

## RELEVANCY CRITERIA

The following criteria were used in deciding which published State firearms laws and local ordinances are included in this publication.

### RELEVANT

Firearms laws and ordinances published by State and local jurisdictions include those which:

1. Prohibit the sale, possession, or receipt of any type of firearm, or allow any exception to the prohibitions;
2. Prohibit the sale, possession, or receipt of any type of firearm to or by any of a particular class of persons (e.g., convicted felons, fugitives from justice, illegal aliens, mental incompetents, unlawful drug users and addicts, persons convicted of misdemeanor crimes of domestic violence);
3. Restrict the sale, possession, or receipt of certain firearms, such as destructive devices (e.g., grenades and other explosive or incendiary devices), fully automatic weapons, short-barreled rifles, short-barreled shotguns, and/or silencers;
4. Require waiting periods or notifications to law enforcement officials before weapons may be delivered to purchasers;
5. Require a permit, license, or a State/local ID card before a weapon may be sold or delivered to a purchaser or recipient;
6. Restrict the age at which it is lawful for a person to purchase or receive a firearm;
7. Restrict the sale or transfer of firearms (e.g., requirement for a State or local license to sell firearms or recordkeeping or notice requirements imposed as a condition of lawful sale of firearms).
8. Require proper storage or safety equipment for firearms; and
9. Regulate gun shows.

### NOT RELEVANT

Firearms laws and ordinances published by State and local jurisdictions NOT included are those which:

1. Prohibit the carrying of weapons, either concealed or not, such as legal handguns, long-barreled rifles or shotguns, slingshots, dirks, daggers, etc. on persons or in vehicles, or at other specific locations (e.g., where alcohol is sold, in public areas or buildings), except schools;
2. Prohibit the discharge of weapons within city limits, parks, on private property, or other specific locations;
3. Permit the carrying of concealed weapons, except those concealed weapons provisions that act as alternatives to the Brady background check;
4. Require notification to local police departments or other designated officials AFTER the sale and delivery have been made;
5. Concern the operation of shooting ranges; and
6. Concern the use or possession of weapons in conjunction with non-firearm crimes and the seizure and forfeiture of weapons as a consequence thereof.

## UNLAWFUL ACTS

“It shall be unlawful for any licensed importer, licensed manufacturer, licensed dealer, or licensed collector to sell or deliver any firearm to any person in any State where the purchase or possession by such person of such firearm would be in violation of any State law or any published ordinance applicable at the place of sale, delivery or other disposition, unless the licensee knows or has reasonable cause to believe that the purchase or possession would not be in violation of such State law or such published ordinance.” [18 U.S.C. § 922(b)(2)] See: 26 U.S. v. Decker, 335 F.Supp. 1168,1171 (1970), affirmed, 446 F.2d 164 (8<sup>th</sup> Cir. 1971), and Service Arms Co., Inc. v. U.S., 463 F.Supp. 21 (W.D. Okla. 1978).

## FEDERAL AGE RESTRICTIONS

The following is provided due to lower age provisions in some State and local ordinances:

Federal law prohibits Federal firearms licensees from selling or delivering “any firearm or ammunition to any individual who the licensee knows or has reasonable cause to believe is less than eighteen years of age, and, if the firearm is other than a shotgun or rifle, or ammunition for a shotgun or rifle, to any individual who the licensee knows or has reasonable cause to believe is less than twenty-one years of age.” [18 U.S.C. § 922(b)(1)]

Where State or local law is MORE restrictive than the Federal law, the State/local law shall apply.

## PUBLISHER’S NOTE

Ammunition interchangeable between rifles and handguns (such as .22 caliber rimfire) may be sold to an individual 18 years of age or older, but less than 21, if the licensee is satisfied that the ammunition is being acquired for use in a rifle.