

# GLENDALE POLICE DEPARTMENT

## Robert M. Castro, Chief of Police

# *TRAINING ORDER*



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2017 – 02

April 12, 2017

### Federal Law Regarding Firearm Resale by Law Enforcement Officials

The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) is responsible for enforcement of the Federal firearms laws and, as part of that duty, ATF licenses those persons lawfully dealing in firearms and prevents unlicensed dealing in violation of Federal law. We seek the cooperative efforts of the general public in fulfilling this mandate.

Federal firearms laws provide that a “dealer” in firearms includes persons engaged in the business of buying and selling firearms at wholesale and retail. *See* 18 U.S.C. § 921(a)(11). A person engages in business as a dealer in firearms by devoting time, attention, and labor to dealing in firearms as a regular course of trade or business with the principal objective of livelihood and profit through the repetitive purchase and resale of firearms. For example, per 18 U.S.C. § 921(a)(21)(C), **a law enforcement official who regularly acquires “off roster” firearms and sells or disposes of them for a profit is engaging in the business as a dealer of firearms and must be licensed.**

In addition, Title 18, United States Code, Sections 922(a)(6) and 924(a)(1)(A), provide that it is unlawful for any person to make a false statement on a Firearms Transaction Record, ATF Form 4473, when acquiring a firearm from a Federal firearms licensee. For example, it is unlawful to knowingly misrepresent that you are the transferee-buyer of a firearm when you acquire a firearm with the intent to sell or otherwise dispose of that firearm to someone else, even if the subsequent transfer is processed through a Federal firearms licensee. **You are not the actual transferee-buyer of firearms if you are acquiring the firearm for, or on behalf of, any other person, unless the firearm is a bona fide gift, or being retrieved after repair.**

A person convicted of unlawfully engaging in the business of dealing in firearms without a license is subject to imprisonment for not more than five (5) years and /or a fine of up to \$250,000.

Any person convicted of making a false statement to Federal firearms licensee when acquiring a firearm may be imprisoned for up to ten (10) years for violating Section 922(a)(6), or five (5) years for violating Section 924(a)(1)(A) and/or a fine up to \$250,000.

If you have questions concerning engaging in the business as a dealer, please contact US DOJ Bureau of Alcohol, Tobacco, Firearms and Explosives at (818) 265-2500.

