

Firearms Transaction Record Part II - Intrastate Non-Over-The-Counter

<p>Warning: You may not receive a firearm if prohibited by Federal or State law. The information you provide will be used to determine whether you are prohibited under law from receiving a firearm. Prepare in duplicate. All entries must be in ink. Read the Important Notices, Instructions and Definitions on this form.</p>	Transferor's Transaction Serial Number
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Section A - Must be Completed Personally by Transferee (Buyer)

1. Transferee's Full Name _____ (Last) (First) (Middle)	2. Residence Address (No., Street, City, County, State, ZIP Code; cannot be a post office box)
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3. Place of Birth (City, State or Foreign Country)	4. Height _____ Weight _____	5. <input type="checkbox"/> Male <input type="checkbox"/> Female	6. Birth Date Month _____ Day _____ Year _____
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7. Race (Ethnicity) (Check one or more boxes)

<input type="checkbox"/> American Indian or Alaska Native	<input type="checkbox"/> Black or African American	<input type="checkbox"/> Native Hawaiian or Other Pacific Islander
<input type="checkbox"/> Hispanic or Latino	<input type="checkbox"/> Asian	<input type="checkbox"/> White

8. What is your State of residence (if any)? _____ (See Definition 4. If you are not a citizen of the United States, you have a State of residence only if you have resided in a State continuously for at least 90 days immediately prior to the date of this sale.)

9. Are you a citizen of the United States? Yes No

Certification of Transferee (Buyer)

10. Answer questions 10a through 10l by writing "yes" or "no" in the boxes to the right of the questions.

a. Are you the actual buyer of the firearm(s) listed on this form? Warning: You are not the actual buyer if you are acquiring the firearm(s) on behalf of another person. If you are not the actual buyer, the dealer cannot transfer the firearm(s) to you. (See Important Notice 1 for actual buyer definition and examples.)	
b. Are you under indictment or information in any court for a felony , or any other crime, for which the judge could imprison you for more than one year? (An information is a formal accusation of a crime by a prosecutor. See Definition 2.)	
c. Have you been convicted in any court of a felony , or any other crime, for which the judge could have imprisoned you for more than one year, even if you received a shorter sentence including probation? (See Important Notice 5, Exception 1.)	
d. Are you a fugitive from justice?	
e. Are you an unlawful user of, or addicted to, marijuana, or any depressant, stimulant, or narcotic drug, or any other controlled substance?	
f. Have you ever been adjudicated mentally defective (which includes having been adjudicated incompetent to manage your own affairs) or have you ever been committed to a mental institution?	
g. Have you been discharged from the Armed Forces under dishonorable conditions?	
h. Are you subject to a court order restraining you from harassing, stalking, or threatening your child or an intimate partner or child of such partner? (See Important Notice 6.)	
i. Have you been convicted in any court of a misdemeanor crime of domestic violence? (See Important Notice 5, Exception 1 and Definition 3.)	
j. Have you ever renounced your United States citizenship?	
k. Are you an alien illegally in the United States?	
l. Are you a nonimmigrant alien? (See Definition 5.)	

11. **Nonimmigrant Aliens Only:** Do you fall within any of the exceptions set forth in Important Notice 5, Exception 2?
 Yes No (If "yes," the buyer must provide a copy of supporting documentation and the licensee must complete question 18b.)

Subject to penalties provided by law, I swear that, in the case of any firearm other than a shotgun or a rifle, I am 21 years or more of age, or that, in the case of a shotgun or rifle, I am 18 years or more of age; that I am not prohibited by the provisions of Chapter 44 of Title 18, United States Code, from receiving a firearm in interstate or foreign commerce; and that my receipt of this firearm(s) 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:

12. Title	13. Name
14. Address	

I certify that the above answers are true and correct. I understand that answering "yes" to question 10a when I am not the actual buyer of the firearm is a crime punishable as a felony. I understand that a person who answers "yes" to any of the questions 10b through 10k is prohibited from purchasing or receiving a firearm. I understand that a person who answers "yes" to question 10l is prohibited from purchasing or receiving a firearm, unless the person also answers "yes" to question 11. I also understand that making any false oral or written statement or exhibiting any false or misrepresented identification with respect to this transaction is a crime punishable as a felony. I further understand that the repetitive purchase of firearms for the purpose of resale for livelihood and profit without a Federal firearms license is a violation of law. (See Important Notice 7.)

15. Transferee's Signature	16. Date
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Section B - Must be Completed by Transferor (Seller)

17. Type of firearm(s) to be transferred (*check one or more boxes*): Handgun Long Gun Silencer Destructive Device

18a. **Aliens only:** Type and dates of documentation showing State residency (*e.g., utility bills or lease agreements. See Instruction to Transferor 3.*)

18b. **Nonimmigrant aliens only:** Type of documentation showing an exception to the nonimmigrant alien prohibition (*e.g., hunting license/permit; waiver. See Instruction to Transferor 4.*)

Notice: Non-Over-the-Counter transfers can only take place if a NICS check is not required (See Instruction to Transferor 1):

19. No NICS check was required because the transfer involved only NFA firearm(s).

20. No NICS check was required because the buyer has a valid permit which qualifies as an exception to NICS. (*Either attach a copy of the permit or provide the information asked for in this question.*)

State Permit Type: _____ Date of Issuance: _____

Expiration Date (*if any*): _____ Permit Number: _____

21. Manufacturer and/or Importer	22. Model	23. Serial Number	24. Type (<i>pistol, revolver, rifle, shotgun, etc.</i>)	25. Caliber or Gauge

Complete ATF F 3310.4 for Multiple Purchases of Handguns (See Instruction to Transferor 8.)

26. Trade/Corporate Name and Address of Transferor (*Hand stamp may be used.*) 27. Federal Firearms License Number (*Hand stamp may be used.*)

On the basis of (1) the statements in Section A; (2) my notification to the chief law enforcement officer designated above; and (3) the information in the current State Laws and Published Ordinances (*ATF P 5300.5*), it is my belief that it is not unlawful for me to sell, deliver, transport, or otherwise dispose of the firearm(s) listed on this form to the person identified in Section A.

The Person Actually Transferring the Firearm(s) must Complete Questions 28-31.

28. Transferor's Name (<i>Please print.</i>)	29. Transferor's Signature	30. Transferor's Title	31. Date Transfer is Completed
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Important Notices

1. For purposes of this form, you are the actual buyer if you are purchasing the firearm for yourself or otherwise acquiring the firearm for yourself (*for example, redeeming the firearm from pawn/retrieving it from consignment*). You are also the actual buyer if you are acquiring the firearm as a legitimate gift for a third party.
Actual Buyer Examples: Mr. Smith asks Mr. Jones to purchase a firearm for Mr. Smith. Mr. Smith gives Mr. Jones the money for the firearm. Mr. Jones is not the actual buyer of the firearm and must answer "no" to question 10a. The licensee may not transfer the firearm to Mr. Jones. However, if Mr. Brown goes to buy a firearm with his own money to give to Mr. Black as a present, Mr. Brown is the actual buyer of the firearm and should answer "yes" to question 10a. Question 10a is not applicable to a person receiving a firearm he/she brought in for repair. Such persons should answer question 10a as "N/A."
2. Under 18 U.S.C. § 922, firearms may not be sold to or received by certain persons. The information and certification on this form are designed so that a person licensed under 18 U.S.C. § 923 may determine if he or she lawfully may sell or deliver a firearm to the person identified in Section A, and to alert the buyer of certain restrictions on the receipt and possession of firearms. This form only should be used for sales or transfers where the seller is licensed under 18 U.S.C. § 923.
3. **Warning:** Any seller who knowingly transfers a firearm to any person prohibited from receiving or possessing a firearm violates the law.
4. The seller of a firearm is responsible for determining the lawfulness of the transaction and for keeping proper records of the transaction. Consequently, the seller should be familiar with the provisions of 18 U.S.C. §§ 921-931 and the regulations appearing in 27 CFR Part 478.
5. The buyer of a firearm should be familiar with 18 U.S.C. § 922. Generally, § 922 prohibits the shipment, transportation, receipt, or possession in or affecting interstate commerce of a firearm by one who: has been convicted of a misdemeanor crime of domestic violence; has been convicted of a felony, or any other crime, punishable by imprisonment for a term exceeding one year (*this does not include State misdemeanors punishable by imprisonment of two years or less*); is a fugitive from justice; is an unlawful user of, or addicted to, marijuana or any depressant, stimulant, or narcotic drug, or any other controlled substance; has been adjudicated mentally defective or has been committed to a mental institution; has been discharged from the Armed Forces under dishonorable conditions; has renounced his or her U.S. citizenship; is an alien illegally in the United States or a nonimmigrant alien; or is subject to certain restraining orders. Furthermore, section 922 prohibits the shipment, transportation, or receipt in or affecting interstate commerce of a firearm by one who is under indictment or information for a felony, or any other crime, punishable by imprisonment for a term exceeding one year.

Exception 1: A person who has been convicted of a felony, or any other crime, for which the judge could have imprisoned the person for more than one year, or who has been convicted of a misdemeanor crime of domestic violence, is not prohibited from purchasing, receiving, or possessing a firearm if: (1) under the law where the conviction occurred, the person has been pardoned, the conviction has been expunged or set aside, or the person has had civil rights (*the right to vote, sit on a jury, and hold public office*) restored AND (2) the person is not prohibited by the law where the conviction occurred from receiving or possessing firearms. Persons subject to this exception should answer "no" to 10c or 10i, as applicable. A person who has been convicted of a misdemeanor crime of domestic violence also is not covered by the prohibition unless: (1) the person was represented by a lawyer or gave up the right to a lawyer; and (2) if the person was entitled to a jury, was tried by a jury or gave up the right to a jury trial. Persons subject to this exception should answer "no" to 10i.

Exception 2: A nonimmigrant alien is not prohibited from purchasing, receiving, or possessing a firearm if the alien: (1) is in possession of a hunting license or permit lawfully issued in the United States; (2) is an official representative of a foreign government who is accredited to the United States Government or their Government's mission to an international organization having its headquarters in the United States; or (3) has received a waiver from the prohibition from the Attorney General of the United States. (*See 18 U.S.C. § 922(y)(2) for additional exceptions.*) Persons subject to one of these exceptions should answer "yes" to questions 10i and 11 and provide the documentation requested by question 18b.

6. Under 18 U.S.C. § 922, firearms may not be sold to or received by persons subject to a court order that: (A) was issued after a hearing which the person received actual notice of and had an opportunity to participate in; (B) restrains such person from harassing, stalking or threatening an intimate partner 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. For purposes of this prohibition, an "intimate partner" of a person is: the spouse of the person, a former spouse of the person, an individual who is a parent of a child of the person, or an individual who cohabitates or has cohabited with the person.

7. Under 18 U.S.C. §§ 922 and 923, it is unlawful for a person to engage in the business of dealing in firearms without a license. A person is engaged in the business of dealing in firearms if he or she devotes time, attention, and labor to dealing in firearms as a regular course of trade or business with the principal objective of livelihood and profit through the repetitive purchase and resale of firearms. A license is not required of a person who only 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 or her personal collection of firearms.
8. Persons acquiring firearms for exportation should be aware that the State or Commerce Departments may require a license be obtained prior to exportation.

Instructions to Transferee (Buyer)

1. The buyer must personally complete Section A of this form and certify (*sign*) that the answers are true and correct. However, if the buyer is unable to read and/or write, the answers (*other than the signature*) may be written by another person, excluding the seller. Two persons (*other than the seller*) must then sign as witnesses to the buyer's answers and signature.
2. When the buyer of a firearm is a corporation, company, association, partnership or other such business entity, an officer authorized to act on behalf of the business must complete Section A of the form with his or her personal information, sign Section A, and attach a written statement, executed under penalties of perjury, stating: (A) the firearm is being acquired for the use of and will be the property of that business entity, and (B) the name and address of that business entity.
3. If the buyer is a member of the Armed Forces on active duty acquiring a firearm in the State where his or her permanent duty station is located, but does not reside at his or her permanent duty station, the buyer must list both his or her permanent duty station address and his or her residence address in response to question 2.

Instructions to Transferor (Seller)

1. This non-over-the-counter sale can only be made if a National Instant Criminal Background Check System (NICS) check is not required. A NICS check is not required if the transfer qualifies for any of the alternatives in 27 CFR § 478.102(d). Generally these include: (a) transfers where the buyer has presented the licensee with a permit or license that allows the buyer to possess, acquire, or carry a firearm, and the permit has been recognized by ATF as a valid alternative to the NICS check requirement; (b) transfers of National Firearms Act weapons approved by ATF; or (c) transfers certified by ATF as exempt because compliance with the NICS check requirements is impracticable. See section 478.102(d) for a detailed explanation. If the transfer qualifies for one of these exceptions, the licensee must obtain the supporting documentation required by 27 CFR § 478.131. A firearm must not be transferred to any buyer who fails to provide such documentation.
2. The transferor (*seller*) of a firearm in an intrastate non-over-the-counter transaction must forward by registered or certified mail (*return receipt requested*) a copy of this form to the chief law enforcement officer (CLEO) listed in question 13. The transferor must delay shipment or delivery of the firearm for at least 7 days following receipt of the post office notification of the acceptance or rejection of the form by the CLEO. The transferor must retain as a part of the records required to be kept by 18 U.S.C. 921-931 the original form and evidence of the receipt or rejection of the notification forwarded to the CLEO.
3. **Sale of Firearms to Legal Aliens (Part 1):** A buyer who is not a citizen of the United States must provide documentation to establish that he or she has resided in a State continuously for at least 90 days immediately prior to the date of the sale. *See Definition 4.* Examples of appropriate documents to establish State residency are utility bills from each of the last 3 months immediately prior to the sale or a lease agreement which demonstrates 90 days of residency immediately prior to the sale. (*A licensee may attach a copy of the documentation to the ATF F 4473 Part II, rather than record the type of documentation in question 18a.*)
4. **Sale of Firearms to Legal Aliens (Part 2):** Even if a nonimmigrant alien can establish State residency, he or she is prohibited from receiving a firearm unless he or she falls within an exception to the nonimmigrant alien prohibition. *See Important Notice 5, Exception 2.* If a nonimmigrant alien claims to fall within one of these exceptions by answering "yes" to question 11, he or she must provide the licensee with documentation of the exception (*e.g., hunting license/permit; waiver*). The licensee must record the type of documentation in question 18b and attach a copy of the document to the ATF F 4473 Part II. If the documentation is a hunting license/permit, the licensee must make sure it has not expired. An expired hunting license/permit does not qualify for the exception.
5. If the buyer's name is illegible, the seller must print the buyer's name above the name written by the buyer in question 1.

Paperwork Reduction Act Notice

6. If more than 3 firearms are involved in the transaction, the information required by Section B, questions 21-25 must be provided for these firearms on a separate piece of paper, which must be attached to the ATF F 4473 Part II covering the transaction.
7. Prior to transferring the firearm(s), the seller must complete Section B. The seller must print his or her name in question 28 and provide his or her signature in question 29.
8. In addition to completing this form, the seller must report any multiple sale or other disposition of pistols or revolvers on ATF F 3310.4. See 27 CFR § 478.126a.
9. After the seller has completed the firearms transaction, he or she must make the completed, original ATF F 4473 Part II (*which includes the Important Notices, Instructions, and Definitions*), and any supporting documents, part of his or her permanent records. ATF F 4473 Part II must be retained for at least **20** years. Filing may be chronological (*by date*), alphabetical (*by name*), or numerical (*by transaction serial number*), as long as all of the seller's completed ATF F 4473 Part IIs are filed in the same manner.
10. You may include any other information on this form that is relevant to the transaction.

The information required on this form is in accordance with the Paperwork Reduction Act of 1995. The purpose of the information is to determine the eligibility of the transferee to receive firearms under Federal law and to ensure a dealer is keeping legally proper records of his or her disposition of firearms. The information is subject to inspection by ATF officers and is required by 18 U.S.C. §§ 922 and 923.

The estimated average burden associated with this collection is 20 minutes per respondent or recordkeeper, depending on individual circumstances. Comments concerning the accuracy of this burden estimate and suggestions for reducing this burden should be directed to Reports Management Officer, Document Services, Bureau of Alcohol, Tobacco, Firearms and Explosives, Washington, DC 20226. Confidentiality is not assured.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

Definitions

1. **Intrastate Non-Over-the-Counter Transaction:** Sale or other disposition of a firearm by the transferor (*seller*) to a transferee (*buyer*) who does not appear in person at the transferor's premises. The transferee must be a resident of the State in which the transferor's premises is located.
2. **Under Indictment or Information or Convicted in any Court:** An indictment, information, or conviction in any Federal, State, local, or foreign court.
3. **Misdemeanor Crime of Domestic Violence:** A Federal, State, or local offense that is a misdemeanor under Federal or State law and 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, or by a person similarly situated to a spouse, parent, or guardian of the victim. The term includes all misdemeanors that have as an element the use or attempted use of physical force or the threatened use of a deadly weapon (*e.g., assault and battery*), if the offense is committed by one of the defined parties.
4. **State of Residence:** The State in which an individual resides. An individual resides in a State if he or she is present in a State with the intention of making a home in that State. If an individual is a member of the Armed Forces on active duty, his or her State of residence is the State in which his or her permanent duty station is located. An alien who is legally in the United States is a resident of a State only if the alien is residing in the State and has resided in the State continuously for at least 90 days immediately prior to the date of sale or delivery of a firearm. These examples illustrate this definition:

Example 1. A maintains a home in State X. A travels to State Y on a hunting trip. A does not become a resident of State Y by reason of such trip.

Example 2. A is a U.S. citizen and maintains a home in State X and a home in State Y. A resides in State X on weekdays, and in State Y on weekends. During the time A actually resides in State X, A is a resident of State X. During the time A actually resides in State Y, A is a resident of State Y.
5. **Nonimmigrant Alien:** An alien in the United States in a nonimmigrant classification. The definition includes, in large part, persons traveling temporarily in the United States for business or pleasure, persons studying in the United States who maintain a residence abroad, and certain foreign workers. The definition does NOT include permanent resident aliens.

Notice to Law Enforcement Officials

This copy of ATF F 4473 Part II is to advise you of a firearms transaction involving a resident in your jurisdiction. The firearm(s) described in Section B will not be shipped or delivered to the transferee (*buyer*) identified in Section A for at least 7 days following receipt of the notification of your acceptance or refusal of delivery, by registered or certified mail, of this form.

Privacy Act Information

Solicitation of this information is authorized under 18 U.S.C. § 923(g).