



# DISPOSITION OF FIREARMS

If you do not have a Federal firearms license and you later decide to sell, trade, transfer, or otherwise dispose of the firearm(s) you have purchased, keep in mind the following basic guidelines contained within the Gun Control Act (GCA) of 1968 that may apply to such dispositions:

**1** The GCA prohibits persons from engaging in the business of dealing in firearms without a license issued by ATF (18 U.S.C. § 922(a)(1)(A)). A sentence of up to 5 years' imprisonment and/or a fine of up to \$250,000 may be imposed on anyone found guilty of dealing in firearms without a license. The GCA defines the term "dealer" in firearms as "a person who devotes time, attention and labor to dealing in firearms as a regular course of trade or business with the principle objective of livelihood and profit through the repetitive purchase and resale of firearms..." (18 U.S.C. § 921(a)(21)(c)). The term "dealer" in firearms does not include a person who 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 a personal collection of firearms. In general, the following applies to an unlicensed person:

- You may occasionally acquire or dispose of firearms to, and from, residents of your State as long as this activity does not fall under the definition of "dealer" in firearms and as long as the intended receiver of the firearm may legally possess the firearm.
- You may dispose of firearms to a licensed firearms dealer in any State.
- You may not acquire from or dispose of firearms to residents of any State other than your own.
- You may not engage in the business of dealing in firearms without being licensed.

**2** In addition, the GCA prohibits any person from:

- Knowingly transferring firearms to a convicted felon (18 U.S.C. § 922(d)), or to someone for use in a crime of violence or serious drug trafficking offense (18 U.S.C. § 924(h)).
- Transferring handguns or handgun ammunition to juveniles (persons under 18 years of age) except for purposes of employment, military, hunting, or a safety course provided the juvenile has a parent or guardian's prior written consent (18 U.S.C. § 922(x)).

**3** **General Advice:** While it is not required by law, it is always a good idea to identify the person to whom you sell a firearm(s) and keep personal notes regarding that persons name and address as well as the date of the firearm(s) disposition.