

**NLWJC - Kagan**

**DPC - Box 012 - Folder 011**

**Crime - Peace Officers Event**

**5/14/97**

May 14, 1997

## NATIONAL PEACE OFFICERS MEMORIAL EVENT

**DATE:** May 15, 1997  
**LOCATION:** West Grounds of the Capitol  
**BRIEFING TIME:** 12:00 pm - 12:30 pm  
**EVENT TIME:** 1:00 pm - 2:20 pm  
**FROM:** Bruce Reed/Rahm Emanuel

### I. PURPOSE

To honor the lives of officers who were killed in the line of duty in 1996 and their survivors, and to announce updates on the quick implementation of two of your recent gun directives. This is also an opportunity to demonstrate your commitment to combating juvenile crime and again challenge Congress to pass a comprehensive juvenile crime bill.

### II. BACKGROUND

You will be attending for the fourth consecutive year the National Peace Officers Memorial Event sponsored by the Fraternal Order of Police (FOP). This event will honor the 116 officers who were killed in the line of duty in 1996, the fewest officers killed since 1959. The names of those fallen officers are being enshrined on the National Law Enforcement Officers Memorial in Washington, DC and were officially dedicated on Monday, May 12 in a candlelight vigil. In 1993 you attended the candlelight vigil. The National Law Enforcement officers Memorial was built in 1991 and bears the names of more than 14,000 federal, state and local law enforcement officers who have died in the line of duty.

In addition to honoring those that lost their lives, you will be making the following announcements:

- NEW "BRADY" FORMS-- You will announce that by today (May 15, 1997) the ATF will have sent out revised "Brady" forms (Form 4473) to all Federal Firearms Licensees. In response to the Empire State Building shooting by a foreign visitor, you asked Secretary Rubin to change the federal regulations and existing Brady form to better restrict gun access to foreign visitors and to tighten up residency requirements. The revised Brady form requires a prospective gun purchaser to make an affirmative statement that they reside in the State of the gun dealer, and-- in the case of noncitizens-- show secondary forms of identification to prove State

residency, such as a utility bill or lease.

• CHILD SAFETY LOCKS

You will announce that consistent with your March 5, 1997 directive, all FBI and ATF agents-- nearly 13,000, or 20% of all federal law enforcement officers-- have now been provided child safety locks to prevent accidental or unauthorized use of their firearms. The remaining federal law enforcement officers will be provided with child safety locks no later than October 15, 1997.

### III. PARTICIPANTS

Briefing Participants:

Erskine Bowles  
Rahm Emanuel  
Bruce Reed  
Elena Kagan

Event Participants:

Gil Gallegos, National President of the FOP  
Karen Lippe, President of the FOP Auxiliary  
Adolph South, Chaplin  
Gloria Estefan, musical performer

Also Seated on Stage:

Attorney General Reno  
Secretary Rubin  
Under Secretary Ray Kelly  
Director of the Marshalls Service Eddie Gonzalez  
Tommy Motolla, President and CEO Sony Music  
Emilio Estefan, husband of Gloria Estefan  
Sharon Felton, President of  
Wayne Munier, President of FOP Associates  
Senator Thurmond  
Senator Leahy  
Senator Biden  
Rep. Bart Stupak  
Senate Sergeant of Arms Greg Casey  
House Seargeant of Arms Bill Livingood  
Gary Abrecht, Chief of the Capitol Police  
Craig Floyd, Executive Director, Concerns of Police Survivors

Seated along the ropeline will be survivors of officers killed in the line of duty in 1996, and survivors of the DC officers slain this year.

(Participant Lists for Meet and Greet before and after event are attached.)

#### **IV. PRESS PLAN**

Open Press.

#### **V. SEQUENCE OF EVENTS**

- Upon arrival you will briefly meet with the FOP Executive Board and Auxiliary Committees.
- You, Gil Gallegos, Karen Lippe, and Chaplin Adolph South will be announced onto the stage and you will take your seat next to Attorney General Reno. (You will be accompanied by the FOP Executive Board until you reach the stage.)
- National Anthem will be sung by a police officer.
- Chaplin Adolph South will give the invocation.
- Karen Lippe, President of the FOP Auxiliary, will make welcoming remarks and introduce Gil Gallegos, National President of the FOP.
- Gil Gallegos will make remarks and introduce you.
- You will make remarks and then take your seat.
- Gil Gallegos will then introduce Gloria Estefan.
- Gloria Estefan will perform her song "Always Tomorrow."
- Gil Gallegos will make closing remarks.
- Gil Gallegos and Karen Lippe will then escort you off the stage. They will present you with a flower.
- *You will proceed with Gil Gallegos and Karen Lippe to a wreath in front of the stage and you will place the flower in the wreath.*
- You will then work a ropeline of survivors in the front row, then depart to holding tent.
- You will briefly meet with Gloria Estefan and her family and work associates.
- You will then depart.

#### **VI. REMARKS**

Remarks Provided by Jordan Tamagni in Speechwriting.

**Participant List**

**First Meet and Greet - pre-event**

Gil Gallegos, FOP National President  
Bernard Teodorski, FOP Executive Board Member  
Jerry Atnip, FOP Executive Board Member  
Mel Beverlin, FOP Executive Board Member  
Marty Pfeiffer, FOP Executive Board Member  
Ray Franklin, FOP Executive Board Member  
Kenneth Gorman, FOP Executive Board Member  
Marcy Sigurdson, FOP Auxiliary Committee  
Linda Hennie, FOP Auxiliary Committee  
James Pasco, FOP Executive Director  
Karen Lippe, FOP Auxiliary President  
Dennis Lippe, FOP Auxiliary Committee  
Adolph South, FOP Chaplin  
Kathleen Gallegos, Gilbert Gallegos's wife  
Catherine Sedillo, Gilbert Gallegos's sister  
Lmae Tull, FOP Auxiliary Committee  
Janet Johnson, FOP Auxiliary Committee  
Beverly Crump, FOP Auxiliary Committee  
Charlotte Vardaman, FOP Auxiliary Committee  
Jimmy Jenner, FOP photographer

**Participant List**

**Second Meet and Greet - post-event**

Thomas Mottola, President and CEO of Sony Music  
Gloria Estefan, musical performer  
Emilio Estefan, husband of Gloria Estefan  
Gloria Fajardo, mother of Gloria Estefan  
Frank Amadeo, manager for Gloria Estefan  
Linda Shonning, assistant to Gloria Estefan  
Bob Crayton, Sony Music Security  
Patricia Kiel, Senior Vice President, Sony Music  
Jimmy Jenner, FOP photographer

**Presidential Announcements**  
**Peace Officers Memorial**  
**May 15, 1997**

**Announcements**

At today's Peace Officers Memorial, President Clinton made two new anti-crime announcements of concern to law enforcement:

1) **Leading by Example on Gun Safety.** Consistent with his March 5, 1997 directive, President Clinton reported that all FBI and ATF agents-- nearly 13,000, or 20% of all federal law enforcement officers-- have now been provided child safety locks to prevent accidental or unauthorized use of their firearms. The remaining federal law enforcement officers will be provided with child safety locks no later than October 15, 1997.

2) **Strengthening Brady.** President Clinton announced that the Treasury Department has sent out revised versions of Form 4473 ("Brady" form) to all federal gun dealers, helping to ensure that only legitimate and eligible residents of a state are able to purchase firearms.

**Child Safety Locks on Firearms**

- Every day, firearms claim the lives of too many children. In 1994, 185 accidental deaths by gunshot involved children age 14 and younger. Many of these deaths could have been prevented. A child safety lock can prevent children from hurting themselves or someone else, and render a gun useless to a thief. These simple devices cost as little as just over \$4 each. Asking the federal government to lead by example, the President directed his agencies to issue child safety locks to all federal law enforcement officers.

**Revised Brady Form**

- In response to the tragic Empire State Building shooting by a foreign visitor in February 1997, the President asked Secretary Rubin to review options to restrict gun access to foreign visitors and to tighten up residency requirements. Prior to the revisions, the 4473 form-- which all firearms purchasers must complete-- did not require gun purchasers to affirmatively give their State of residence, or require information documenting a noncitizen's residence in the State for the 90-day period, as required by federal regulation.
- The new forms require purchasers to make an affirmative statement that they reside in the state of the gun dealer; and in the case of noncitizens, require that they show secondary forms of identification to prove state residency, such as a utility bill or lease.

**Clinton Administration's Anti-Gang and Youth Violence Strategy**

- The President's strategy seeks to break the back of violent gangs, reduce youth violence, and provide kids with alternatives to steer them away from gangs, guns and drugs. In addition to requiring federally-licensed gun dealers to provide child safety locks with every gun sold, his strategy includes \$200 million for local prosecutors and anti-gang task forces; extends the Brady Law to prevent violent juveniles from ever purchasing a gun; and funds afterschool programs to keep kids off the streets and out of trouble.

## President Clinton and America's Police: Building Stronger, Safer Communities Together

May 15, 1997

**Honoring our nation's police.** Today, President Clinton will speak at the Peace Officers' Memorial, to honor those who have fallen in the line of duty and to praise police officers who serve us every day.

### A Strategy That Works:

**Lowest number of law enforcement officers killed in the line of duty in over 35 years.** In 1996, 116 federal, state and local law enforcement officers were killed in the line of duty, a dramatic 30% decline over 1995. This is the fewest police officer fatalities since 1959.

**Crime rates have dropped for five straight years.** For five years before President Clinton took office, violent crime was *increasing* in America. The President's anti-crime strategy has helped reverse this trend -- and violent crime has now *dropped* four years in a row. According to both the National Law Enforcement Memorial Fund and the Concerns of Police Survivors, "The decline in violent crime across America appears to have resulted in a dramatic decrease in the number of police officers killed in the line of duty during the past year..." [National Law Enforcement Officers' Memorial Fund (NLEOMF) and Concerns of Police Survivors (COPS), Press Release, 12/31/96]

**Putting 100,000 new community police on our streets.** President Clinton promised to put 100,000 new community police officers on the street to protect our communities -- increasing our nation's police force by nearly 20 percent. Since passage of the President's 1994 anti-crime bill, 64,000 of these officers have been funded. According to the National Law Enforcement Memorial Fund, "the COPS program initiated by President Clinton to put 100,000 new officers on the street is helping [reduce law enforcement fatalities] -- more police to deter crime and back each other up." [NLEOMF and COPS, Press Release, 12/31/96]

**Protecting law enforcement from deadly assault weapons.** Because criminals should never outgun law enforcement officers, the President's 1994 anti-crime bill banned 19 of the deadliest cop-killing assault weapons. The President banned guns like the Uzi, which are the weapons of choice for drug dealers and gangs. The number of officers killed by an assault weapon dropped from 10 in 1995 -- to one on 1996.

**Preventing criminals from buying handguns.** In 1993, the President signed the Brady Bill. Since its passage, the bill has prevented 186,000 stalkers, fugitives and felons from buying handguns. And the number of police officers killed by firearms declined by nearly 25 percent -- from 71 in 1995 to 55 in 1996.

**The Agenda Ahead:** The President wants to build on this record of accomplishment by -

- ✓ **Finishing the job of putting 100,000 community police officers on the street.**
- ✓ **Ending the use of cop-killer bullets.** These armor piercing bullets serve only to endanger the men and women we ask to protect us every day.
- ✓ **Targeting gangs with new prosecutors and tougher penalties.**
- ✓ **Requiring child safety locks on every gun.**

**Peace Officers Memorial Event**  
**Questions and Answers**  
**May 15, 1997**

**Q. What is the Peace Officers Memorial?**

The Peace Officers Memorial is one of several events that takes place during National Police Week each year to commemorate the deaths of law enforcement officers slain in the line of duty. It is sponsored by the National Lodge of the Fraternal Order of Police (FOP) -- the nation's largest law enforcement organization with some 277,000 members -- and has been held every year since 1982. Thousands of law enforcement officers from across the country attend each year.

**Q. What anti-crime initiatives did the President announce at the Peace Officers Memorial today?**

A. First and foremost, the President attended the Peace Officers Memorial to commemorate the deaths of the 116 law enforcement officers slain in the line of duty in 1996. While fewer officers died this year than in any other since 1959, too many of our officers are killed and assaulted every year. The President has always honored the service and sacrifice of these officers and their families by attending police memorials during Police Week.

At today's service, the President announced two actions taken by the Administration to continue to fight crime and violence. These are:

(1) Child Safety Locks -- Consistent with his March 5th directive, the President reported that all FBI and ATF agents -- about 13,000 or 20% of all federal law enforcement officers -- have been issued child safety locks for their firearms, and that the remaining officers will be provided with locks by October 15th at the latest.

(2) Revised Brady Forms -- The President also announced that the Treasury Department has sent out revised Brady forms (Form 4473) to all federal gun dealers to help ensure that only legitimate residents of a state are able to purchase firearms.

**Q. Are these really new announcements?**

A. Today's announcements demonstrate how quickly the Administration is implementing the President's directives. It has only taken about three months from the date of the tragic Empire State Building shooting to ATF sending out new 4473 forms-- which reflect revised federal regulations-- to the over 150,000 federally-licensed gun dealers. Two and a half months after the President directed his federal agencies to provide child safety



locking devices to all federal law enforcement officers, we can say that all FBI and ATF agents have them. This represents about 20 percent of all federal law enforcement officers. Moreover, this Administration is committed to ensuring that all federal law enforcement officers receive child safety locks for their guns no later than October 15th.

**Q. How many officers were killed in the line of duty in 1996?**

A. In 1996, 116 federal, state and local law enforcement officers were killed in the line of duty -- a 35% decline over 1995. This is the lowest number of law enforcement officers killed in the line of duty since 1959 -- and well below the annual average over the past decade of about 160 deaths.

**Q. Why such a sharp decline in the number of police officers slain?**

A. There are a variety of reasons, but I understand that law enforcement organizations and victims groups agree on 3 important reasons: (1) more and better-trained police officers (nearly 700,000); (2) a reduction in the number of firearms-related fatalities (from 71 in 1995 to 55 in 1996, or about half of the overall decrease); and (3) increased use of bullet resistant vests.

**Q. Can you tell us more about the revised Brady form? How has it been changed?**

A. Last March, in response to the tragic Empire State Building shooting by a foreign visitor, the President asked Secretary Rubin to review options to address existing deficiencies relating to the purchase of firearms by nonresident aliens. In response, the Treasury Department has revised the Brady form (Form 4473) to help ensure that only legitimate residents of a state are able to purchase firearms.

These new forms will require prospective gun purchasers to formally attest that they are residents of the state in which they are purchasing the firearm. For noncitizens, the revised Brady form requires proof that the 90-day residency requirement in federal regulations has been met. This can be accomplished through supplementary forms of identification, such as utility bills or lease agreements.

**Q. What was the President's directive on child safety locks?**

On March 5, 1997, President Clinton directed all federal agencies to issue child safety locks for guns issued to federal law enforcement officers. Today, President Clinton announced that the Federal Bureau of Investigation (FBI) and the Bureau of Alcohol, Tobacco and Firearms (ATF) have already provided safety locks to all their law enforcement agents. All other Federal law enforcement officers -- such as the Drug Enforcement agents and U.S. Marshals -- will be equipped with child safety locks no later than October 15th of this year.

Together, the FBI and ATF represent about 20% of the total number of federal law

enforcement officers.

Additionally, the President renewed his challenge to Congress to pass comprehensive juvenile crime legislation that includes his proposal to require all federally-licensed gun dealers to provide child safety locks with every gun sold. This provision has the strong support of national law enforcement organizations, such as the Fraternal Order of Police and the Major Cities Chiefs.

**Q. Can child safety locks really make a difference?**

A. Every day, firearms claim the lives of too many children. They are responsible for 12% of fatalities among American children and teens, including many tragic accidents.

Many of these deaths are preventable. A safety lock can prevent a child from hurting themselves or someone else with a gun. It can also render a gun useless to a thief or criminal. Moreover, child safety locks are simple devices-- costing as little as \$4 each. These devices prevent a gun from being discharged without first being deactivated-- through a key or mechanical or electronically-operated lock.

**Q. What is the Administration's position on the H.R.3, the Juvenile Crime Control Act?**

A. The President is opposed to the legislation because it is not a comprehensive plan to attack gangs and juvenile crime. A 1996 report released by the Justice Department's Office of Juvenile Justice and Delinquency Prevention projected that if trends continue as they have over the past 10 years, juvenile arrests for violent crime will more than double by the year 2010. This is why President Clinton has made juvenile crime and gangs his top law enforcement priority over the next four years.

America's Anti-Gang and Youth Violence Strategy must declare war on gangs; target funding for additional local prosecutors to pursue, prosecute, and punish gang members; extend the Brady Law so violent teen criminals will never have the right to purchase a gun; require federal dealers to sell a child safety lock with every gun, to protect our kids from using guns to hurt each other or themselves; and target resources to keep schools open late, on weekends, and in the summer to keep young people off the street and out of trouble.

The legislation passed in the House last week fails to provide any of these necessary measures to give law enforcement, prosecutors, and parents the tools they need to combat gangs and youth violence in their communities.

The President will continue to work with Congress to ensure passage of legislation that will give our children the safest and most secure future as possible.

**Q. What does the Administration's juvenile justice proposal do?**

A. The legislation that President Clinton announced on February 19 is part of his overall Anti-Gang and Youth Violence Strategy. The strategy seeks to break the back of violent gangs, reduce youth violence, and provide our kids with positive alternatives to steer them away from gangs, guns, and drugs.

Among many other measures, the strategy provides critical resources for state and local prosecutors to target, prosecute and convict violent youth gangs. It permits Federal prosecutors to prosecute juveniles in adult court when they commit violent crimes.

It requires child safety locks for guns to prevent accidents and thefts and extends the Brady Law so that violent juveniles can never own a gun.

It also creates afterschool initiatives to keep kids off the streets and give them positive alternatives. It will give communities the resources and support to establish comprehensive curfews, anti-truancy efforts, create youth violence courts, and effective prevention initiatives.

**DEPARTMENT OF THE TREASURY  
BUREAU OF ALCOHOL, TOBACCO AND FIREARMS  
FIREARMS TRANSACTION RECORD PART I - OVER-THE-COUNTER**

TRANSFEROR'S TRANSACTION SERIAL NUMBER

**NOTE:** Prepare in original only. All entries on this form must be in ink. See Important Notices, Definitions and Instructions

**SECTION A - MUST BE COMPLETED PERSONALLY BY TRANSFEREE (BUYER)**

1. TRANSFEREE'S (Buyer's) NAME (Last, First, Middle)		<input type="checkbox"/> MALE <input type="checkbox"/> FEMALE	2. HEIGHT	3. WEIGHT	4. RACE
5. RESIDENCE ADDRESS (No., Street, City, County, State, ZIP Code)			6. DATE OF BIRTH		7. PLACE OF BIRTH (City) STATE OR FOREIGN COUNTRY
			MONTH	DAY	
8. CERTIFICATION OF TRANSFEREE (Buyer) - Questions a. through l. must be answered with a "yes" or a "no" inserted in the box at the right of the question.					
a. Are you the actual buyer of the firearm indicated below? If you answer no to this question the dealer cannot transfer the firearm to you. (See Important Notice 1.)		f. Have you ever been adjudicated mentally defective or have you been committed to a mental institution?			
b. Are you under indictment or information in any court for a crime for which the judge could imprison you for more than one year? An information is a formal accusation of a crime made by a prosecuting attorney.		g. Have you been discharged from the Armed Forces under dishonorable conditions?			
c. Have you been convicted in any court of a crime for which the judge could have imprisoned you for more than one year, even if the judge actually gave you a shorter sentence? (See Important Notice 3 and EXCEPTION.)		h. Are you an alien illegally in the United States?			
d. Are you a fugitive from justice?		i. Have you ever renounced your United States citizenship?			
e. Are you an unlawful user of, or addicted to, marijuana, or any depressant, stimulant, or narcotic drug, or any other controlled substance?		j. Are you subject to a court order restraining you from harassing, stalking, or threatening an intimate partner or child of such partner? (See Important Notice 4 and Definition 4.)			
		k. Have you been convicted in any court of a misdemeanor crime of domestic violence? This includes any misdemeanor conviction involving the use or attempted use of physical force committed by a current or former spouse, parent, or guardian of the victim or by a person with a similar relationship with the victim. (See Important Notice 5 and Definition 5.)			
		l. Are you a citizen of the United States?			
m. What is your State of residence? _____ (State)		If you are not a citizen of the United States, you have a State of residence only if you have resided in the State for at least 90 days prior to the date of this sale. (See Definition 6).			

I CERTIFY THAT THE ABOVE ANSWERS ARE TRUE AND CORRECT. I UNDERSTAND THAT A PERSON WHO ANSWERS "YES" TO ANY OF THE QUESTIONS 8b THROUGH 8k IS PROHIBITED FROM PURCHASING OR POSSESSING A FIREARM. I ALSO UNDERSTAND THAT THE MAKING OF A FALSE ORAL OR WRITTEN STATEMENT OR THE EXHIBITING OF ANY FALSE OR MISREPRESENTED IDENTIFICATION WITH RESPECT TO THIS TRANSACTION IS A CRIME PUNISHABLE AS A FELONY. I FURTHER UNDERSTAND THAT MY 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 6)

TRANSFEREE'S (Buyer's) SIGNATURE	DATE
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**SECTION B - TO BE COMPLETED BY TRANSFEROR (SELLER)**

**THE PERSON DESCRIBED IN THIS SECTION HAS IDENTIFIED HIMSELF/HERSELF TO ME IN THE FOLLOWING MANNER:**

9. TYPE OF AND NUMBER ON IDENTIFICATION (Driver's license or identification which shows name, date of birth, place of residence, and signature. Purchasers who are aliens must provide a valid government-issued photo identification. See Instructions to Transferor 1 and 2).	10. TYPES AND DATES OF ADDITIONAL IDENTIFICATION REQUIRED FOR ALIENS (e.g., utility bills or lease agreements. See Instruction to Transferor 2).
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On the basis of (1) the statements in Section A; (2) the verification of identity noted in Section B; and (3) the information in the current list of Published Ordinances, it is my belief that it is not unlawful for me to sell, deliver, transport, or otherwise dispose of the firearm(s), described below and on the back, to the person identified in Section A.

11. TYPE (Pistol, Revolver, Rifle, Shotgun, etc.)	12. MODEL	13. CALIBER OR GAUGE	14. SERIAL NO.	15. MANUFACTURER (and importer, if any)
1.				
2.				
3.				
4.				

Complete ATF F 3310.4 for multiple purchases of handguns (See Instruction to Transferor 7.)

16. TRADE/CORPORATE NAME AND ADDRESS OF TRANSFEROR (Seller) (Hand stamp may be used.)	17. FEDERAL FIREARMS LICENSE NO. (Hand stamp may be used.)
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**THE PERSON ACTUALLY MAKING THE FIREARMS SALE MUST COMPLETE ITEMS 18 THROUGH 20.**

18. TRANSFEROR'S (Seller's) SIGNATURE	19. TRANSFEROR'S TITLE	20. TRANSACTION DATE
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## IMPORTANT NOTICES

- 1. WARNING -** The Federal firearms laws require that the individual filling out this form must be buying the firearm for himself or herself or as a gift. Any individual who is not buying the firearm for himself or herself or as a gift, but who completes this form, violates the law. Example: Mr. Smith asks Mr. Jones to purchase a firearm for Mr. Smith. Mr. Smith gives Mr. Jones the money for the firearm. If Mr. Jones fills out this form, he will violate the law. However, if Mr. Jones buys a firearm with his own money to give to Mr. Smith as a birthday present, Mr. Jones may lawfully complete this form. A licensee who knowingly delivers a firearm to an individual who is not buying the firearm for himself or herself or as a gift violates the law by maintaining a false Form 4473.

Question 8a is not applicable to returns of firearms, e.g., holders of pawn tickets or consignors of firearms. Accordingly, such transferees should answer Question 8a 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 may lawfully sell or deliver a firearm to the person identified in Section A, and to alert the transferee (buyer) of certain restrictions on the receipt and possession of firearms. This form should not be used for sales or transfers where neither person is licensed under 18 U.S.C. 923.
- 3. The transferee (buyer) of a firearm should be familiar with the provisions of law.** Generally, 18 U.S.C. 922 prohibits the shipment, transportation, receipt, or possession in or affecting interstate commerce of a firearm by one who is under indictment or information for, or who has been convicted of, a crime punishable by imprisonment for a term exceeding one year, by one who is a fugitive from justice; by one who is an unlawful user of, or addicted to, marijuana, or any depressant, stimulant, or narcotic drug, or any other controlled substance; by one who has been adjudicated mentally defective or has been committed to a mental institution; by one who has been discharged from the Armed Forces under dishonorable conditions; by one who has renounced his U.S. citizenship; by one who is an alien illegally in the United States; by one who is subject to certain restraining orders; or by one who has been convicted of a misdemeanor crime of domestic violence.

**EXCEPTION:** For one who has been convicted of a crime for which the judge could have imprisoned the individual for more than one year, or has been convicted of a misdemeanor crime of domestic violence, the prohibition does not apply if, under the law where the conviction occurred, the individual has been pardoned for the crime, or the conviction has been expunged or set aside, or the person has had civil rights restored, AND the person is not prohibited by the law of the jurisdiction where the conviction occurred from receiving or possessing any firearms.

- 4. 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 of which the person received actual notice and had an opportunity to participate; (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.
- 5. Under 18 U.S.C. 922** firearms may not be sold to or received by persons who have been convicted of a misdemeanor crime of domestic violence. The person is NOT considered to have been convicted of such crime unless the person was represented by a lawyer or gave up the right to a lawyer, and, if the person was entitled to a jury trial, was tried by a jury or gave up the right to a jury trial.
- 6. DO YOU NEED A FIREARMS LICENSE?** - 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.

- 7. Persons acquiring firearms for the purpose of exportation** should be aware that the State Department or Commerce Department may require a license to be obtained prior to exportation.

## INSTRUCTIONS TO TRANSFEREE (BUYER)

- 1. The buyer (transferee) of a firearm 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 may be written by other persons, excluding the dealer. Two persons (other than the dealer) will then sign as witnesses to the buyer's answers and signatures.
- 2. When the transferee (buyer) of a firearm(s) is a corporation, company, association, partnership or other such business entity, an officer authorized to act on behalf of the business must complete and sign Section A of the form and attach a written statement, executed under penalties of perjury, stating (A) that the firearm(s) 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. When the transferee (buyer) is a government employee (for example, a police officer) acquiring a firearm for official duties, the officer must complete items 1 through 7, question 8k, and sign the certification in Section A. If the transferee (buyer) is a government employee acquiring a firearm for personal use, he or she must complete Section A in its entirety.**

## INSTRUCTIONS TO TRANSFEROR (SELLER)

- 1. KNOW YOUR CUSTOMER -** Before a licensee may sell or deliver a firearm to a non-licensee, the licensee must establish the identity, place of residence, and age of the buyer. The buyer's name, date of birth, address, and signature must be verified with satisfactory identification. A driver's license or identification card issued by a State in place of a license is particularly appropriate. Social Security cards are not acceptable because no address or date of birth is shown on the card. Military identification cards are not acceptable by themselves because the State of residence is not shown on the cards. However, although a particular document may not be sufficient by itself to meet the statutory requirement for identifying the buyer, any combination of documents which together disclose the required information is acceptable. (See Instruction to Transferor 2 for additional identification requirements for alien transferees).
- 2. SALE OF FIREARMS TO ALIENS -** A transferee (buyer) who is not a citizen of the United States must provide additional identification in order to establish that he or she is a resident of a State. (See Definition 6). Such a transferee must provide a valid government-issued photo identification to the seller that contains the buyer's name, date of birth, and residence address. In addition, such a transferee must provide documentation such as utility bills or lease agreements that would establish that he or she has resided in a State for at least 90 days prior to the date of this sale.
- 3. If the buyer's name is illegible, the seller must print the buyer's name above the name printed by the buyer.**
- 4. The transferor (seller) of a firearm must, in every instance, complete Section B of the form.**
- 5. Additional firearms purchases made by the same buyer may not be added to this form after the seller has signed and dated it.**

6. If more than four firearms are involved, the identification required by Section B, Items 11 through 15, must be provided for each firearm. The identification of the firearms transferred in a transaction which covers more than four weapons may be on a separate sheet of paper which must be attached to the form covering the transaction.
7. In addition to completing this form, you must report any multiple sale or other disposition of pistols or revolvers on ATF F 3310.4 in accordance with 27 CFR 178.126a.
8. The transferor (*seller*) of a firearm is responsible for determining the lawfulness of the transaction and for keeping proper records of the transaction. Consequently, the transferor should be familiar with the provisions of 18 U.S.C. 921-929 and the regulations, 27 CFR Part 178. In determining the lawfulness of the sale or delivery of a rifle or shotgun to a nonresident, the transferor is presumed to know applicable State laws and published ordinances in both States.
9. After you have completed the firearm transaction, you must make the completed, original copy of the ATF F 4473, Part I, and any supporting documents part of your permanent firearms records. Filing may be chronological (*by date*), alphabetical (*by name*), or numerical (*by transaction serial number*), so long as all of your completed Forms 4473, Part I, are filed in the same manner.
5. Misdemeanor Crime of Domestic Violence -- A crime 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 involve the use or attempted use of physical force (*e.g., simple assault, assault and battery*), if the offense is committed by one of the defined parties. The person is NOT considered to have been convicted of such crime unless the person was represented by a lawyer or gave up the right to a lawyer, and, if the person was entitled to a jury trial, was tried by a jury or gave up the right to a jury trial.
6. 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 on active duty as a member of the Armed Forces, the individual's 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 shall be considered to be a resident of a State only if the alien is residing in the State and has resided in the State for a period of at least 90 days prior to the date of sale or delivery of a firearm. The following are examples that illustrate this definition:

#### DEFINITIONS

1. Over-the-counter Transaction--The sale or other disposition of a firearm by the transferor (*seller*) to a transferee (*buyer*), occurring on the transferor's licensed premises. This includes the sale or other disposition of a rifle or a shotgun to a non-resident transferee (*buyer*) occurring on such premises.
2. Published Ordinances--The publication (ATF P 5300.5) containing State firearms laws and local ordinances which is annually distributed to Federal firearms licensees by the Bureau of Alcohol, Tobacco and Firearms.
3. Under indictment or convicted in any court -- An indictment or conviction in any Federal, State or foreign court.
4. Intimate Partner -- With respect to a person, the spouse of the person, a former spouse of the person, an individual who is a parent of a child of the person, and an individual who cohabits or has cohabited with the person.

**Example 1.** A maintains a home in State X. A travels to State Y on a hunting, fishing, business, or other type of 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 except for weekends or the summer months of the year and in State Y for the weekends or the summer months of the year. During the time that A actually resides in State X, A is a resident of State X, and during the time that A actually resides in State Y, A is resident of State Y.

**Example 3.** A, an alien, travels on vacation or on a business trip to State X. Regardless of the length of the time A spends in State X, A does not have a State of residence in State X. This is because A does not have a home in State X at which he has resided for at least 90 days.

#### PAPERWORK REDUCTION ACT NOTICE

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 buyer (*transferee*) to receive firearms under Federal law. The information is subject to inspection by ATF officers. The information on this form is required by 18 U.S.C. 922.

The estimated average burden associated with this collection is 6 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 Branch, Bureau of Alcohol, Tobacco and Firearms, Washington, DC 20226.

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