



Re-Brief Law Enforcement Purchase and Sale of Firearms

On March 31, 2017, the U.S. Department of Justice, Los Angeles Field Division issued a Law Enforcement Advisory to local law enforcement agencies regarding the purchase, sale, and transfer of firearms. The U.S. DOJ Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) has discovered law enforcement officers without Federal Firearms Licenses (FFL), are purchasing "off-roster" firearms and are reselling those firearms to non-law enforcement personnel for a profit and in violation of law. Off-roster firearms are those firearms restricted by California law for sale to citizens and are designed to be sold only to law enforcement. Federal law under 18 U.S.C. § 921(a)(21)(C) states, ***"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."***

The purchase, sale, and transfer of firearms is strictly enforced by the ATF and the California Department of Justice (DOJ). This law does not define "regularly" so you could find yourself under the scrutiny of the ATF and California DOJ if you are participating in this type of activity.

Even though law enforcement officers have the legal ability to purchase off-roster firearms; the sale, transfer, or gift of these firearms are subject to strict federal and state regulations. Generally, it is illegal for any person who is not a Federal Firearms Licensed Dealer (private party) to sell or transfer a firearm to another non-licensed person (private party) unless the sale or transfer is completed through a licensed firearms dealer.

Most Private Party Transfers (PPT) can be legally completed at any licensed California firearms dealer. This transfer requires the buyer and seller to complete the required Dealer Record of Sale (DROS) documents in person at the licensed firearms dealer. The dealer will retain possession of the firearm during the mandatory 10 day waiting period.

Prohibited Firearms Transfers and "Straw Purchases"

A straw purchase occurs when a firearm is purchased for someone who is prohibited by law from possessing one, or when purchasing a firearm for someone who does not want his or her name associated with the transaction.

Things to Remember About Prohibited Firearms Transfers and Straw Purchases

- An illegal firearm purchase (straw purchase) is a federal crime





- An illegal firearm purchase can bring a felony conviction sentence of 10 years in jail and a fine of up to \$250,000
- Buying a firearm and giving it to someone who is prohibited from owning one is a state and federal crime
- Never buy a firearm for someone who is prohibited by law or unable to do so on their own
- Don't buy or sell a firearm without completing the required DROS paperwork through a licensed firearms dealer

Past practice has been for the Sheriff's Department to issue 10-day waiting period waiver letters on a limited basis. The department will no longer be issuing waiver letters for firearm purchases except under specific circumstances in which a replacement firearm is needed and other options are not feasible.

For additional information on California firearms laws and the requirements to sell or transfer firearms visit <https://oag.ca.gov/sites/all/files/agweb/pdfs/firearms/pdf/cfl2016.pdf>

