

**U.S. Department of Justice**  
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and Explosives  
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**ATF**

**BEST PRACTICES: TRANSFERS  
OF FIREARMS BY PRIVATE  
SELLERS**



## TRANSFERS OF FIREARMS BY PRIVATE SELLERS

An unlicensed individual may transfer a firearm to another unlicensed individual residing in the same State, provided that he or she has no reason to believe the buyer is prohibited by law from possessing firearms.

For a list of [categories](#) prohibiting a person from possessing a firearm, please refer to 18 U.S.C. 922(g) and (n).

An unlicensed individual is prohibited from directly transferring a firearm to a person residing in another State.

Regardless of the purpose of the transfer (e.g. gift, trade, loan, sale, ownership, etc.), this restriction applies to all types of firearms.

An unlicensed individual may complete a transfer to an out-of-State person through the following procedure:

- The unlicensed individual transfers the firearm to a Federal Firearms Licensee (FFL) located in the State of the person receiving the firearm.
- The FFL will transfer the firearm to the unlicensed out-of-State person.
- The FFL will be responsible for lawfully transferring the firearm.

An unlicensed individual may transfer firearms directly to FFLs operating in any State.

Under Federal law, there is no recordkeeping requirement pertaining to the transfer of a firearm between two unlicensed individuals.

There may exist State or local laws that pertain to the transfer, including registration requirements. Contact the appropriate State agency for information regarding such requirements.

## TRANSACTION ALTERNATIVES FOR PRIVATE SELLERS

*(\*Please remember, these are not requirements, but may prove beneficial to both you and law enforcement)*

For private sellers wanting assurance that other private individuals are not prohibited from possessing firearms, we encourage you to consider the following options:

- Transfer the firearm to the private individual through an FFL. The FFL will be responsible for conducting a background check on the person acquiring the firearm. The FFL will complete the required paperwork,

OR

- If you decide not to utilize the services of an FFL, examine the purchaser's identification document to confirm that the person is a resident of your State.

If you are purchasing a firearm, record the acquisition in a "Personal Firearms Record," [ATF P 3312.8](#).

- Be sure to include all identifying information marked on the firearm, including the serial number.
- List all other personal firearms in that record.
- Secure the record in a location separate from where you store your firearms.
- In the event the firearm is lost or stolen, this procedure will assist you in reporting the necessary information.
- If authorities recover the firearm this procedure may assist you in demonstrating that you are the rightful owner of the firearm.