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RAMPAGE**
GUN REGISTRATION

**FLOAT
THE DOT**
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21 FEET TO GO

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LEARNING**
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**DARK
ANGEL**
TACTICAL EMT



SHOOT STRAIGHT





RED TAPE RAMPAGE

DO I HAVE TO REGISTER MY GUN?

■ BY JOSHUA B. BODENE



» **IF YOU BELIEVED EVERYTHING** you saw on TV and in the movies, you'd probably think every gun in the country is registered on a database that the feds or your state officials keep up to date. But, in reality, very few guns have to actually be "registered" in our country. That doesn't mean the transfer of firearms and the required paperwork isn't confusing though. In fact, it's a topic most gun owners should brush up on.

NON-NFA FIREARMS

In order to comprehensively address the topic of firearms registration, I will make two distinctions. The first distinction is between the categories of firearms: those that are subject to the National Firearms Act ("NFA Firearms") and those that are not ("non-NFA Firearms"). (I am avoiding other often-used terms, like "Title I Firearms," "Title II Firearms" or "Class III Firearms," as they are inaccurate and misleading.) The second distinction I will make is between registering a firearm, on the one hand, and undergoing an ownership transfer background check, on the other.

Returning to the two types of firearms, "non-NFA Firearms" are the most commonly owned guns, and this category includes handguns (revolvers and semi-automatic pistols) and long guns (rifles and shotguns). Only a handful of states require registration of these types of guns. (Do not rely on information you find on a firearms forum. See the included graph for a starting point, and then check with a local attorney as to whether your state requires gun registration.) In fact, most states either do not require any registration of non-NFA Firearms or, like my home state of Pennsylvania, have laws that affir-

matively prohibit registration of firearms. The premise of such non-registration laws is that registration is a step down a slippery slope, leading to eventual confiscation. Conversely, the motivation behind background checks is to ensure that those who are "Prohibited Persons" (such as felons) are not allowed to own guns.

However, even if you live in a non-registration jurisdiction, your state will most likely (though not always) still require the transferee (the recipient) of certain non-NFA Firearms to undergo a background check (as mentioned above, for the purpose of making sure a transferee is not a "Prohibited Person"). This is done at a Federal Firearms Licensee ("FFL," i.e. a dealer) who runs a background check on the transferee through the NICS (the National Instant Criminal Background Check System) database, though different states call the check by different names. This is always accompanied by the completion of an ATF Form 4473 (and some states require additional forms), which is the form that lists the various factors prohibiting gun ownership.

By way of illustration, all Pennsylvania handgun transfers must be subjected to a NICS check, with the completion of a Form 4473 by the transferee of the

handgun. However, NICS checks (and therefore 4473s) are not required for long gun transfers in Pennsylvania. That means that a handgun that is owned in Pennsylvania but that was not properly transferred at an FFL (with a NICS check and Form 4473) is an illegal handgun, and its possession will subject the owner to criminal penalties. A long gun, however, as indicated above, can be transferred in Pennsylvania without an FFL-completed NICS check and Form 4473, and therefore you can transfer ownership of a long gun in Pennsylvania with just a handshake. (It is, however, strongly recommended that a Bill of Sale always be completed for such transfers.)

As distinguished from a NICS background check with the completion of ATF Form 4473, the registration of a non-NFA Firearm in a state that requires it will likely involve bringing the unloaded firearm to the appropriate police station for the purpose of alerting the municipality of its presence. This is typically done almost immediately after the ownership transfer and NICS background check. Check with a local attorney on the specific procedure in your state.

It has been claimed, and rightly so, that many states' background check procedures in fact constitute "back-door" registrations, since the final result is the same: The government knows who has what guns. Pennsylvania is a good example of this. Even though we have a statute on the books that specifically outlaws any firearms registration, a dealer-facilitated background check must accompany all handgun transfers, and the form that the transferee fills out is then kept by the Pennsylvania State Police.

However, the storage of firearms purchaser information, while currently an unfortunate feature of many states' firearms transfer procedure, is not a necessary feature of a background check per se. In other words (and here I describe not what the law is but what it could be if citizens were willing to act to change the laws), it would be entirely reasonable for a dealer to conduct a background check on a transferee by simply calling the state police and getting a thumbs up or thumbs down on the transferee without generating unnecessary paperwork for storage purposes. The state police could limit its record keeping to the fact that a background check was done on a specific firearm from a specific dealer, without any



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STATES REQUIRING NON-NFA FIREARMS REGISTRATION

Alabama	No longer requires registration as of Sept. 1, 2015.		
California	<p>(1) 60 days for new residents to register all firearms, using "New Resident Report of Firearm Ownership" (BOF 4010A).</p> <p>(2) A "Firearm Ownership Report" (along with \$19) must be submitted for each long gun you purchase, as well as for each handgun that was not previously owned in California.</p> <p>(3) NOTE: AK and AR-15 series firearms and .50 BMG rifles are considered "assault weapons" in California, the ownership of which is outlawed, unless already purchased and registered prior to 1992, 2000 or 2001, depending on the specific firearm.</p> <p>(4) At this point, if you wish to buy an "assault weapon" in California, you must submit an application for a "Dangerous Weapons License/Permit," which will cost \$321 for the first application and \$22 for each additional application (though these permits are rarely granted).</p> <p>(5) NOTE: All California firearms purchases are subject to a 10-day waiting period, and, absent a Dangerous Weapons License/Permit, all firearms are subject to a 10-round capacity limit.</p> <p>(6) As of Jan. 1, 2015, a Firearms Safety Certificate is generally required to purchase or acquire a firearm. A currently valid Handgun Safety Certificate may still be used to purchase or acquire a handgun until it expires.</p> <p>(7) All handgun serial numbers and sales are recorded by the state (registered) in the Department of Justice's Automated Firearms System. While there is no requirement for California residents to register previously owned handguns or firearms with law enforcement, several misdemeanor offenses are enhanced to felonies if the crime involved a handgun that is not on file in the Department of Justice's Automated Firearms System.</p> <p>(8) As of Jan. 1, 2014, long gun serial numbers are now recorded, whereas previously only the sale was recorded. However, it is not required that long gun owners register their firearms, and it is not a crime to be in possession of an unregistered firearm.</p>	Maryland	<p>(1) 90 days for new residents to register all handguns and "assault weapons."</p> <p>(2) A Handgun Qualification License is a prerequisite to buying a handgun, which entails a training course, fingerprinting and application, costing approximately \$225 (this is in addition to the Form 77R background check conducted by the dealer, as well as the eight- to 180-day waiting period to take possession of your handgun).</p> <p>(3) The state police maintain a permanent record of all handgun transfers. Automatic firearms must be registered with the state police.</p>
		Massachusetts	Registration is not specifically required by law, however, transfers of firearm ownership are required to be recorded with the Massachusetts Executive Office of Public Safety and Security (EOPSS) by the seller if in state or by the buyer if out of state. All firearm purchasers must obtain a license prior to a firearm purchase.
		Michigan	Registration is not specifically required by law, however, all handgun transfers must nonetheless be reported to law enforcement by the dealer. Additionally, a handgun purchaser must either possess a Concealed Handgun License or obtain a permit prior to the purchase. The permit is only valid for 10 days.
		Nebraska	The City of Omaha requires the registration of all handguns. The City of Lincoln requires reporting of firearms sales other than long guns commonly used for sporting purposes. Handgun purchases between private, unlicensed individuals require the purchaser to first obtain either a Handgun Certificate or a Concealed Handgun Permit in addition to a background check.
		Nevada	Effective June 2, 2015, Clark County is no longer permitted to require handgun registration, therefore, there is currently no firearm registration in Nevada.
		New Jersey	The N.J. State Police Firearms Investigation Unit (NJSP FIU) maintains a record of all handgun transfers, except for inherited firearms or firearms brought by new residents. Additionally, a permit is required for the purchase of a handgun. Purchases by N.J. residents must either be from a licensed dealer in New Jersey or a private individual who is a resident of the state. In both dealer purchases and private sales, a copy of the purchase permit is sent to the NJSP FIU. A NICS background check at the point of sale is only required for purchases from dealers.
Connecticut	<p>(1) To buy a long gun, you will need to apply for and receive an "Eligibility Certificate to Purchase Long Guns," unless you already possess a "Pistol Permit" or "Eligibility Certificate for the Purchase of Pistols or Revolvers" (or other equivalent permit).</p> <p>(2) To buy ammo, you will need one of the above or an "Ammunition Certificate."</p> <p>(3) Any Connecticut resident who owns a machine gun (full automatic only, NOT a select-fire weapon, which is considered an "assault weapon") is required to complete State Form DPS 418C, registering that machine gun with the Special Licensing and Firearms Unit immediately upon receiving it and upon an annual basis thereafter.</p> <p>(4) An "Assault Weapon" ("any selective-fire firearm capable of fully automatic, semi-automatic or burst fire at the option of the user" or any others specified) may only be owned by an owner who secured a "Certificate of Possession" prior to Jan. 1, 2014.</p> <p>(5) Registration is required for assault weapons purchased between Sept. 13, 1994, and April 1, 2014, and for machine guns obtained before Jan. 1, 2014.</p> <p>(6) There is a de facto registry of the sale (including the serial numbers) of handguns and long guns purchased in state that is maintained by the Department of Emergency Services and Public Protection (DESPP). Any transfer, be it from a dealer or private party, must be accompanied by an authorization number issued by the DESPP and a form containing personal and weapon identification (DPS-3-C) must be submitted to DESPP and local police. This form is collected and maintained on all guns purchased from FFL dealers as well. The DPS-3-C form is not required for long gun transfers made out of state, and there is no legal requirement/penalty to register firearms purchased out of state or lawfully obtained before April 1, 2014.</p>	New York	<p>(1) No registration is required for long guns, except in New York City, where all firearms must be registered. In NYC and throughout the rest of the state, all handguns must be registered under a license. There is a \$3 registration fee. Antique weapons are exempted from this.</p> <p>(2) All rifles classified as "assault weapons" must be registered with the state by Jan. 15, 2014.</p> <p>(3) NYC residents must apply for and receive a rifle/shotgun permit from the NYC police department, must register every long gun purchased with said permit with the NYC police department and purchases are limited to one long gun per 90-day period.</p> <p>(4) Permits are issued by county or state supreme court judges/justices outside of New York City, Nassau and Suffolk Counties, with a background check.</p> <p>(5) There is an application fee for each Permit, as well as an amendment fee for each handgun added to the permit.</p>
		North Carolina	Durham County formerly required registration of handguns. This was repealed on June 18, 2014, and it is currently unlawful for any government entity within the state to maintain a firearms registry. However, one must still apply for and secure a permit to purchase a handgun, through the local sheriff's office. The process includes fingerprinting and a \$100 fee.
		Oregon	While there is no official gun registration law, handgun transfers must be done at a dealer, and the Oregon State Police can maintain a record of firearms sales from Federal Firearm Licensees for a period up to seven years.
		Pennsylvania	Despite the fact that Pennsylvania law specifically prohibits firearm registration, all handgun transfers must be done at a dealer and are subject to a background check ("PICS check"), which will typically cost about \$35, depending on the dealer. Records are kept by the Pennsylvania State Police. Long gun purchases are not subject to the PICS check.
District of Columbia	<p>(1) All firearms must be registered.</p> <p>(2) D.C. Residents must fill out a PD-219 for every handgun/long gun purchase, pay a \$48 fee, get fingerprinted and take a written exam.</p> <p>(3) Out-of-District residents must inform the Metro Police ahead of time of their intent to transport a firearm into the District, fill out an Application for a Registration Certificate within 48 hours of informing Metro Police of their intent to bring a firearm and physically bring in the firearm to the Firearms Registration Section.</p>	Rhode Island	While there is no firearm registration, all purchasers of handguns must complete and pass a safety exam managed by the Rhode Island Department of Environmental Management, at which time they will receive a DEM-issued "blue card" allowing purchase. Active-duty military members, law enforcement officers and retired law enforcement officers are exempt.
Hawaii	<p>(1) All firearms must be registered, whether serviceable or not.</p> <p>(2) Registration requires first securing a Permit to Acquire (a separate permit is needed for each handgun, though one permit is sufficient for an unlimited number of long guns within a year) and then bringing each unloaded firearm to the police within five days of purchase (or within three days of entering Hawaii).</p>	Virginia	Automatic firearms are required to be registered with the state police.
Illinois	While there is no registration requirement, all purchasers of firearms or ammo must first have a FOID (Firearm Owners Identification), which entails a NICS background check and a minimum 30-day wait.	Washington	Washington has no law requiring firearm owners to register their firearms. However, dealers are required to keep a record of every handgun sold. Among other info, the record must contain the name, address, occupation and place of birth of the purchaser. One copy of the record must be sent within six hours by certified mail to the chief of police of the municipality or the sheriff of the county in which the purchaser resides. A second copy must be sent within seven days to the state director of licensing, while a third copy must be retained by the dealer for six years. In addition, every pawnbroker and second-hand dealer in the state must maintain a detailed record of all firearms-related transactions.
Iowa	While there is no registration requirement, Iowans must possess a permit in order to acquire a handgun. The permit must be renewed annually, and the application for the permit involves a background check.	Wisconsin	Requires background checks on handgun purchases if done at a dealer but not for transfers between private individuals.

reference to the identity of the transferee. Only the dealer would maintain a photocopy of the transferee's driver's license, which he would only be mandated to provide to law enforcement if a warrant was issued for its provision in the case that a crime had been committed with the firearm in question.

Such a process would prevent a back-ground check from becoming a back-door registration but would also address legitimate law enforcement needs. Since this is not the case at present, the only firearms owners who are currently not subject to any kind of back-door registration are those who have purchased their firearms from private, non-licensed individuals in one of the states permitting such transfers to occur without a dealer or background check.

NFA FIREARMS

Returning to the law as it is, the other category of firearms is "NFA Firearms," which is defined as including any of the following: (A) a "short-barreled shotgun," the barrel(s) of which measure(s) less than 18 inches, or the overall length of which is less than 26 inches; (B) a "short-barreled

rifle," the barrel of which measures less than 16 inches, or the overall length of which is less than 26 inches; (C) "any other weapon" ("AOW" — a pen gun, for example); (D) a machine gun; (E) a silencer (more accurately, a "suppressor"); or (F) a destructive device (such as a hand grenade).

Some states require the registration of NFA Firearms with the state law enforcement authorities, and some do not. However, regardless of which state you live in, all NFA firearms must be registered with the Federal Bureau of Alcohol, Tobacco, Firearms and Explosives (which is still commonly referred to as the "ATF").

A "Form 4" is the ATF form required to transfer and register an NFA Firearm. Upon approval of a Form 4, an owner is issued a "tax stamp" (since the National Firearms Act is simply a chapter within the Internal Revenue Code), and only then may the applicant take possession of the NFA Firearm.

Note, however, that your state's law might prohibit the possession of one or more of these NFA Firearms. By way of example only, Pennsylvania prohibits the possession of "destructive devices," call-

ing them "Prohibited Offensive Weapons," but allows for the possession of any of the other above-listed NFA Firearms, provided they are properly registered with the ATF.

Let us keep in mind then that the NICS background check (in theory at least) simply ensures that a transferee is not a Prohibited Person, and, with some exceptions, nearly all firearms (both NFA and non-NFA) are subject to background checks. Registration, on the other hand, while required in all states for the transfer of NFA Firearms, is only mandated in a handful of states for non-NFA Firearms (see included graph).

May we be precise in our terminology and zealous to keep these terms distinct, in theory and in practice, remembering that background checks are intended to keep guns out of the hands of the bad guys, whereas registration might eventually keep them out of the hands of the good guys.



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The PDA Story (short version) While wrapping up a 50 year engineering career in 2009, still wearing a coat and tie, I wanted to carry my compact 45 and be able to take my coat off in the southwest Florida heat. IWB wasn't the answer, and after many fruitless hours on the internet it became obvious that the only available options were fanny packs and other various bags and cases. All would hide a gun, but I couldn't make a fast and safe draw stroke. The PDA came from that necessity