



OLR RESEARCH REPORT

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QUESTIONS AND ANSWERS ON FEDERAL GUN LAWS

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This report provides questions to six frequently asked questions on federal gun laws. These are found in the 2005 Federal Firearms Regulations Reference Guide published by the Bureau of Alcohol, Tobacco, Firearms and Explosives. We have made minor editing and other changes to some of the responses to conform to OLR style.

1. Are there certain persons who cannot legally receive or possess firearms or ammunition?

Yes, a person cannot lawfully receive, possess, ship, or transport a firearm in interstate commerce if he or she:

1. has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year;
2. is a fugitive from justice;
3. is an unlawful user of or addicted to any controlled substance;
4. has been adjudicated as a mental defective or has been committed to a mental institution;
5. is unlawfully in the United States or is an illegal alien or an alien admitted to the United States under a nonimmigrant visa (with some exceptions);

6. has been discharged from the Armed Forces under dishonorable conditions;
7. has renounced his or her U.S. citizenship;
8. is subject to a court order that restrains him or her from harassing, stalking, or threatening an intimate partner or child of such partner; or
9. has been convicted of a misdemeanor crime of domestic violence.

A person who is under indictment or information for a crime punishable by imprisonment for a term exceeding one year cannot lawfully receive a firearm shipped in interstate commerce. But he or she may continue to lawfully possess firearms obtained prior to the indictment or information (18 USC § 922(g) and (n), 27 CFR § 478.32).

2. May a person who is not licensed as a federal firearms dealer ship a firearm through the U.S. Postal Service?

A nonlicensee may not transfer a firearm to a nonlicensed resident of another state. A nonlicensee may mail a shotgun or rifle to a resident of his or her own state or to a licensee in any state. The Postal Service recommends that long guns be sent by registered mail and that no marking of any kind that would indicate the nature of the contents be placed on the outside of any parcel containing firearms. Handguns are not mailable. A common or contract carrier must be used to ship a handgun (18 USC §§ 1715, 922(a)(3), 922(a)(5) and 922(a)(2)(A)).

3. May a nonlicensee ship a firearm by common or contract carrier?

A nonlicensee may ship a firearm by a common or contract carrier to a resident of his or her own state or to a licensee in any state. A common or contract carrier must be used to ship a handgun. In addition, federal law requires that the carrier be notified that the shipment contains a firearm and prohibits common or contract carriers from requiring or causing any label to be placed on any package indicating that it contains a firearm (18 USC §§ 922(a)(2)(A), 922(a)(3), 922(a)(5) and 922(e), 27 CFR §§ 478.31 and 478.30).

4. May a parent or guardian purchase firearms or ammunition as a gift for a juvenile (less than 18 years of age)?

Yes. However, possession of handguns by juveniles (less than 18 years of age) is generally unlawful. Juveniles generally may receive and possess handguns only with the written permission of a parent or guardian for limited purposes, such as employment, ranching, farming, target practice, or hunting (18 USC § 922(x)).

5. May an employee of a licensed dealer, such as a manager or clerk, who is under 21 years of age, sell handguns and ammunition suitable for use in handguns for the licensee?

Yes, if the employee is not a prohibited person (e.g., a felon). However, to sell handguns, a person less than 18 years of age must have the prior written consent of a parent or guardian and the written consent must be in the person's possession at all times. Also, the parent or guardian giving the written consent may not be prohibited by law from possessing a firearm. Moreover, state law must not prohibit the juvenile from possessing the handguns or ammunition (18 USC § 922(x)).

6. Does a customer have to be a certain age to buy firearms or ammunition from a licensee?

Yes. Under the Gun Control Act (GCA), long guns and long gun ammunition may be sold only to persons age 18 or older. Sales of handguns and ammunition for handguns are limited to persons 21 years of age and older. Although some state and local ordinances have lower age requirements, dealers are bound by the minimum age requirements established by the GCA. If state law or local ordinances establish a higher minimum age, the dealer must observe the higher age requirement (18 USC § 922(b)(1), 27 CFR § 478.99(b)).

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