



## QUICK REFERENCE TO FEDERAL FIREARMS LAWS

### I. POSSESSION OR RECEIPT OF A FIREARM OR AMMUNITION BY A PROHIBITED PERSON

**18 U.S.C. § 922(g) & (n).** Punishable by up to 10 years imprisonment. May receive minimum sentence of 15 years without parole if the felon has 3 or more prior convictions for a felony crime of violence (e.g. burglary, robbery, assault, possession of offensive weapons) and/or drug trafficking felony (18 U.S.C. § 924(e)).

#### Elements

- A. **Possession or receipt** of a firearm or ammunition;
- B. By a person who falls in one of the following categories:
  - **Convicted of a crime punishable by imprisonment for a term exceeding one year** (persons under indictment or information for such a crime are prohibited from **receiving** firearms or ammunition);
  - **Fugitive from Justice** (requires interstate flight to avoid prosecution or testimony in a criminal case);
  - **Drug Users or Addicts** (May be shown by recent conviction for use, recent possession of drugs, or recent arrest for use of drugs, or positive drug tests);
  - **Aliens** illegally or unlawfully within the US or those lawfully admitted in non-immigrant status (i.e. aliens without permanent residence status);
  - **Mental defectives** or persons **committed to a mental institution**;
  - **Formally renounced US citizenship**;
  - **Dishonorably discharged from the military**;
  - **Subject to a court order prohibiting harassing, stalking, or threatening of an intimate partner or child of an intimate partner**, or placing such persons in reasonable fear of bodily injury. (The order must have been issued after a hearing for which the person had notice and an opportunity to participate, and the order must either find a credible threat to the intimate partner or child, or by explicit terms prohibit the use, attempted use or threatened use of physical force.)
  - **Convicted of a misdemeanor crime of domestic violence** (need not be classified as “domestic” crime as long as offense involves 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. The subject must have had counsel and a jury trial (if applicable) unless those rights were waived.)
- C. The firearm or ammunition was transported at any time across a State line or from a foreign country.

### II. KNOWINGLY SELL, GIVE, OR OTHERWISE DISPOSE OF ANY FIREARM OR AMMUNITION TO ANY PERSON WHO FALLS WITHIN ONE OF THE ABOVE CATEGORIES

**18 U.S.C. § 922(d).** Punishable by up to 10 years imprisonment.

### III. USE OR CARRY A FIREARM DURING OR IN RELATION TO, OR POSSESS A FIREARM IN FURTHERANCE OF, A DRUG TRAFFICKING CRIME OR FEDERAL CRIME OF VIOLENCE

**18 U.S.C. § 924(c).** Punishment ranges from a minimum of 5 years to life imprisonment, without parole, or death if death results from the use of a firearm. Sentence must be served consecutive to any other sentence. Mandatory minimum sentence increases depending on: the type of firearm involved (e.g. machinegun), whether the gun was possessed, brandished, or discharged, and prior convictions under this section.

#### **IV. STOLEN FIREARMS AND AMMUNITION**

**18 U.S.C. § 922(j).** Prohibits the receipt, possession, concealment, storage, bartering, selling, or disposing of stolen firearms and ammunition knowing or having reason to believe the firearm or ammunition is stolen. Punishable by up to 10 years.

**18 U.S.C. § 922(u).** Prohibits stealing or unlawfully taking away firearms from the business inventory of a Federal firearms licensee. Punishable by up to 5 years.

**18 U.S.C. § 924(l).** Prohibits stealing a firearm which has moved in commerce. Punishable by up to 10 years.

#### **V. FIREARM IN A SCHOOL ZONE**

**18 U.S.C. § 922(q).** Except as authorized, may not possess or discharge a firearm in a school zone. Punishable by up to 5 years imprisonment.

#### **VI. UNLAWFUL POSSESSION MANUFACTURE OR TRANSFER OF CERTAIN FIREARMS AND DEVICES**

**18 U.S.C. § 922(k)** makes it unlawful to transport, ship, receive or possess a firearm with the manufacturer's serial number obliterated, removed or altered. Punishable by up to 5 years imprisonment.

**18 U.S.C. § 922(o)** makes it unlawful to possess or transfer a machinegun. Punishable by up to 10 years imprisonment.

**18 U.S.C. § 922(v)** makes it unlawful to manufacture, transfer or possess a semi-automatic assault weapon manufactured after September 13, 1994. Punishable by up to 5 years imprisonment.

**18 U.S.C. § 922(w)** makes it unlawful to transfer or possess a large capacity ammunition feeding device (holding more than 10 rounds) manufactured after September 13, 1994. Punishable by up to 5 years.

**26 U.S.C. §§ 5861(d) and (f)** make it unlawful to possess or make a machine-gun, sawed-off shotgun, sawed-off rifle, silencer or destructive device without registration. Punishable by up to 10 years.

#### **VII. SELL, DELIVER OR TRANSFER TO JUVENILE**

**18 U.S.C. § 922(b)(1)** prohibits a Federal firearms licensee from selling or delivering a firearm or ammunition to a person under 18, and prohibits selling or delivering a firearm other than a shotgun or rifle, or ammunition other than for a shotgun or rifle, to any person under 21. Punishable by up to 5 years.

**18 U.S.C. § 922(x)** makes it unlawful, with exceptions, to sell, deliver or transfer a handgun, or ammunition suitable for handguns only, to a juvenile (person less than 18 years of age). Punishable by up to 1 year imprisonment.

#### **VIII. FORFEITURE OF FIREARMS AND AMMUNITION**

**18 U.S.C. § 924(d)** authorizes the seizure and forfeiture of firearms and ammunition involved in or used in a violation of Federal criminal law. However, strict time limitations are imposed upon the forfeiture of firearms and ammunition.

**FOR ADDITIONAL INFORMATION, QUESTIONS,  
OR TO MAKE A REFERRAL, PLEASE CONTACT:**

**BUREAU OF ALCOHOL, TOBACCO AND FIREARMS**

Contact your local ATF office. Specific offices and telephone numbers can be obtained at the ATF WebSite at [www.atf.treas.gov](http://www.atf.treas.gov)