

## STEPS FOR BUYING NFA (CLASS III) WEAPONRY AT TARGET WORLD

(As of 11/3/07)

### OVERVIEW:

Laws that went into effect in May, 1986 made it illegal for 'civilians' to own fully automatic firearms that were manufactured **after** that date. Most fully automatic weapons manufactured and registered **before** May, 1986 may be owned and sold to individuals. The full-auto guns that may be owned by individuals are called 'transferable'.

To purchase a transferable machine gun, you must meet certain requirements (generally the same as when you purchase another gun), fill out special paperwork (called a 'Form 4'), and pay a one-time transfer tax per weapon. The tax is \$5.00 for all other weapons (AOW), or \$200.00 for a silencer, machine-gun, destructive device, short barreled rifles (SBR), or short barreled shotguns (SBS).

### THE PAPERWORK SPECIFICS:

**Class III includes, but is not limited to:** machine guns, silencers, destructive devices, all other weapons (AOW: cane guns, pen guns, etc.), short-barreled rifles (SBR), short-barrel shotguns (SBS).

**1.** You must be at least 21 old and legal buy a handgun (meaning no felonies, violent misdemeanors, dishonorable discharges, etc.).

**2.** Call your local CLEO (chief law enforcement officer - sheriff, police chief, etc.) and ask what his procedure is for signing **Form 4** (federal applications for NFA transfer and ownership-the dealers supplies).

**Make sure that he will sign for you BEFORE you buy the firearm.** If he won't sign, you can't get the gun. **Make sure you can own it BEFORE you buy it,** as payment must be made in full before the firearm is ordered. (You have to have the serial number before any paperwork can be processed to begin the transfer.)

**3.** Get two 2" X 2" color passport photographs. Attach one to the reverse side of each of the two copies of the Bureau of Alcohol, Tobacco and Firearms (BATF) Form 4 (Target World supplied). These photos typically cost \$5 to \$10 and are commonly done at places like Kinkos and Walgreens.

**4.** Complete a small section on the reverse side of the BATF Form 4 that declares why you wish to possess the item. Most folks say "collector of firearms" or "target shooting."

**5.** Take the two copies of the Form 4, with pictures attached and your section completed, to your local law enforcement agency. Also take the two FBI FD-258 fingerprint cards we will give you. Ask the agency to officially take your fingerprints. This will usually cost \$10 to \$15.

You have to get a local CLEO to sign off and complete the section on the reverse side of the Form 4. This merely attests that you are not wanted locally and that the official knows of no law which will be broken if you are approved by the government. The official signing should be made aware that they are not held liable if you do something stupid or break the law.

**\*Local CLEOs that can be asked to sign off are:** police chiefs or local law enforcement officers of the same rank, sheriffs, city or town police chiefs, state police commanders, district attorneys, state attorney generals, and judges of state courts that preside over felony trials.

**If you own a corporation:** you can transfer the NFA firearm to the corporation and no CLEO signature is necessary. You may also do this with a "trust".

**6.** Bring the two copies of the Form 4 and both completed fingerprint cards with a money order or certified check made out to the BATF (\$5.00 for an "AOW" or \$200.00 for silencer, machine-gun, destructive device, SBR, SBS). This is a one time fee for life! Note that each firearm, device, etc. requires that a separate tax be paid. E.g., a machinegun with a suppressor would require a tax payment for the machinegun (actually for the receiver) and another tax payment for the suppressor.

**7.** You also have to send in a form (Target World supplied) to the Department of the Treasury. This form is called the Certification of Compliance, 18 U.S.C. 922(g)(5)(B), ATF Form 5330.20, which simply states that you are a United States citizen.

**8.** The BATF will first remove the money order and examine the paperwork for completeness. It will be assigned to an agent, who will have a nationwide FBI background check performed on you. Once you pass this (all legal folks over 21 should pass it), the BATF will mail back one certified copy of the Form 4. On this copy will be a stamp that looks like a postage stamp. This is a Federal tax stamp indicating the transfer tax is paid and the item is officially yours.

**9.** When Target World receives this Form 4 back with the stamp on it (generally 90-120 days after it is mailed in), you have to complete a BATF Form 4473 at the store. The 4473 is not called in for a background check since that has already been done, but is kept on file at the store in compliance with BATF regulations. We will then transfer the item to you along with the Form 4.

**You should immediately make several copies of the Form 4 and carry one with you at all times when you have the product with you.** Be sure to put the original in a safe place.

## **LEGAL TERMS OF NFA (CLASS III) WEAPONRY OWNERSHIP**

**1. Once you have legal possession** of the Class III item (except suppressors/silencers for which this does not apply) you may not take the item across state lines unless you notify the BATF in writing with the ATF Form 5320 before doing so. These forms are available on the Internet, or we can make a copy for you. You are not asking for their approval but, instead, merely letting them know

you are taking a Class III item across state lines and when you will depart and return.

**2. You may not loan this Class III item to anyone.**

**3. You may not store this item at a friend's home who has access to it.**

**4. This is a restricted distribution item.** To possess it requires (at the very least) an extensive background check. You are obligated by law (and common sense) to prevent unqualified people from gaining access to it. **You may let others use the item if they remain in your physical presence.**

**5. If you decide to sell the item** you should bring the item to a Class III dealer to legally effect the transfer. Not all transfers require dealer assistance, but the law is confusing and the best way to ensure and demonstrate compliance is to enlist the help of a professional Class III dealer. The buyer then has to go through all the steps described above and pay the required transfer tax(s).

#### **PURCHASE AND TRANSFER DETAILS:**

##### **Class III purchase:**

1. Customer must pay, in full, for the price of designated firearm.

##### **Class III transfers:**

1. The process is same as for a regular transfer, except the use of Class III paperwork is used.
2. Purchaser must be an Ohio resident.
3. Transfer fee for Class III weapons is \$100.
4. Transfer fee for Class III silencers is \$50.
5. Target World may also broker or consign a class III sale for a 15% fee unless other express arrangements are made by Target World senior staff.

##### **\*Class III / PICS DENIALS \***

All firearms sales are final. Refunds will be awarded solely at the discretion of Target World. Full refund of sales amount (total charge) minus a restocking fee up to 25%, depending on the item cost, applies to all denials or cancellations.\* Target World retains the firearm and may dispose of it immediately.

\*Charges must be assessed to compensate for overhead, forms, PICS check, surcharges, taxes, credit card fees, and loss of salability during the transaction period, as well as other miscellaneous expenses.