit organization whose primary mission is to be the nation's leader in helping people keep themselves, their families, and their communities safe from crime. NCPC manages a public education campaign—symbolized by McGruff the Crime Dog® and his “Take A Bite Out Of Crime®” slogan. NCPC publishes books, kits of camera-ready program materials, posters, and informational and policy reports on a variety of crime prevention and community-building subjects. It distributes those materials through a large network of crime prevention professionals and national, federal, state, and local organizations. NCPC offers training, technical assistance, and a national focus for crime prevention.

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Selling Your Firearm Safely is an Important Part of Firearm Safety

Every day we rely on our instincts, both conscious and subconscious, to guide us. Those instincts often warn us of potential danger or encourage us to be more cautious — if we listen. What if there were a system that helped you to make safe choices so you don't have to rely only on your instincts? Wouldn't you use it to have the extra peace of mind it could afford you?

You know the importance of storing your firearms safely at home. Selling your firearm safely is another important part of firearm safety.

SELL WITH CERTAINTY

It can be challenging to know how to sell your firearm safely to keep it from getting into the wrong hands. Laws differ among states on the process and requirements for private transfers between state residents. For example, some states require nearly all firearms transfers – including those between private individuals – to go through a licensed dealer, with a requirement that the buyer successfully complete a background check. The laws in other states do not impose such requirements on private in-state individual-to-individual sales.

Using a Federal Firearms Licensee (FFL) can provide you a secure process if you want to transfer your firearm to another person. (As noted above, in some states this may be required under state law.) In addition to helping to facilitate the sale generally, FFLs can conduct background checks on prospective buyers to give you additional peace of mind.

Please be advised that, under federal law, FFLs are NOT required to help facilitate private transactions. Doing so is purely voluntary on the part of the dealer. States may have different rules. Also, please note that if your buyer resides in a different state, federal law requires that you use an FFL to make the sale.

You will find that some FFLs will offer this service for a fee, while others may choose not to offer the service at all. Before traveling to an FFL for this purpose, call to ensure the FFL facilitates private transactions.

In an effort to raise awareness about the option to use an FFL in private transfers, the National Crime Prevention Council (NCPC); the Ad Council; the Bureau of Justice Assistance, U.S. Department of Justice; and ROAR, have partnered on a public education campaign and this toolkit to help prevent firearms from getting in the wrong hands.

Firearm Safety

Every day, responsible gun owners take certain safety measures. You ensure that your firearms are used and stored safely to help protect yourself, your loved ones, and your community from intentional or unintentional harm. Treating every firearm as if it's loaded, pointing it only in a safe direction, and using gun locks and safes (<http://safefirearmsstorage.org/safe-storage-options>) are good examples.

Selling your firearms responsibly can help achieve the same goals of helping to protect yourself, your loved ones, and your community. One way to do this is by selling firearms through a licensed dealer. A licensed dealer will follow applicable laws and procedures with respect to transferring the firearm, and will ensure that a background check (*or federally authorized alternative*) is run on the buyer.

If you are selling a firearm, do your part by selling with certainty.

Know the Federal Laws and the laws in your state on Possession or Receipt of Firearms. Selling your firearms responsibly means taking steps to ensure that they do not wind up in the wrong hands.

Federal law prohibits certain persons from shipping, transporting, possessing, or receiving firearms or ammunition, including any person who:

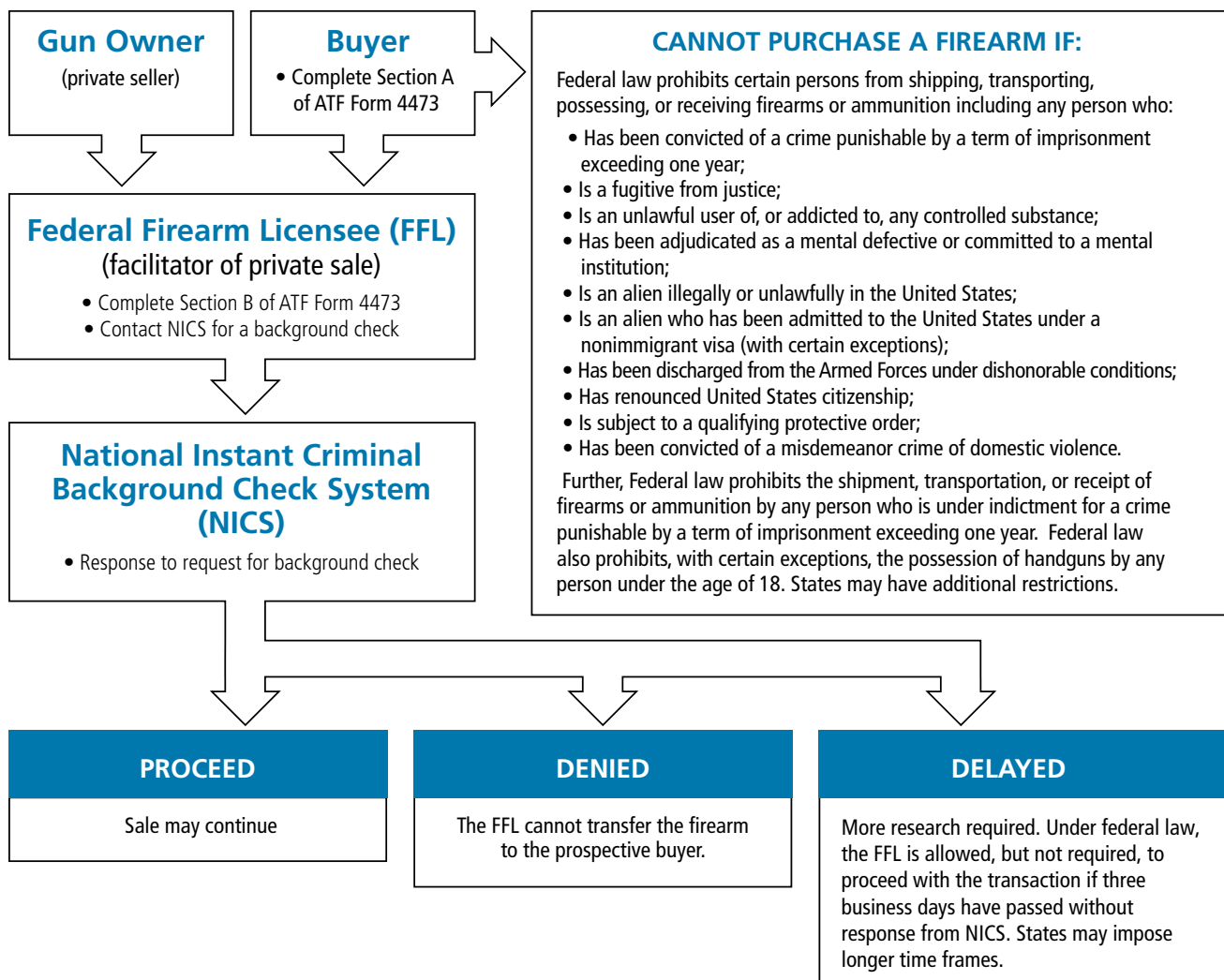
- Has been convicted of a crime punishable by a term of imprisonment exceeding one year;
- Is a fugitive from justice;
- Is an unlawful user of, or addicted to, any controlled substance;
- Has been adjudicated as a mental defective or committed to a mental institution;
- Is an alien illegally or unlawfully in the United States;
- Is an alien who has been admitted to the United States under a nonimmigrant visa (with certain exceptions);
- Has been discharged from the Armed Forces under dishonorable conditions;
- Has renounced United States citizenship;
- Is subject to a qualifying protective order;
- Has been convicted of a misdemeanor crime of domestic violence.

Further, Federal law prohibits the shipment, transportation, or receipt of firearms or ammunition by any person who is under indictment for a crime punishable by a term of imprisonment exceeding one year. Federal law also prohibits, with certain exceptions, the possession of handguns by any person under the age of 18. States may have additional restrictions.

The FFL Process

FFLs are firearms dealers who have been licensed by the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF). FFLs are required by law to conduct a background check on an individual seeking to buy a firearm. Depending on the state in which the transaction occurs, either the Federal Bureau of Investigation (FBI) or a state agency (*known as Point of Contact*) will run that background check. The buyer fills out an ATF Form 4473 (<https://www.atf.gov/file/61446/download>) to start that process.

Background checks are conducted through the computerized National Instant Criminal Background Check System (NICS). The system responds to most inquiries from FFLs almost immediately with one of three responses: proceed (*sale may continue*), deny (*buyer is prohibited from possessing or receiving firearms*), or delay (*the buyer's eligibility requires more research*). FFLs receive only one of these three responses; they are not provided the reason that a transaction may be delayed or denied. For any transaction that receives a "proceed" response, the FBI is required by law to destroy all identifying information on the purchaser within 24 hours. Additionally, federal law prohibits the consolidation of information about firearms or firearm purchasers into any form of national registry. Further information about NICS and the background check process can be found at <https://www.fbi.gov/services/cjis/nics>.



Sell With Certainty

A secure way to sell a firearm is through a Federal Firearms Licensee, or an FFL. There are several online resources that can help you find an FFL, and some sites provide search capability by zip code. You can find these online sites by searching for “FFL Finder” and following the links.

Selling your firearm through an FFL offers several advantages:

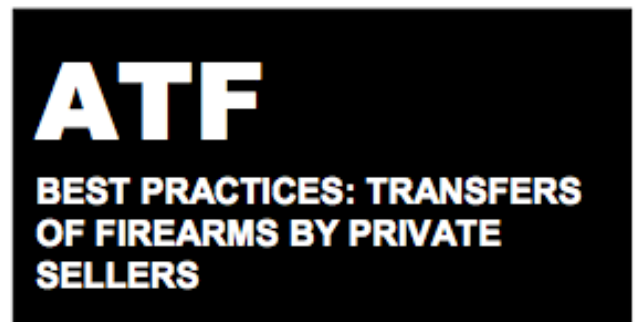
- Third party location for transfer of the firearm, which may provide additional safety
- Assurance of a background check on the potential buyer
- No need to ask your potential buyers personal questions about their backgrounds
- Community safety
- Assistance to law enforcement in tracing the firearm to the buyer if it is ever recovered in connection with the commission of a crime

Remember, not all FFLs facilitate private sales. Call before you travel.

ADDITIONAL INFORMATION FOR PRIVATE SELLERS

In some cases, the unavailability of an FFL in your area, time, distance, or other factors may mean it is not feasible or appropriate for you to use an FFL to facilitate the sale.

For additional information for private sellers, see the Appendix to this guide or click here to view the ATF publication Best Practices Guide: Transfers of Firearms by Private Sellers. (Best Practices Guide link: <https://www.atf.gov/file/58681/download>)



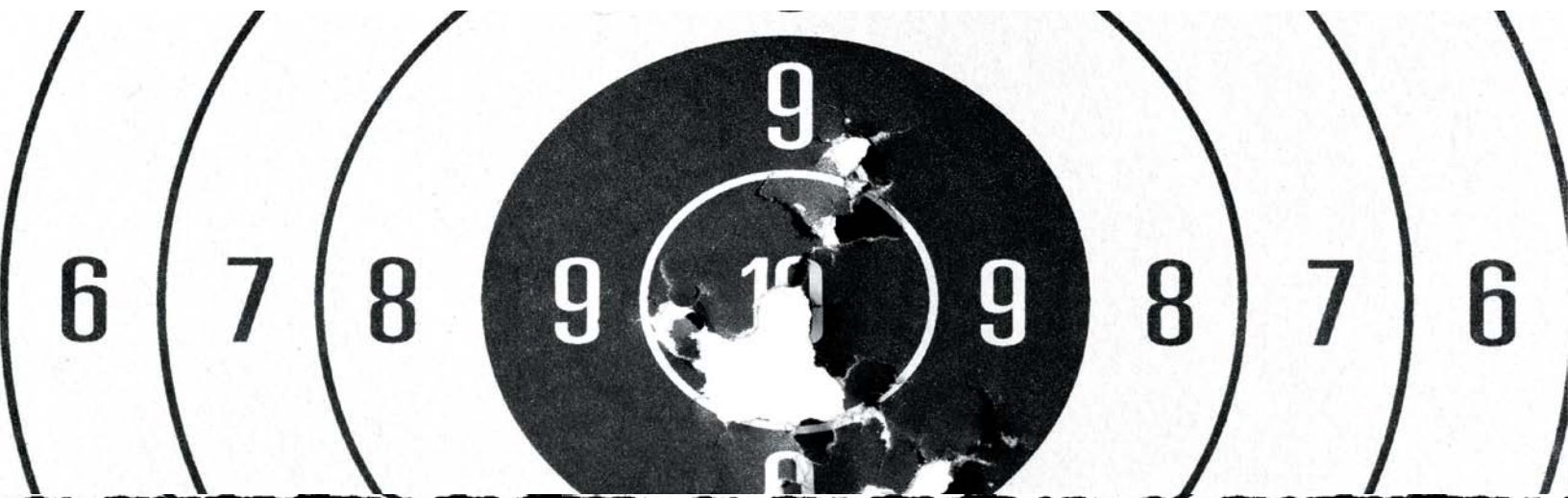
Definitions

Federal Firearms Licensee (FFL)

A person (to include an individual, corporation, company, association, firm, partnership, society, or joint stock company) who, through a license administered by the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), engages in the business of dealing in firearms. For more information on becoming an FFL, visit ATF's website. <https://www.atf.gov/firearms/apply-license>.

National Instant Criminal Background Check System (NICS)

A system that checks available records to determine whether a person is disqualified under state or federal law from receiving firearms. The Federal Bureau of Investigation (FBI) developed and manages the system. Additional information on NICS can be found on the FBI's website <https://www.fbi.gov/services/cjis/nics>.



**BE AS SURE OF YOUR BUYER
AS YOU ARE OF YOUR TARGET.**

VERIFY YOUR BUYER THROUGH A LICENSED DEALER.

Resources

The resources listed below contain useful information and other resources on how private sellers can safely sell firearms.

Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF)

Website: www.atf.gov

The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) is a law enforcement agency in the United States Department of Justice that protects the public from crimes involving firearms, explosives, arson, and the diversion of alcohol and tobacco products; regulates lawful commerce in firearms and explosives; and provides worldwide support to law enforcement, public safety, and industry partners.

- Federal Firearms Transaction Record: ATF Form 4473: <https://www.atf.gov/file/61446/download>
- Federal Firearms Regulations Reference Guide: <https://www.atf.gov/file/58686/download>
- Gun Control Act of 1968
- Best Practices: Transfers of Firearms to Private Sellers: <https://www.atf.gov/file/58681/download>
- Personal Firearms Record: <https://www.atf.gov/firearms/docs/guide/personal-firearms-record-atf-p-33128/download>

Bureau of Justice Assistance

Website: www.bja.gov

BJA's mission is to provide leadership and services in grant administration and criminal justice policy development to support local, state, and tribal justice strategies to achieve safer communities. The Project Safe Neighborhoods program is but one example. BJA supports programs and initiatives in the areas of law enforcement, justice information sharing, countering terrorism, managing offenders, combating drug crime and abuse, adjudication, advancing tribal justice, crime prevention, protecting vulnerable populations, and capacity building.



Federal Bureau of Investigation (FBI)

Website: www.fbi.gov

As an intelligence-driven and a threat-focused national security organization with both intelligence and law enforcement responsibilities, the mission of the FBI is to protect and defend the United States against terrorist and foreign intelligence threats, to uphold and enforce the criminal laws of the United States, and to provide leadership and criminal justice services to federal, state, municipal, and international agencies and partners.

- National Instant Criminal Background Check System (NICS): <https://www.fbi.gov/services/cjis/nics>

National Crime Prevention Council (NCPC)

Website: www.ncpc.org

The National Crime Prevention Council (NCPC) is the nonprofit leader in crime prevention. NCPC is a private, nonprofit organization whose primary mission is to be the nation's leader in helping people keep themselves, their families, and their communities safe from crime. NCPC manages a public education campaign—symbolized by McGruff the Crime Dog® and his “Take A Bite Out Of Crime®” slogan. In recent years, NCPC has developed public education campaigns to address emerging crime trends and to encourage safe firearms storage.



- NCPC's Safe Firearms Storage Campaign: <http://safefirearmsstorage.org>
- NCPC's work with PSN: <http://www.ncpc.org/training/training-topics/gang-violence-prevention/project-safe-neighborhoods/?searchterm=PSN>

Appendix

Sell It Safely: Guidelines for Private Sellers

As a responsible gun owner, you follow the rules for using and storing your firearms to protect yourself, your loved ones, and your community from harm. As a responsible gun owner looking to sell one of your firearms, you also want to keep your firearms out of the hands of people who might use them to harm themselves or others. The most secure way to sell your firearm is through a Federal Firearms Licensee (FFL). That is why we prepared this guide for you.

FFLs are firearm dealers who are licensed by the Federal Bureau of Alcohol, Tobacco, Firearms, and Explosives. They are required by law to conduct background checks on any unlicensed person who wants to buy a firearm. These checks verify that prospective buyers are not prohibited from possessing or receiving firearms under federal or state law.

Be aware that some states require background checks for all transfers of firearms – including those by “private sellers” – so be sure to follow the laws in your state. Although you are committed to selling your gun safely, it may not be feasible for you to use an FFL to facilitate the transfer. If that is the case, consider taking the following steps to help ensure you are selling your firearm to a person who can lawfully possess it. They will also help you assist law enforcement in the event a firearm you’ve sold is later used in a crime.

Following these steps can help you to sell your guns safely:

- Know what federal law and your state law says about who can possess firearms.
- Make sure the buyer lives in your state.
- Ask questions to make sure the buyer is not prohibited from possessing firearms (see page 2)
- Prepare a “bill of sale” or receipt to document the item sold, the date and sale price, and the buyer’s name and contact information. You can find samples online by searching for “Firearms Bill of Sale” and following the links.
- Keep a personal record of the firearms you own, their models and serial numbers, when and where you bought them, and details of your sales. <https://www.atf.gov/firearms/docs/guide/personal-firearms-record-atf-p-33128/download>

ADDITIONAL INFORMATION FOR PRIVATE SELLERS

First, make sure the buyer lives in your state. A private person MAY NOT transfer a firearm to a person who lives in a different state, so the ONLY way to sell your firearm legally to a buyer in another state is to ship it to an FFL in the buyer's state. There are several online resources that can help you find an FFL, and some sites provide search capability by zip code. You can find these online sites by searching for "FFL Finder" and following the links.

Remember: Before you travel, call to be sure the FFL facilitates private transactions.

Then, consider asking specific questions to ensure the buyer is not prohibited from possessing a firearm under federal or state law (see page 2). Be aware that federal law prohibits a person from transferring a firearm to a person he/she knows or has reasonable cause to believe is prohibited from possessing it. Thus, if in asking these questions, you discover that the prospective buyer is prohibited, it would be a violation of federal law to transfer the firearm.

Once you're satisfied that the buyer is eligible to possess the firearm, consider drawing up a bill of sale. This document should include your name, the buyer's name, the serial number, manufacturer, model, and caliber of the firearm, the agreed-upon price, and the date of sale. You can find samples online by searching for "Firearms Bill of Sale" and following the links. Keep this document along with your personal record of firearms ownership.

Click here for a sample of a firearms ownership record:

<https://www.atf.gov/firearms/docs/guide/personal-firearms-record-atf-p-33128/download>

Together, these documents can help you assist law enforcement in the event a gun you own or one you've sold is later used in a crime.



SELLING YOUR GUN?

FACES CAN'T TELL YOU

WHAT FACTS CAN.

VERIFY YOUR BUYER THROUGH A LICENSED DEALER.



SELL WITH CERTAINTY

FIND OUT MORE AT SELLWITHCERTAINTY.ORG