

## Selling a Personal Firearm

Pursuant to 18 U.S.C. 922(d), it is unlawful for any person to sell or deliver a firearm to any person knowing or having reasonable cause to believe are prohibited from possessing or receiving firearms. Further, it is unlawful for any unlicensed person to transfer a firearm to another unlicensed person who is not a resident of their state. Unlicensed persons cannot use NICS to conduct a background check on a prospective transferee/buyer and, consequently, have no comprehensive way to confirm whether the transferee/buyer is prohibited from receiving or possessing a firearm. ATF encourages unlicensed persons to utilize an FFL to facilitate all private party transfers of a firearm.

[ATF Procedure 2020-2](#) provides FFLs with guidance on how to comply with the recordkeeping and background check requirements while facilitating firearm transfers between private parties. See also [ATF P 5300.21](#), Best Practices: Transfers of Firearms by Private Sellers.

## Persons Prohibited from Possessing Firearms

- Persons convicted of a crime punishable by more than one year in prison;
- Fugitives from justice;
- Users of illegal drugs or persons addicted to such;
- Persons adjudicated mentally ill or incompetent and persons committed to a mental institution;
- Persons dishonorably discharged from military;
- Aliens illegally or unlawfully in the United States or aliens admitted to the United States under a nonimmigrant visa (some exceptions);
- Persons who have renounced their U.S. citizenship;
- Persons under a qualifying order of protection; and
- Persons convicted of a misdemeanor crime of domestic violence.

Purchasing a firearm for someone who is prohibited by law from possessing one, or for someone who does not want his or her name associated with the transaction, is a federal crime punishable by up to 10 years in prison and a fine of up to \$250,000. This crime is called a “straw purchase.”



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ATF Publication 5300.22  
December 2021



## SAFETY AND SECURITY FOR FIREARM OWNERS

**Taking Home a Gun?  
Take Responsibility.  
Unload it, Lock it, Store it.**



**U.S. Department of Justice**  
Bureau of Alcohol, Tobacco, Firearms and Explosives

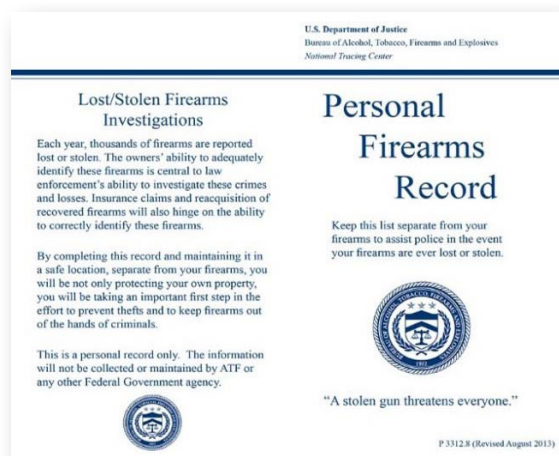
# Firearm Safety

The purpose of firearm safety is to eliminate or minimize the risks of unintentional damage, injury or death caused by improper possession, storage, or handling of a firearm. Firearm owners should handle the firearm safely and protect themselves and the public from the theft, loss or misuse of their firearm. The following suggestions for safety and security are recommendations only. However, please be aware that there may be state or local laws pertaining to the possession or storage of a firearm.

## Using a Personal Firearms Record and Reporting Firearm Thefts

Upon discovery of any theft or loss of your firearm, you should call your local law enforcement agency to report the theft or loss.

A complete description of each firearm is vitally important to law enforcement in the investigation and recovery of your firearm. Insurance claims and reacquisition of a recovered firearm will also hinge on the ability to correctly identify your firearm. Use the fillable [ATF Publication 3312.8, Personal Firearms Record](#) to record personal firearm information and to accurately report this information to law enforcement in the event of a theft or loss of your firearm.



By completing this record and maintaining it in a safe location, separate from your firearm, you will be not only protecting your own property, you will be taking an important first step in the effort to prevent thefts and to keep firearms out of the hands of criminals.

This is a personal record only. The information will not be collected or maintained by ATF or any other federal government agency. Pursuant to 18 U.S.C. 926, it is unlawful for ATF to maintain a system of firearms registration, other than firearms regulated under the National Firearms Act (NFA). Thus, a record of firearms ownership is critical to the owner because ATF does not have the ability to provide the public with a list of firearms they have purchased; however, ATF may provide to a person a list of NFA firearms currently registered to that person.

## Firearm Handling and Storage

- Treat every firearm as if it were loaded.
- Always keep the muzzle of the firearm pointed in a safe direction.
- Always keep your finger off the trigger and outside the trigger guard unless you intend to fire the weapon.
- Unload each firearm before storing. Keep ammunition locked in a secure location away from the firearm. If you do store your firearm loaded, use trigger or cable locks or other commercially available locking
- Mechanisms on your firearm and/or keep your firearm locked in a secure location accessible to responsible adults only.
- Keep keys/combinations to the gun cabinet or gun locks, as well as the keys/combinations to ammunition storage, in separate locations and out of children's reach.

Familiarize yourself with and obey all federal, state, and local laws regarding the purchase, possession, carrying, use, storage, and disposition/sale of firearms. Visit <https://www.atf.gov/resource-center/publications-library> (Use the search term "state law") for information on state laws and published ordinances.

## If Children are in the Home

- Use trigger or cable locks on your firearm and/or keep your firearm locked in a secure location accessible to adults only.
- Teach your children about firearm safety. Talk to your children about the hazards of improper firearm use. Teach them never to touch or play with a firearm and to tell an adult if they find a firearm.

- Check with neighbors, friends, relatives, or adults in any other homes where your children may visit to ensure they follow safe storage practices for any firearm in their home.

## Persons at Risk

A firearm should always be stored and handled with care. Firearm safety is especially important in households where persons may be suffering from a mental health condition, which might affect personal judgment or that may place a person at risk for injuries to themselves or others. While having a mental health condition does not in itself indicate that a problem might arise involving a firearm, it is wise to ensure that appropriate measures are in place for the safety of all persons in the home.

The following suggestions are provided to help you assess the possible need for additional firearm security in your home:

- Consult a licensed physician, or mental health expert, if you or a household member are suffering from a mental health condition which could affect personal judgment, or which may increase the risk for personal injuries;
- Educate yourself by visiting a mental health website (e.g., the American Psychiatric Association and the American Psychological Association) to review the signs of depression, and similar conditions;
- If at all possible, take steps to deny access to your firearm by people who may be at risk:
  - ♦ Make sure all lock keys are accounted for and move them to a secure location unknown to the person at risk;
  - ♦ Make sure that all ammunition is stored and locked separately from any firearms; and
  - ♦ If you yourself are at risk, consider asking a responsible and knowledgeable person to take temporary control of your keys or firearm.

Educate yourself about domestic violence resources (e.g., the National Domestic Violence Hotline) and how you can help yourself, a friend or family member who is being abused. While all persons suffering from domestic abuse or caring for someone who may be in an abusive situation should seek help, if there is an incident of domestic abuse and a firearm is present in the home, it is especially important to seek help and inform local law enforcement if and when you can do so safely.