

# Application for Tax Exempt Transfer and Registration of Firearm

<b>ATF Control Number</b>	<b>Internal Control Number</b>
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**Submit in duplicate to:** **National Firearms Act Branch**  
**Bureau of Alcohol, Tobacco, Firearms and Explosives, 244 Needy Road, Martinsburg, WV 25405**

<p>1. Type of Transfer: tax exempt I believe that I am entitled to exemption from the payment of the Transfer Tax Imposed by section 5811 (26 U.S.C. Chapter 53) on the Firearm described herein for the following reason (See Instruction 2b):</p> <p><input type="checkbox"/> Firearm is unserviceable and is being transferred as a curio or ornament</p> <p><input type="checkbox"/> Firearm is being transferred to or from a Government Entity</p> <p><input type="checkbox"/> Firearm is being transferred to a lawful heir or by operation of law</p> <p><input type="checkbox"/> Other (Specify) _____</p>	<p>2a. Transferee's Name and Address (Include trade name, if any) (See instruction 2j)</p> <p><input type="checkbox"/> INDIVIDUAL    <input type="checkbox"/> TRUST or LEGAL ENTITY    <input type="checkbox"/> GOVERNMENT ENTITY</p> <p>2b. County _____</p> <p>3a. If Applicable: Decedent's Name, Address, and Date of Death _____</p>
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3b. Transferor's Name and Address (Include trade name, if any) (Executors: see instruction 2j) \_\_\_\_\_

3c. Transferor's telephone (area code and number) _____	3d. e-mail address (optional) _____	3e. Number, Street, City, State and Zip Code of Residence (or Firearms Business Premises) If Different from Item 3a. _____
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The above-named and undersigned transferor hereby makes application as required by Section 5812 of the National Firearms Act to transfer and register the firearm described below to the transferee.

4. Description of Firearm (Complete items a through i) (See instruction 2m)			d. Model		
a. Name and Address of Maker, Manufacturer and/or Importer of Firearm	b. Type of Firearm (See definitions)	c. Caliber or Gauge	Length (Inches)	e. Of Barrel:	f. Overall:
			g. Serial Number		

h. Additional Description or Data Appearing on Firearm (Attach additional sheet if necessary)	i. Is the Firearm Unserviceable as Defined in Definition 1m? <input type="checkbox"/> Yes <input type="checkbox"/> No (If "No," describe the method by which firearm has been rendered unserviceable. Use additional sheets.)
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5. Transferee's Federal Firearms License (If any) (Give complete 15-digit number) (See instruction 2c)	6. Transferee's Special (Occupational) Tax Status (If any)				
First 6 digits	2 digits	2 digits	5 digits	a. Employer Identification Number	b. Class
7. Transferor's Federal Firearms License (If any)	8. Transferor's Special (Occupational) Tax Status (If any)				
First 6 digits	2 digits	2 digits	5 digits	a. Employer Identification Number	b. Class

**Under Penalties of Perjury, I Declare** that I have examined this application, and to the best of my knowledge and belief it is true, correct and complete, and that the transfer of the described firearm to the transferee and receipt and possession of it by the transferee are not prohibited by the provisions of Title 18, United States Code, Chap 44; Title 26, United States Code Chap 53; or any provisions of State or local law.

9. Signature of Transferor (Or authorized official)	10. Name and Title of Authorized Official (Print or type)	11. Date
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**The Space Below is for the use of the Bureau of Alcohol, Tobacco, Firearms and Explosives**

By Authority of The Director, This Application Has Been Examined, and the Transfer and Registration of the Firearm Described Herein and the Interstate Movement of that Firearm, When Applicable, to the Transferee are:

<input type="checkbox"/> Approved (With the following conditions, if any)	<input type="checkbox"/> Disapproved (For the following reasons)
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Signature of Authorized ATF Official	Date
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TRANSFEREE CERTIFICATION (not completed by a Government Entity)

12. Law Enforcement Notification (See instruction 2f)

The transferee is to provide notification of the proposed acquisition and possession of the firearm described on this Form 5 by providing a copy of the completed form to the chief law enforcement officer in the agency identified below:

Agency or Department Name Name and Title of Official

Address (Street address or P.O. Box, City, State and Zip Code) to which sent (mailed or delivered)

Information for the Chief Law Enforcement Officer

This form provides notification of the transferee's intent to acquire and possess a National Firearms Act (NFA) firearm. No action on your part is required. However, should you have information that may disqualify this person from acquiring or possessing a firearm, please contact the NFA Branch at (304) 616-4500 or NFA@atf.gov. A "Yes" answer to items 14.a. through 14.h. or 16.b. or 16.c. could disqualify a person from acquiring or possessing a firearm. Also, ATF will not approve an application if the transfer or possession of the firearm is in violation of State or local law.

13. Transferee Necessity Statement (Do not complete if the transferee is a government agency) (See instruction 2e)

I, (Name and Title of Transferee), have a reasonable necessity to possess the machinegun, short-barreled rifle, short-barreled shotgun, or destructive device described on this application for the following reason(s)

and my possession of the device or weapon would be consistent with public safety (18 U.S.C. § 922(b) (4) and 27 CFR § 478.98).

Transferee Questions (complete only when transferee is an individual)

14. Answer questions 14.a. through 14.h. Answer questions 16 and 17, if applicable. For any "Yes" answer the transferee shall provide details on a separate sheet. (See instruction 7b and definitions)

Table with 3 columns: Question, Yes, No. Rows include: a. Are you under indictment or information in any court for a felony... b. Have you ever been convicted in any court for a felony... c. Are you a fugitive from justice? d. Are you an unlawful user of, or addicted to, marijuana or any depressant, stimulant, narcotic drug... e. Have you ever been adjudicated as a mental defective OR have you ever been committed to a mental institution? f. Have you been discharged from the Armed Forces under dishonorable conditions? g. Are you subject to a court order restraining you from harassing, stalking, or threatening your child or an intimate partner... h. Have you ever been convicted in any court of a misdemeanor crime of domestic violence? 15. Photograph

Affix Recent Photograph Here (Approximately 2" x 2") (See instruction 2g)

16a. Country of Citizenship: (Check/List more than one, if applicable. Nationals of the United States may check U.S.A.) (See definition 1s)

United States of America Other Country/Countries (specify):

Table with 3 columns: Question, Yes, No. Rows include: b. Have you ever renounced your United States citizenship? c. Are you an alien illegally or unlawfully in the United States? d.1. Are you an alien who has been admitted to the United States under a nonimmigrant visa? d.2. If "yes", do you fall within any of the exceptions stated in the instructions? Attach the documentation to the application

17. If you are an alien, record your U.S.-Issued Alien or Admission number (AR#, USCIS#, or 194#):

CERTIFICATION: Under penalties imposed by 18 U.S.C. § 924 and 26 U.S.C. § 5861, I certify that, upon submission of this form to ATF, a completed copy of this form will be directed to the chief law enforcement officer (CLEO) shown in item 12, that the statements, as applicable, contained in this certification, and any attached documents in support thereof, are true and correct to the best of my knowledge and belief. NOTE: See instructions 2.d(2) and 2.d(3) for the items to be completed depending on the type of transferee.

18. Number of Responsible Persons (see definitions) associated with the transferee trust or legal entity \_\_\_\_\_

19. Provide the full name (printed or typed) below for each Responsible Person associated with the applicant trust or legal entity (if there are more Responsible Persons than can be listed on the form, attach a separate sheet listing the additional Responsible Person(s)). Please note that a completed Form 5320.23, National Firearms Act (NFA) Responsible Person Questionnaire, must be submitted with the Form 5 application for each Responsible Person.

Full Name

Full Name

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### Important Information for Currently Registered Firearms

If you are the current registrant of the firearm described on this form, please note the following information.

**Estate Procedures:** For procedures regarding the transfer of firearms in an estate resulting from the death of the registrant identified in item 2a, the executor should contact the NFA Branch, Bureau of Alcohol, Tobacco, Firearms and Explosives, 244 Needy Road, Martinsburg, WV 25405.

**Change of Address:** Unless currently licensed under the Gun Control Act, the registrant shall notify the NFA Branch, Bureau of Alcohol, Tobacco, Firearms and Explosives, 244 Needy Road, Martinsburg, WV 25405, in writing, of any change to the address in item 2a.

**Change of Description:** The registrant shall notify the NFA Branch, Bureau of Alcohol, Tobacco, Firearms and Explosives, 244 Needy Road, Martinsburg, WV 25405, in writing, of any change to the description of the firearm(s) in item 4.

**Interstate Movement:** If the firearm identified in item 4 is a **machinegun, short-barreled rifle, short-barreled shotgun, or destructive device**, the registrant may be required by 18 U.S.C. § 922(a)(4) to obtain permission from ATF prior to any transportation in interstate or foreign commerce. ATF Form 5320.20 can be used to request this permission.

**Restrictions on Possession:** Any restriction (*see approval block on face of form*) on the possession of the firearm identified in item 4 continues with the further transfer of the firearm.

**Persons Prohibited from Possessing Firearms:** If the registrant becomes prohibited from possessing a firearm, please contact the NFA Branch for procedures on how to dispose of the firearm.

**Proof of Registration:** A person possessing a firearm registered as required by the NFA shall retain proof of registration which shall be made available to any ATF officer upon request.

### Paperwork Reduction Act Notice

This form meets the clearance requirements of the Paperwork Reduction Act of 1995. The information you provide is used to apply the tax-exempt transfer of an unserviceable firearm to anyone other than a Federal firearms licensee who has paid the required special (*Occupational*) tax to deal in NFA firearms and to or from government agencies. The data is used to ensure legality of transfer under Federal, State and local law. The furnishing of this information is mandatory (*26 U.S.C. § 5812*).

The estimated average burden associated with this collection of information is 0.5 hours per respondent or recordkeeper, depending on individual circumstances. Comments concerning the accuracy of this burden estimate and suggestion for reducing this burden should be addressed to Reports Management Officer, Information Technology Coordination Staff, Bureau of Alcohol, Tobacco, Firearms and Explosives, Washington, DC 20226.

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.

### Privacy Act Information

The following information is provided pursuant to Section 3 of the Privacy Act of 1974 (5 U.S.C. § 552(e)(3)):

- Authority.** Solicitation of this information is made pursuant to the National Firearms Act (26 U.S.C. § 5812). Disclosure of this information by the applicant is mandatory for any transfer without payment of transfer tax as provided in 26 U.S.C. § 5852.
- Purpose.** To verify that the proposed transfer is exempt from transfer tax; to verify that the transfer would not be in violation of law; and to effect registration of the firearm.
- Routine Uses.** The information will be used by ATF to make the determinations set forth in paragraph 2. In addition, to effect registration of the firearm, information as to the identification of the firearm, date of registration, and the identification and address of person entitled to possess the firearm will be entered into the National Firearms Registration and Transfer Record. No information obtained from an application, registration, or records required to be submitted by an individual in order to comply with any provision of the National Firearms Act or regulation issued thereunder, shall, except in connection with prosecution or other action for furnishing information, be used, directly or indirectly, as evidence against that person in any criminal proceeding with respect to a violation of law occurring prior to or concurrently with the filing of the application. The information from this application may only be disclosed to Federal authorities for purposes of prosecution for violation of the National Firearms Act.
- Effects of not Supplying Information Requested.** Failure to supply complete information will delay processing and may cause denial of the application.

## Definitions/Instructions

### 1. Definitions

- a. **National Firearms Act (NFA).** Title 26, United States Code, Chapter 53. The implementing regulations are found in Title 27, Code of Federal Regulations, Part 479.
- b. **Gun Control Act (GCA).** Title 18, United States Code, Chapter 44. The implementing regulations are found in Title 27, Code of Federal Regulations, Part 478.
- c. **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 26 U.S.C. § 5845(e); (6) a machinegun; (7) a muffler or silencer for any firearm whether or not such firearm is included within this definition; and (8) a destructive device.
- d. **Person.** A partnership, company, association, trust, corporation, including each responsible person associated with such an entity; including each responsible person associated with such an entity; an estate; or an individual.
- e. **Responsible Person.** In the case of an unlicensed entity, including any trust, partnership, association, company (including any Limited Liability Company (LLC)), or corporation, any individual who possesses, directly or indirectly, the power or authority to direct the management and policies of the trust or entity to receive, possess, ship, transport, deliver, transfer or otherwise dispose of a firearm for, or on behalf of, the trust or legal entity. In the case of a trust, those persons with the power or authority to direct the management and policies of the trust includes any person who has the capability to exercise such power and possesses, directly or indirectly, the power or authority under any trust instrument, or under State law, to receive, possess, ship, transport, deliver, transfer, or otherwise dispose of a firearm for, or on behalf of the trust. Examples of who may be considered a responsible person include settlors/grantors, trustees, partners, members, officers, directors, board members, or owners. An example of who may be excluded from this definition of responsible person is the beneficiary of a trust, if the beneficiary does not have the capability to exercise the enumerated powers or authorities.
- f. **Employer Identification Number (EIN).** Required of taxpayer filing special (occupational) tax returns under 27 CFR § 479.35.
- g. **Special (Occupational) Tax.** Required by the NFA to be paid by a Federal firearms licensee engaged in the business of manufacturing (Class 2), importing (Class 1), or dealing (Class 3) in NFA firearms.
- h. **Federal Firearms License.** A license issued under the provisions of the GCA to manufacture, import or deal in firearms.
- i. **ATF Officer.** An officer or employee of the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) authorized to perform any function relating to the administration of the NFA.
- j. **Transfer.** Selling, assigning, pledging, leasing, loaning, giving away, or otherwise disposing of a firearm.
- k. **Transferor.** The person selling or otherwise disposing of a firearm; including applying to transfer a firearm.
- l. **Transferee.** The person acquiring the firearm.
- m. **Unserviceable Firearm.** One which is incapable of discharging a shot by means of an explosive and incapable of being readily restored to firing condition. An acceptable method of rendering most firearms unserviceable is to fusion weld the chamber closed and fusion weld the barrel solidly to the frame.
- n. **Prohibited Person.** Generally, 18 U.S.C. § 922 (g) 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 as a mental 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 an alien admitted to the United States under a nonimmigrant visa; or is subject to certain restraining orders. Furthermore, Section 922 (n) 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 in any Federal, State or local court, or any other crime, punishable by imprisonment for a term exceeding one year. An information is a formal accusation of a crime verified by a prosecutor.

EXCEPTION: 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 of the jurisdiction where the conviction occurred, the person has been pardoned, the conviction has been expunged or set aside, or the person has had their civil rights (*the right to vote, sit on a jury, and hold public office*) taken away and later restored AND (2) the person is not prohibited by the law of the jurisdiction where the conviction occurred from receiving or possessing firearms. Persons subject to this exception should mark “no” in the applicable box.

- o. **Adjudicated as a Mental Defective.** A determination by a court, board, commission, or other lawful authority that a person, as a result of marked subnormal intelligence, or mental illness, incompetency, condition, or disease: (1) is a danger to himself or to others; or (2) lacks the mental capacity to contract or manage his own affairs. This term shall include: (1) a finding of insanity by a court in a criminal case; and (2) those persons found incompetent to stand trial or found not guilty by reason of lack of mental responsibility.
- p. **Committed to a Mental Institution.** A formal commitment of a person to a mental institution by a court, board, commission, or other lawful authority. The term includes a commitment to a mental institution involuntarily. The term includes commitment for mental defectiveness or mental illness. It also includes commitments for other reasons, such as for drug use. The term does not include a person in a mental institution for observation or a voluntary admission to a mental institution.

EXCEPTION NICS Improvement Amendments Act of 2007: A person who has been adjudicated as a mental defective or committed to a mental institution in a state proceeding is not prohibited by the adjudication or commitment if the person has been granted relief by the adjudicating/committing state pursuant to a qualifying mental health relief from disabilities program. Also, a person who has been adjudicated as a mental defective or committed to a mental institution by a department or agency of the Federal Government is not prohibited by the adjudication or commitment if either (a) the person’s adjudication or commitment was set-aside or expunged by the adjudicating/committing agency; (b) the person has been fully released or discharged from all mandatory treatment, supervision, or monitoring by the agency; (c) the person was found by the agency to no longer suffer from the mental health condition that served as the basis of the initial adjudication/commitment; or (d) the adjudication or commitment, respectively, is based solely on a medical finding of disability, without an opportunity for a hearing by a court, board, commission, or other lawful authority, and the person has not been adjudicated as a mental defective consistent with section 922(g)(4) of title 18, United States code; or (e) the person was granted relief from the adjudicating/committing agency pursuant to a qualified mental health relief from disabilities program. Persons who fall within one of the above exceptions should mark “no” in the applicable box. This exception to an adjudication or commitment by a Federal department or agency does not apply to any person who was adjudicated to be not guilty by reason of insanity, or based on a lack of mental responsibility, or found incompetent to stand trial, in any criminal case or under the Uniform Code of Military Justice.

- q. **Restraining Order.** 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. An “intimate partner” of a person is: the spouse or former spouse of the person, the parent of a child of the person, or an individual who cohabitates or has cohabitated with the person.
- r. **Misdemeanor Crime of Domestic Violence:** A Federal, State, local, tribal offense that is a misdemeanor under the Federal, State, or tribal 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 cohabitating with, or has cohabitated 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. (See *Exception in the definition of "Prohibited Person"*). A person who has been convicted of a misdemeanor crime of domestic violence also is not prohibited unless: (1) the person was represented by a lawyer or gave up the right to a lawyer; (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 mark "no" in the applicable box.

**s. Alien Admitted to the United States Under a Nonimmigrant Visa.** An alien admitted to the United States under a nonimmigrant visa includes, among others, persons visiting the United States temporarily for business or pleasure, persons studying in the United States who maintain a residence abroad, and certain temporary foreign workers. These aliens must answer "yes" to question 16.d.1 and provide the additional documentation required under question 16.d.2. Permanent resident aliens and aliens legally admitted to the United States pursuant to either the Visa Waiver Program or to regulations otherwise exempting them from visa requirements may answer "no" to this question and are not required to submit the additional documentation under 16.d.2. An alien admitted to the United States under a nonimmigrant visa 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 by the Federal Government, a State, or local government, or an Indian tribe federally recognized by the Bureau of Indian Affairs, which is valid and unexpired; (2) was admitted to the United States for lawful hunting or sporting purposes; (3) is an official representative of a foreign government who is accredited to the United States Government or the Government's mission to an international organization having its headquarters in the United States; (4) is an official representative of a foreign government who is en route to or from another country to which that alien is accredited; (5) is an official of a foreign government or a distinguished foreign visitor who has been so designated by the Department of State; (6) is a foreign law enforcement officer of a friendly foreign government entering the United States on official law enforcement business; (7) has received a waiver from the prohibition from the Attorney General of the United States.

**t. Fugitives from Justice.** Any person who has fled from any State to avoid prosecution for a felony or a misdemeanor, or any person who leaves the State to avoid giving testimony in any criminal proceeding. The term also includes any person who knows that misdemeanor or felony charges are pending against such person and who leaves the State of prosecution.

## 2. Preparation of Application

**a. Authority.** As provided by 26 U.S.C. §§ 5812, 5852, and 5853, any person seeking to transfer a firearm exempt from payment of tax must submit, in duplicate, a separate application on this form for each firearm. The transferor must furnish all the information called for, except as noted by instructions within, on this application form. Please note that the form now contains a 3rd (CLEO) copy of the form for use in compliance with instruction 2f and item 12 of the form.

**b. Exemptions from Transfer Tax.** A registered firearm may be transferred without payment of the transfer tax if:

- (1) it is unserviceable; (See *definition 1m*)
- (2) it is being transferred to or from the United States, or any department, independent establishment or agency thereof;
- (3) it is being transferred to or from any State or possession of the United States or any political subdivision thereof, or any official police organization of such government entity; or
- (4) it is being transferred to a beneficiary of an estate.

**c. Federal Firearms Licensees.** If the transferor or transferee is a Federal Firearms licensee (FFL) under the GCA, the licensee's complete name, trade name (if any), and address shall be entered in items 2a or 3a of this form, respectively. The complete license number of each shall be entered in items 5 and 7 of the form and, if the licensee is a special (occupational) taxpayer

under the NFA, the licensee's employer identification number (EIN) shall be entered in items 6 and 8 of the form, along with the class of special tax paid.

**IMPORTANT NOTE:** The business structure of the licensee shall be described consistently. For example, if the transferor is a sole proprietor, item 3a shall reflect the FFL information for the sole proprietor business and item 7 shall reflect the FFL number for that sole proprietor business. Item 8 will reflect the EIN for the sole proprietor business. If the special tax is paid as a corporation, then it is not valid for the transaction. Similarly, a corporation name shown in item 3a with the FFL number and EIN of a sole proprietor will not be valid for the transaction.

### d. Completion of Form.

- (1) The transferor shall provide the transferee's complete name and physical address (*no Post office box*) in item 2a. If the transferee is a trust or legal entity, show only the complete name of the trust or legal entity and do not include any individual names (*such as names of trustees or corporate officials*). The address shall be the location within the particular state where the firearm will be maintained for a trust or legal entity. In the case of two or more locations for a legal entity, the address shown shall be the principal place of business within the particular state (or principal office, in the case of a corporation).
- (2) If the transferee is an individual, the entire Form 5 shall be completed except for items 18 and 19. In addition, the transferee must include his or her fingerprints on FBI Form FD-258 and his or her photos (*see instruction 2g*).
- (3) If the transferee is other than an individual, e.g., a trust or legal entity, such as a corporation, the transferee shall not complete items 14, 15, 16, and 17. All other items must be completed including the signing of the Transferee Certification statement by the transferee.
- (4) Documentation of entity existence:
  - a. If the transferee is other than an individual, the transferee must attach documentation evidencing the existence and validity of the trust or legal entity, which includes complete and unredacted copies of partnership agreements, articles of incorporation, corporate registration, declarations of trust with any trust schedules, attachments, exhibits, and enclosures.
  - b. If the transferee entity has had an application approved as a maker or transferee within the preceding 24 months of the date of filing this application, and there has been no change to the documentation evidencing the existence and validity of the entity previously provided, the trust or legal entity may provide a certification that the information has not been changed since the prior approval and shall identify the application for which the documentation had been submitted form number, serial number, and date approved.
- (5) If the transferee is other than an individual, each responsible person of the trust or legal entity (*see definition 1e*) must include a completed ATF Form 5320.23, National Firearms Act (NFA) Responsible Person Questionnaire, with the submitted Form 5.
- (6) Item 4g (serial number) is obscured on the CLEO copy. This field does not require completion on the CLEO copy.

**e. Transferee Necessity Statement.** Item 13 must be completed by the transferee if:

- (1) the firearm to be transferred is a machinegun, short-barreled rifle, short-barreled shotgun, or destructive device;
- (2) the transferor is licensed under the GCA to deal in such device or firearm; and
- (3) the transferee is **not** licensed under the GCA to deal in such device or firearm.

**f. Law Enforcement Notification.** The transferee must provide a copy of the Form 5 to the chief law enforcement officer (CLEO) who has jurisdiction over the area of the transferee's address shown in item 2a of the Form 5. In addition, if the transferee is other than an individual, a copy of the Form 5320.23, National Firearms Act (NFA) Responsible Person Questionnaire, completed by each responsible person must be provided to their respective chief law enforcement officer. The chief law enforcement officer is considered to be the Chief of Police; the Sheriff; the Head of the State Police; or a State or local district attorney or prosecutor.

**g. Photographs and Fingerprints.** An individual transferee, except if licensed as a manufacturer, importer, or dealer under the GCA, must

(1) attach to item 15 of the ATF Form 5, a 2 inch x 2 inch photograph of the frontal view of the transferee taken within 1 year prior to the date of the application and (2) submit two properly completed FBI Forms FD-258 (*Fingerprint Card with blue lines*) with the application. The fingerprints must be clear for accurate classification and taken by someone properly equipped to take them.

h. **Signatures.** All signatures required on ATF Form 5 must be original in ink on both copies.

- (1) if the applicant is an individual, the applicant shall sign the form;
- (2) if the applicant is the estate of a decedent or the firearm is being transferred by other operation of law, the executor or administrator of the estate shall sign the form or, in the case of other operation of law transfer, the person appointed to dispose of the property shall sign the form;
- (3) if the applicant is a trust or legal entity, a responsible person of the trust or legal entity shall sign the form;
- (4) if the applicant is a Federal firearms licensee, a responsible person of the Federal firearms licensee must sign the form; or
- (5) if the applicant is a government entity, a person who has authority to sign for the entity shall sign the form.

i. **Photocopies, Computer Generated Versions, or Downloaded**

**Version.** The form may be copied or downloaded (*for example, from the ATF website (www.atf.gov)*). The form does not have to be printed front to back.

j. **Estates, Trusts, and Other Transfers by Operation of Law.** When a firearm is being transferred from an estate by bequest or intestate succession (*see 27 CFR § 479.90a*), or by other operation of law to a beneficiary or other authorized recipient, ATF Form 5 is used to effect the transfer. The executor, trustee, or other person appointed to dispose of property shall provide documentation of the legal status of the person entitled to receive property, and shall identify that person in item 2a. In the case of an estate, item 3e shall be completed to reflect the decedent's information. If the transfer is to someone other than to a person identified under operation of law, the transfer is subject to transfer tax and ATF Form 4 shall be used.

k. **Submission.** The transferor shall submit 2 forms (ATF Copy 1 and Copy 2 (Registrant)) to the NFA Branch at the address on the face of the form. All items on the form are to be completed except as noted in the instructions and any attachment included with the submission. The applicant shall direct the 3rd copy (CLEO) complete copy of the form to the chief law enforcement officer as provided in instruction 2f and item 12.

l. **Submission by Facsimile Transmission.** ATF Form 5 may also be submitted (*in situations where the application is not accompanied by fingerprints and photographs*) for approval by facsimile transmission to (304) 616-4501 provided that the transferor has filed an affidavit with the NFA Branch as provided by ATF Industry Circular 89-6.

m. **Description of Firearm and Markings.** (1) Item 4a. please provide the name and address of the maker, manufacturer or importer of the firearm. If there are additional makers, manufacturers, or importers, include this information in item 4h or on a separate sheet of paper. (2) Item 4b the types of NFA firearm are listed in definition 1c. (3) Item 4c. specify one caliber or gauge. If there are additional calibers associated with the description of the firearm, include this information in item 4h or on a separate piece of paper. (4) Item 4d. show the model designation (*if any*). (5) Item 4e. and 4f. specify the barrel and overall lengths as applicable. If there are additional barrel and overall lengths associated with the description of the firearm, include this information in item 4h or on a separate sheet of paper. (6) Item 4g. (a) enter the serial number of the firearm. (b) When more than one firearm of the same description is being transferred and the serial numbers are in a consecutive series, the transferor may enter the beginning and ending serial numbers of the range. When more than one firearm of the same description is being transferred but the serial numbers are nonconsecutive, the transferor may note item 4g. to "see attached list of xxx serial numbers." Any attachment must be referenced to the ATF Form 5. (7) If there are differences between the description of the firearm on the form in comparison to the physical description of the firearm or in the markings on the firearm, including the serial number, contact the NFA Branch in regard to these differences. (8) Item 4i. Answer "Yes" or "No".

n. **State or Local Permit.** If a State or local permit or license is required for the transferee prior to acquisition of the firearm, a copy of the permit must be included with the application. If the transferee is a trust or legal entity, when the State of residence for any responsible person requires a State or local permit or license, a copy of the permit or license must be submitted with Form 5320.23, National Firearms Act (*NFA*) Responsible Person Questionnaire.

3. **Approval of Application.** Upon approval of an application, the NFA Branch will return the approved copy to the transferor for delivery with the firearm to the transferee. Since the approval of the application effectuates registration of the firearm to the transferee, the physical transfer of the firearm must be completed immediately; however, the transferor must not transfer the firearm until the application has been approved and received. If the physical transfer of the firearm cannot be completed immediately, the transferor must contact the NFA Branch with the specifics.

4. **Withdrawal of Application.** The transferor may withdraw an application prior to approval subsequent to a written request directed to the Chief, NFA Branch, 244 Needy Road, Martinsburg, WV 25405.

5. **Cancellation of Approved Application.** The transferor may cancel an approved application only if the physical transfer of the firearm has not been completed. The transferor must return the approved application with a written request directed to the Chief, NFA Branch, 244 Needy Road, Martinsburg, WV 25405 for cancellation, citing the need and that the physical transfer of the firearm did not take place.

6. **Disapproval of Application.** If the application is disapproved, the NFA Branch will note the reason for disapproval on the application and return one copy of the ATF Form 5 to the transferor.

7. **Reasons for Disapproval.** 26 U.S.C. § 5812 provides that applications shall be denied if the transfer, receipt, or possession of the firearm would place the transferee in violation of law.

a. **Violation of Law.** Applications shall be denied if the receipt or possession of the firearm would place the person receiving or possessing the firearm in violation of law.

b. **Persons Prohibited from Receiving a Firearm.** The application will be disapproved if the transferee is a person prohibited from receiving a firearm. For information regarding persons prohibited from receiving a firearm, refer to definitions 1n through 1s.

8. **Status Inquiries and Questions.** Information relating to the NFA and other firearms laws is available at the ATF Internet website at [www.atf.gov](http://www.atf.gov). Any inquiry relating to the status of an application to transfer an NFA firearm or about procedures in general should be directed to the NFA Branch at (304) 616-4500. Please be aware that any dissemination by ATF of information relating to the application to register an NFA firearm must conform with the restrictions in 26 U.S.C. § 6103.

9. **Penalties.** Any person who violates or fails to comply with any of the requirements of the NFA shall, upon conviction, be fined not more than \$10,000 or be imprisoned for not more than 10 years, or both. Any firearm involved in a violation of the NFA shall be subject to seizure and forfeiture. It is unlawful for any person to make or cause the making of a false entry on any application or record required by the NFA knowing such entry to be false.

10. **Compliance with the Gun Control Act.** Persons must also comply with all relevant portions of the GCA.

# Application for Tax Exempt Transfer and Registration of Firearm

<b>ATF Control Number</b>	<b>Internal Control Number</b>
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**Submit in duplicate to:** **National Firearms Act Branch  
Bureau of Alcohol, Tobacco, Firearms and Explosives, 244 Needy Road, Martinsburg, WV 25405**

<p>1. Type of Transfer: tax exempt I believe that I am entitled to exemption from the payment of the Transfer Tax Imposed by section 5811 (26 U.S.C. Chapter 53) on the Firearm described herein for the following reason (See Instruction 2b):</p> <p><input type="checkbox"/> Firearm is unserviceable and is being transferred as a curio or ornament</p> <p><input type="checkbox"/> Firearm is being transferred to or from a Government Entity</p> <p><input type="checkbox"/> Firearm is being transferred to a lawful heir or by operation of law</p> <p><input type="checkbox"/> Other (Specify) _____</p>	<p>2a. Transferee's Name and Address (Include trade name, if any) (See instruction 2j)</p> <p><input type="checkbox"/> INDIVIDUAL    <input type="checkbox"/> TRUST or LEGAL ENTITY    <input type="checkbox"/> GOVERNMENT ENTITY</p> <p>2b. County _____</p> <p>3a. If Applicable: Decedent's Name, Address, and Date of Death _____</p>
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3b. Transferor's Name and Address (Include trade name, if any) (Executors: see instruction 2j) \_\_\_\_\_

3c. Transferor's telephone (area code and number) _____	3d. e-mail address (optional) _____	3e. Number, Street, City, State and Zip Code of Residence (or Firearms Business Premises) If Different from Item 3a. _____
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The above-named and undersigned transferor hereby makes application as required by Section 5812 of the National Firearms Act to transfer and register the firearm described below to the transferee.

4. Description of Firearm (Complete items a through i) (See instruction 2m)			d. Model		
a. Name and Address of Maker, Manufacturer and/or Importer of Firearm	b. Type of Firearm (See definitions)	c. Caliber or Gauge	Length (Inches)	e. Of Barrel:	f. Overall:
			g. Serial Number		

h. Additional Description or Data Appearing on Firearm (Attach additional sheet if necessary)	i. Is the Firearm Unserviceable as Defined in Definition 1m? <input type="checkbox"/> Yes <input type="checkbox"/> No (If "No," describe the method by which firearm has been rendered unserviceable. Use additional sheets.)
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5. Transferee's Federal Firearms License (If any) (Give complete 15-digit number) (See instruction 2c)	6. Transferee's Special (Occupational) Tax Status (If any)				
First 6 digits	2 digits	2 digits	5 digits	a. Employer Identification Number	b. Class
7. Transferor's Federal Firearms License (If any)				8. Transferor's Special (Occupational) Tax Status (If any)	
First 6 digits	2 digits	2 digits	5 digits	a. Employer Identification Number	b. Class

**Under Penalties of Perjury, I Declare** that I have examined this application, and to the best of my knowledge and belief it is true, correct and complete, and that the transfer of the described firearm to the transferee and receipt and possession of it by the transferee are not prohibited by the provisions of Title 18, United States Code, Chap 44; Title 26, United States Code Chap 53; or any provisions of State or local law.

9. Signature of Transferor (Or authorized official)	10. Name and Title of Authorized Official (Print or type)	11. Date
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**The Space Below is for the use of the Bureau of Alcohol, Tobacco, Firearms and Explosives**

By Authority of The Director, This Application Has Been Examined, and the Transfer and Registration of the Firearm Described Herein and the Interstate Movement of that Firearm, When Applicable, to the Transferee are:

<input type="checkbox"/> Approved (With the following conditions, if any)	<input type="checkbox"/> Disapproved (For the following reasons)
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Signature of Authorized ATF Official	Date
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**TRANSFEREE CERTIFICATION (not completed by a Government Entity)**

12. Law Enforcement Notification (See instruction 2f)

The transferee is to provide notification of the proposed acquisition and possession of the firearm described on this Form 5 by providing a copy of the completed form to the chief law enforcement officer in the agency identified below:

Agency or Department Name \_\_\_\_\_ Name and Title of Official \_\_\_\_\_

Address (Street address or P.O. Box, City, State and Zip Code) to which sent (mailed or delivered) \_\_\_\_\_

**Information for the Chief Law Enforcement Officer**

This form provides notification of the transferee's intent to acquire and possess a National Firearms Act (NFA) firearm. No action on your part is required. However, should you have information that may disqualify this person from acquiring or possessing a firearm, please contact the NFA Branch at (304) 616-4500 or NFA@atf.gov. A "Yes" answer to items 14.a. through 14.h. or 16.b. or 16.c. could disqualify a person from acquiring or possessing a firearm. Also, ATF will not approve an application if the transfer or possession of the firearm is in violation of State or local law.

**13. Transferee Necessity Statement (Do not complete if the transferee is a government agency) (See instruction 2e)**

I, \_\_\_\_\_, have a reasonable necessity to possess the machinegun, short-barreled rifle, short-barreled shotgun, or destructive device described on this application for the following reason(s) \_\_\_\_\_  
 (Name and Title of Transferee)  
 \_\_\_\_\_  
 and my possession of the device or weapon would be consistent with public safety (18 U.S.C. § 922(b) (4) and 27 CFR § 478.98).

**Transferee Questions (complete only when transferee is an individual)**

14. Answer questions 14.a. through 14.h. Answer questions 16 and 17, if applicable. For any "Yes" answer the transferee shall provide details on a separate sheet. (See instruction 7b and definitions)

	Yes	No	15. Photograph
a. 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? (See definition 1n)			Affix Recent Photograph Here (Approximately 2" x 2") (See instruction 2g)
b. Have you ever been convicted in any court for 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 definition 1n)			
c. Are you a fugitive from justice? (See definition 1t)			
d. Are you an unlawful user of, or addicted to, marijuana or any depressant, stimulant, narcotic drug, or any other controlled substance? <b>Warning: The use or possession of marijuana remains unlawful under Federal law regardless of whether it has been legalized or decriminalized for medicinal or recreational purposes in the state where you reside.</b>			
e. Have you ever been adjudicated as a mental defective <b>OR</b> have you ever been committed to a mental institution? (See definitions 1o and 1p)			
f. Have you been discharged from the Armed Forces under <b>dishonorable</b> conditions?			
g. 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 definition 1q)			
h. Have you ever been convicted in any court of a misdemeanor crime of domestic violence? (See definition 1r)			

16a. Country of Citizenship: (Check/List more than one, if applicable. Nationals of the United States may check U.S.A.) (See definition 1s)

United States of America       Other Country/Countries (specify): \_\_\_\_\_

	Yes	No
b. Have you ever renounced your United States citizenship?		
c. Are you an alien illegally or unlawfully in the United States?		
d.1. Are you an alien who has been admitted to the United States under a nonimmigrant visa?		
d.2. If "yes", do you fall within any of the exceptions stated in the instructions? Attach the documentation to the application	<input type="checkbox"/> N/A	

17. If you are an alien, record your U.S.-Issued Alien or Admission number (AR#, USCIS#, or 194#): \_\_\_\_\_

**CERTIFICATION: Under penalties imposed by 18 U.S.C. § 924 and 26 U.S.C. § 5861, I certify that, upon submission of this form to ATF, a completed copy of this form will be directed to the chief law enforcement officer (CLEO) shown in item 12, that the statements, as applicable, contained in this certification, and any attached documents in support thereof, are true and correct to the best of my knowledge and belief. NOTE: See instructions 2.d(2) and 2.d(3) for the items to be completed depending on the type of transferee.**

Signature of Transferee \_\_\_\_\_ Date \_\_\_\_\_



18. Number of Responsible Persons (see definitions) associated with the transferee trust or legal entity \_\_\_\_\_

19. Provide the full name (printed or typed) below for each Responsible Person associated with the applicant trust or legal entity (if there are more Responsible Persons than can be listed on the form, attach a separate sheet listing the additional Responsible Person(s)). Please note that a completed Form 5320.23, National Firearms Act (NFA) Responsible Person Questionnaire, must be submitted with the Form 5 application for each Responsible Person.

Full Name

Full Name

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### Important Information for Currently Registered Firearms

If you are the current registrant of the firearm described on this form, please note the following information.

**Estate Procedures:** For procedures regarding the transfer of firearms in an estate resulting from the death of the registrant identified in item 2a, the executor should contact the NFA Branch, Bureau of Alcohol, Tobacco, Firearms and Explosives, 244 Needy Road, Martinsburg, WV 25405.

**Change of Address:** Unless currently licensed under the Gun Control Act, the registrant shall notify the NFA Branch, Bureau of Alcohol, Tobacco, Firearms and Explosives, 244 Needy Road, Martinsburg, WV 25405, in writing, of any change to the address in item 2a.

**Change of Description:** The registrant shall notify the NFA Branch, Bureau of Alcohol, Tobacco, Firearms and Explosives, 244 Needy Road, Martinsburg, WV 25405, in writing, of any change to the description of the firearm(s) in item 4.

**Interstate Movement:** If the firearm identified in item 4 is a **machinegun, short-barreled rifle, short-barreled shotgun, or destructive device**, the registrant may be required by 18 U.S.C. § 922(a)(4) to obtain permission from ATF prior to any transportation in interstate or foreign commerce. ATF Form 5320.20 can be used to request this permission.

**Restrictions on Possession:** Any restriction (*see approval block on face of form*) on the possession of the firearm identified in item 4 continues with the further transfer of the firearm.

**Persons Prohibited from Possessing Firearms:** If the registrant becomes prohibited from possessing a firearm, please contact the NFA Branch for procedures on how to dispose of the firearm.

**Proof of Registration:** A person possessing a firearm registered as required by the NFA shall retain proof of registration which shall be made available to any ATF officer upon request.

### Paperwork Reduction Act Notice

This form meets the clearance requirements of the Paperwork Reduction Act of 1995. The information you provide is used to apply the tax-exempt transfer of an unserviceable firearm to anyone other than a Federal firearms licensee who has paid the required special (*Occupational*) tax to deal in NFA firearms and to or from government agencies. The data is used to ensure legality of transfer under Federal, State and local law. The furnishing of this information is mandatory (*26 U.S.C. § 5812*).

The estimated average burden associated with this collection of information is 0.5 hours per respondent or recordkeeper, depending on individual circumstances. Comments concerning the accuracy of this burden estimate and suggestion for reducing this burden should be addressed to Reports Management Officer, Information Technology Coordination Staff, Bureau of Alcohol, Tobacco, Firearms and Explosives, Washington, DC 20226.

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.

### Privacy Act Information

The following information is provided pursuant to Section 3 of the Privacy Act of 1974 (5 U.S.C. § 552(e)(3)):

- Authority.** Solicitation of this information is made pursuant to the National Firearms Act (26 U.S.C. § 5812). Disclosure of this information by the applicant is mandatory for any transfer without payment of transfer tax as provided in 26 U.S.C. § 5852.
- Purpose.** To verify that the proposed transfer is exempt from transfer tax; to verify that the transfer would not be in violation of law; and to effect registration of the firearm.
- Routine Uses.** The information will be used by ATF to make the determinations set forth in paragraph 2. In addition, to effect registration of the firearm, information as to the identification of the firearm, date of registration, and the identification and address of person entitled to possess the firearm will be entered into the National Firearms Registration and Transfer Record. No information obtained from an application, registration, or records required to be submitted by an individual in order to comply with any provision of the National Firearms Act or regulation issued thereunder, shall, except in connection with prosecution or other action for furnishing information, be used, directly or indirectly, as evidence against that person in any criminal proceeding with respect to a violation of law occurring prior to or concurrently with the filing of the application. The information from this application may only be disclosed to Federal authorities for purposes of prosecution for violation of the National Firearms Act.
- Effects of not Supplying Information Requested.** Failure to supply complete information will delay processing and may cause denial of the application.

# Application for Tax Exempt Transfer and Registration of Firearm

<b>ATF Control Number</b>	<b>Internal Control Number</b>
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**Submit in duplicate to:** **National Firearms Act Branch**  
**Bureau of Alcohol, Tobacco, Firearms and Explosives, 244 Needy Road, Martinsburg, WV 25405**

<p>1. Type of Transfer: tax exempt I believe that I am entitled to exemption from the payment of the Transfer Tax Imposed by section 5811 (26 U.S.C. Chapter 53) on the Firearm described herein for the following reason (See Instruction 2b):</p> <p><input type="checkbox"/> Firearm is unserviceable and is being transferred as a curio or ornament</p> <p><input type="checkbox"/> Firearm is being transferred to or from a Government Entity</p> <p><input type="checkbox"/> Firearm is being transferred to a lawful heir or by operation of law</p> <p><input type="checkbox"/> Other (Specify) _____</p>	<p>2a. Transferee's Name and Address (Include trade name, if any) (See instruction 2j)</p> <p><input type="checkbox"/> INDIVIDUAL    <input type="checkbox"/> TRUST or LEGAL ENTITY    <input type="checkbox"/> GOVERNMENT ENTITY</p> <p>2b. County _____</p> <p>3a. If Applicable: Decedent's Name, Address, and Date of Death _____</p>
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3b. Transferor's Name and Address (Include trade name, if any) (Executors: see instruction 2j) \_\_\_\_\_

3c. Transferor's telephone (area code and number) _____	3d. e-mail address (optional) _____	3e. Number, Street, City, State and Zip Code of Residence (or Firearms Business Premises) If Different from Item 3a. _____
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The above-named and undersigned transferor hereby makes application as required by Section 5812 of the National Firearms Act to transfer and register the firearm described below to the transferee.

4. Description of Firearm (Complete items a through i) (See instruction 2m)			d. Model		
a. Name and Address of Maker, Manufacturer and/or Importer of Firearm	b. Type of Firearm (See definitions)	c. Caliber or Gauge	Length (Inches)	e. Of Barrel:	f. Overall:

h. Additional Description or Data Appearing on Firearm (Attach additional sheet if necessary)	i. Is the Firearm Unserviceable as Defined in Definition 1m? <input type="checkbox"/> Yes <input type="checkbox"/> No (If "No," describe the method by which firearm has been rendered unserviceable. Use additional sheets.)
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5. Transferee's Federal Firearms License (If any) (Give complete 15-digit number) (See instruction 2c)	6. Transferee's Special (Occupational) Tax Status (If any)												
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 25%;">First 6 digits</td> <td style="width: 25%;">2 digits</td> <td style="width: 25%;">2 digits</td> <td style="width: 25%;">5 digits</td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </table>	First 6 digits	2 digits	2 digits	5 digits					<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">a. Employer Identification Number</td> <td style="width: 50%;">b. Class</td> </tr> <tr> <td> </td> <td> </td> </tr> </table>	a. Employer Identification Number	b. Class		
First 6 digits	2 digits	2 digits	5 digits										
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7. Transferor's Federal Firearms License (If any)	8. Transferor's Special (Occupational) Tax Status (If any)												
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First 6 digits	2 digits	2 digits	5 digits										
a. Employer Identification Number	b. Class												

**Under Penalties of Perjury, I Declare** that I have examined this application, and to the best of my knowledge and belief it is true, correct and complete, and that the transfer of the described firearm to the transferee and receipt and possession of it by the transferee are not prohibited by the provisions of Title 18, United States Code, Chap 44; Title 26, United States Code Chap 53; or any provisions of State or local law.

9. Signature of Transferor (Or authorized official)	10. Name and Title of Authorized Official (Print or type)	11. Date
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**The Space Below is for the use of the Bureau of Alcohol, Tobacco, Firearms and Explosives**

By Authority of The Director, This Application Has Been Examined, and the Transfer and Registration of the Firearm Described Herein and the Interstate Movement of that Firearm, When Applicable, to the Transferee are:

<input type="checkbox"/> Approved (With the following conditions, if any)	<input type="checkbox"/> Disapproved (For the following reasons)
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Signature of Authorized ATF Official	Date
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**TRANSFEREE CERTIFICATION (not completed by a Government Entity)**

12. Law Enforcement Notification (See instruction 2f)

The transferee is to provide notification of the proposed acquisition and possession of the firearm described on this Form 5 by providing a copy of the completed form to the chief law enforcement officer in the agency identified below:

Agency or Department Name \_\_\_\_\_ Name and Title of Official \_\_\_\_\_

Address (Street address or P.O. Box, City, State and Zip Code) to which sent (mailed or delivered) \_\_\_\_\_

**Information for the Chief Law Enforcement Officer**

This form provides notification of the transferee's intent to acquire and possess a National Firearms Act (NFA) firearm. No action on your part is required. However, should you have information that may disqualify this person from acquiring or possessing a firearm, please contact the NFA Branch at (304) 616-4500 or NFA@atf.gov. A "Yes" answer to items 14.a. through 14.h. or 16.b. or 16.c. could disqualify a person from acquiring or possessing a firearm. Also, ATF will not approve an application if the transfer or possession of the firearm is in violation of State or local law.

**13. Transferee Necessity Statement (Do not complete if the transferee is a government agency) (See instruction 2e)**

I, \_\_\_\_\_, have a reasonable necessity to possess the machinegun, short-barreled rifle, short-barreled shotgun, or destructive device described on this application for the following reason(s) \_\_\_\_\_  
 (Name and Title of Transferee)  
 \_\_\_\_\_  
 and my possession of the device or weapon would be consistent with public safety (18 U.S.C. § 922(b) (4) and 27 CFR § 478.98).

**Transferee Questions (complete only when transferee is an individual)**

14. Answer questions 14.a. through 14.h. Answer questions 16 and 17, if applicable. For any "Yes" answer the transferee shall provide details on a separate sheet. (See instruction 7b and definitions)

	Yes	No	15. Photograph
a. 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? (See definition 1n)			Affix Recent Photograph Here (Approximately 2" x 2") (See instruction 2g)
b. Have you ever been convicted in any court for 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 definition 1n)			
c. Are you a fugitive from justice? (See definition 1t)			
d. Are you an unlawful user of, or addicted to, marijuana or any depressant, stimulant, narcotic drug, or any other controlled substance? <b>Warning: The use or possession of marijuana remains unlawful under Federal law regardless of whether it has been legalized or decriminalized for medicinal or recreational purposes in the state where you reside.</b>			
e. Have you ever been adjudicated as a mental defective <b>OR</b> have you ever been committed to a mental institution? (See definitions 1o and 1p)			
f. Have you been discharged from the Armed Forces under <b>dishonorable</b> conditions?			
g. 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 definition 1q)			
h. Have you ever been convicted in any court of a misdemeanor crime of domestic violence? (See definition 1r)			

16a. Country of Citizenship: (Check/List more than one, if applicable. Nationals of the United States may check U.S.A.) (See definition 1s)

United States of America       Other Country/Countries (specify): \_\_\_\_\_

	Yes	No
b. Have you ever renounced your United States citizenship?		
c. Are you an alien illegally or unlawfully in the United States?		
d.1. Are you an alien who has been admitted to the United States under a nonimmigrant visa?		
d.2. If "yes", do you fall within any of the exceptions stated in the instructions? Attach the documentation to the application	<input type="checkbox"/> N/A	

17. If you are an alien, record your U.S.-Issued Alien or Admission number (AR#, USCIS#, or 194#): \_\_\_\_\_

**CERTIFICATION: Under penalties imposed by 18 U.S.C. § 924 and 26 U.S.C. § 5861, I certify that, upon submission of this form to ATF, a completed copy of this form will be directed to the chief law enforcement officer (CLEO) shown in item 12, that the statements, as applicable, contained in this certification, and any attached documents in support thereof, are true and correct to the best of my knowledge and belief. NOTE: See instructions 2.d(2) and 2.d(3) for the items to be completed depending on the type of transferee.**

18. Number of Responsible Persons (see definitions) associated with the transferee trust or legal entity \_\_\_\_\_

19. Provide the full name (printed or typed) below for each Responsible Person associated with the applicant trust or legal entity (if there are more Responsible Persons than can be listed on the form, attach a separate sheet listing the additional Responsible Person(s)). Please note that a completed Form 5320.23, National Firearms Act (NFA) Responsible Person Questionnaire, must be submitted with the Form 5 application for each Responsible Person.

Full Name

Full Name

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### Important Information for Currently Registered Firearms

If you are the current registrant of the firearm described on this form, please note the following information.

**Estate Procedures:** For procedures regarding the transfer of firearms in an estate resulting from the death of the registrant identified in item 2a, the executor should contact the NFA Branch, Bureau of Alcohol, Tobacco, Firearms and Explosives, 244 Needy Road, Martinsburg, WV 25405.

**Change of Address:** Unless currently licensed under the Gun Control Act, the registrant shall notify the NFA Branch, Bureau of Alcohol, Tobacco, Firearms and Explosives, 244 Needy Road, Martinsburg, WV 25405, in writing, of any change to the address in item 2a.

**Change of Description:** The registrant shall notify the NFA Branch, Bureau of Alcohol, Tobacco, Firearms and Explosives, 244 Needy Road, Martinsburg, WV 25405, in writing, of any change to the description of the firearm(s) in item 4.

**Interstate Movement:** If the firearm identified in item 4 is a **machinegun, short-barreled rifle, short-barreled shotgun, or destructive device**, the registrant may be required by 18 U.S.C. § 922(a)(4) to obtain permission from ATF prior to any transportation in interstate or foreign commerce. ATF Form 5320.20 can be used to request this permission.

**Restrictions on Possession:** Any restriction (*see approval block on face of form*) on the possession of the firearm identified in item 4 continues with the further transfer of the firearm.

**Persons Prohibited from Possessing Firearms:** If the registrant becomes prohibited from possessing a firearm, please contact the NFA Branch for procedures on how to dispose of the firearm.

**Proof of Registration:** A person possessing a firearm registered as required by the NFA shall retain proof of registration which shall be made available to any ATF officer upon request.

### Paperwork Reduction Act Notice

This form meets the clearance requirements of the Paperwork Reduction Act of 1995. The information you provide is used to apply the tax-exempt transfer of an unserviceable firearm to anyone other than a Federal firearms licensee who has paid the required special (*Occupational*) tax to deal in NFA firearms and to or from government agencies. The data is used to ensure legality of transfer under Federal, State and local law. The furnishing of this information is mandatory (*26 U.S.C. § 5812*).

The estimated average burden associated with this collection of information is 0.5 hours per respondent or recordkeeper, depending on individual circumstances. Comments concerning the accuracy of this burden estimate and suggestion for reducing this burden should be addressed to Reports Management Officer, Information Technology Coordination Staff, Bureau of Alcohol, Tobacco, Firearms and Explosives, Washington, DC 20226.

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.

### Privacy Act Information

The following information is provided pursuant to Section 3 of the Privacy Act of 1974 (5 U.S.C. § 552(e)(3)):

- Authority.** Solicitation of this information is made pursuant to the National Firearms Act (26 U.S.C. § 5812). Disclosure of this information by the applicant is mandatory for any transfer without payment of transfer tax as provided in 26 U.S.C. § 5852.
- Purpose.** To verify that the proposed transfer is exempt from transfer tax; to verify that the transfer would not be in violation of law; and to effect registration of the firearm.
- Routine Uses.** The information will be used by ATF to make the determinations set forth in paragraph 2. In addition, to effect registration of the firearm, information as to the identification of the firearm, date of registration, and the identification and address of person entitled to possess the firearm will be entered into the National Firearms Registration and Transfer Record. No information obtained from an application, registration, or records required to be submitted by an individual in order to comply with any provision of the National Firearms Act or regulation issued thereunder, shall, except in connection with prosecution or other action for furnishing information, be used, directly or indirectly, as evidence against that person in any criminal proceeding with respect to a violation of law occurring prior to or concurrently with the filing of the application. The information from this application may only be disclosed to Federal authorities for purposes of prosecution for violation of the National Firearms Act.
- Effects of not Supplying Information Requested.** Failure to supply complete information will delay processing and may cause denial of the application.