

## FEDERAL FIREARMS LAWS

### TITLE I OF THE GUN CONTROL ACT OF 1968

#### As Amended By:

Public Law No. 99-308, 100 Stat. 449, Approved May 19, 1986;  
Public Law No. 99-360, 100 Stat. 766, Approved July 8, 1986;  
Public Law No. 99-408, 100 Stat. 920, Approved August 28, 1986;

and,

Public Law No. 99-570, 100 Stat. 3207, Approved October 27, 1986.

[References to the Internal Revenue Code of 1954 within this Act or amendments thereto refer to the Internal Revenue Code of 1986. (Sec 2, Public Law 99-514, 100 Stat. 2085, October 22, 1986.)]

#### Public Law 90-818

AN ACT To amend title 18, United States Code, to provide for better control of the interstate traffic in firearms.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Gun Control Act of 1968".

### TITLE I—STATE FIREARMS CONTROL ASSISTANCE

#### PURPOSE

SEC. 101. The Congress hereby declares that the purpose of this title is to provide support to Federal, State, and local law enforcement officials in their fight against crime and violence, and it is not the purpose of this title to place any undue or unnecessary Federal restrictions or burdens on law-abiding citizens with respect to the acquisition, possession, or use of firearms appropriate to the purpose of hunting, trapshooting, target shooting, personal protection, or any other lawful activity, and that this title is not intended to discourage or eliminate the private ownership or use of firearms by law-abiding citizens for lawful purposes, or provide for the imposition by Federal regulations of any procedures or requirements other than those reasonably necessary to implement and effectuate the provisions of this title.

#### Public Law 99-308

An Act to amend chapter 44 (relating to firearms) of title 18, United States Code, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

#### SECTION 1. SHORT TITLE AND CONGRESSIONAL FINDINGS.

(a) SHORT TITLE.— This Act may be cited as the "Firearms Owners' Protection Act".

#### CHAPTER 44—FIREARMS

##### Sec.

- 921. Definitions.
- 922. Unlawful acts.
- 923. Licensing.
- 924. Penalties.
- 925. Exceptions: Relief from disabilities.
- 926. Rules and regulations.
- 926A. Interstate transportation of firearms.
- 927. Effect on State law.
- 928. Separability clause.
- 929. Use of restricted ammunition.

##### § 921. Definitions

(a) As used in this chapter—

(1) The term "person" and the term "whoever" include any individual, corporation, company, association, firm, partnership, society, or joint stock company.

(2) The term "interstate or foreign commerce" includes commerce between any place in a State and any place outside of that State, or within any possession of the United States (not including the Canal Zone) or the District of Columbia, but such term does not include commerce between places within the same State but through any place outside of that State. The term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, and the possessions of the United States (not including the Canal Zone).

(3) The term "firearm" means

(A) any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive;

(B) the frame or receiver of any such weapon;

(C) any firearm muffler or firearm silencer; or

(D) any destructive device. Such term does not include an antique firearm.

(4) ~~The term "destructive device"~~ means—

(A) any explosive, incendiary, or poison gas—

(i) bomb,

(ii) grenade,

~~(iii) rocket having a propellant charge of more than four ounces,~~

(iv) missile having an explosive or incendiary charge of more than one-quarter ounce,

(v) mine, or

(vi) device similar to any of the devices described in the preceding clauses;

(B) any type of weapon (other than a shotgun or a shotgun shell which the Secretary finds is generally recognized as particularly suitable for sporting purposes) by whatever name known which will, or which may be readily converted to, expel a projectile by the action of an explosive or other propellant, and which has any barrel with a bore of more than one-half inch in diameter; and

(C) any combination of parts either designed or intended for use in converting any device into any destructive device described in subparagraph (A) or (B) and from which a destructive device may be readily assembled.

The term "destructive device" shall not include any device which is neither designed nor redesigned for use as a weapon; any device, although originally designed for use as a weapon, which is redesigned for use as a signaling, pyrotechnic, line throwing, safety, or similar device; surplus ordnance sold, loaned, or given by the Secretary of the Army pursuant to the provisions of section 4684(2), 4685, or 4686 of title 10; or any other device which the Secretary of the Treasury finds is not likely to be used as a weapon, is an antique, or is a rifle which the owner intends to use solely for sporting, recreational or cultural purposes.

(5) The term "shotgun" means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed shotgun shell to fire through a smooth

(a) **SHORT TITLE.** [See immediately following text of 1968 Congressional PURPOSE within chapter 44 of title 18, U.S.C.]

(b) **CONGRESSIONAL FINDINGS.**—The Congress finds that—

(1) the rights of citizens—

(A) to keep and bear arms under the second amendment to the United States Constitution;

(B) to security against illegal and unreasonable searches and seizures under the fourth amendment;

(C) against uncompensated taking of property, double jeopardy, and assurance of due process of law under the fifth amendment; and

(D) against unconstitutional exercise of authority under the ninth and tenth amendments;

require additional legislation to correct existing firearms statutes and enforcement policies; and

(2) additional legislation is required to reaffirm the intent of the Congress, as expressed in section 101 of the Gun Control Act of 1968, that "It is not the purpose of this title to place any undue or unnecessary Federal restrictions or burdens on law-abiding citizens with respect to the acquisition, possession, or use of firearms appropriate to the purpose of hunting, trapshooting, target shooting, personal protection or any other lawful activity, and that this title is not intended to discourage or eliminate the private ownership or use of firearms by law-abiding citizens for lawful purposes."

**SEC. 109. AMENDMENT OF THE NATIONAL FIREARMS ACT.**

(a) Machinegun definition in § 5845(b) of the National Firearms Act [26 U.S.C. § 5845(b)] is amended; and

(b) **CONFORMING AMENDMENT.**—(Cross reference: § 5845(e)(7) of the National Firearms Act [26

U.S.C. § 5845(e)(7)] refers back to § 921 of title 18, U.S.C. to amend definition of "silencer.")

**SEC. 110. EFFECTIVE DATE.**

(a) **IN GENERAL.**—The amendments made by this Act [amending §§ 921, 922, 923, 924, 925, and 929 of 18 U.S.C., and § 5845 of 26 U.S.C.; and, repealing Title VII of the Omnibus Crime Control and Safe Streets Act of 1968, §§ 1201-1203 of 18 U.S.C., Appendix] shall become effective 180 days after the date of the enactment of this Act. Upon their becoming effective, the Secretary shall publish and provide to all licensees a compilation of the State laws and published ordinances of which licensees are presumed to have knowledge pursuant to chapter 44 of title 18, United States Code, as amended by this Act. All amendments to such State laws and published ordinances as contained in the aforementioned compilation shall be published in the Federal Register, revised annually, and furnished to each person licensed under chapter 44 of title 18, United States Code, as amended by this Act.

(b) **PENDING ACTIONS, PETITIONS, AND APPELLATE PROCEEDINGS.**—The amendments made by sections 103(b)(8), 105, and 107 of this Act [see §§ 923(f)(4), 925(c), (d), and 926A, respectively] shall be applicable to any action, petition, or appellate proceeding pending on the date of the enactment of this Act.

(c) **MACHINEGUN PROHIBITION.**—Section 102(g) [see § 922(o)] shall take effect on the date of the enactment of this Act.

**PUBLIC LAW 99-380, APPROVED JULY 6, 1986:**

**SEC. 2.** This Act and the amendments [to §§ 923(c) and 926A] made by this Act, intended to amend the Firearms Owners' Protection Act [Public Law 99-308], shall become effective on the date on which the section they are intended to amend in such Firearms Owners' Protection Act becomes effective and shall apply to the amendments to title 18, United States Code, made by such Act.

**PUBLIC LAW 99-408, APPROVED AUGUST 28, 1986:**

**SEC. 9.** The amendments made by this Act [to §§ 921, 922, 923(e), (k), and 929] shall take effect on the date of the enactment of this Act, except that sections 3 [see § 923(e)(1)(A)], 4 [see § 923(a)(1)(C)], and 5 [see § 923(a)(2)(A), (B)] shall take effect on the first day of the first calendar month which begins more than 90 days after enactment of this Act.

**SEC. 10.** For purposes of section 921(a)(17)(B) of title 18, United States Code, as added by the first section of this Act, "handgun" means any firearm including a pistol or revolver designed to be fired by the use of a single hand. The term also includes any combination of parts from which a handgun can be assembled.

**PUBLIC LAW 99-514, APPROVED OCTOBER 22, 1986:**

**SEC. 2 INTERNAL REVENUE CODE OF 1986.**

(a) **REDESIGNATION OF 1954 CODE.**—The Internal Revenue Title enacted August 16, 1954, as heretofore, hereby, or hereafter amended, may be cited as the "Internal Revenue Code of 1986".

(b) **REFERENCES IN LAWS, ETC.**—Except when inappropriate, any reference in any law, Executive order, or other document—

(1) to the Internal Revenue Code of 1954 shall include a reference to the Internal Revenue Code of 1986, and

(2) to the Internal Revenue Code of 1986 shall include a reference to the provisions of law formerly known as the Internal Revenue Code of 1954.

**PUBLIC LAW 99-570, APPROVED OCTOBER 27, 1986:**

**ANTI-DRUG ABUSE ACT OF 1986** [chapter 13 of title 21, United States Code];

**SUBTITLE I—Armed Career Criminals**

**SEC. 1401. SHORT TITLE.** This subtitle may be cited as the "Career Criminals Amendment Act of 1986".

**SEC. 1402. EXPANSION OF PREDICATE OFFENSES FOR ARMED CAREER CRIMINAL PENALTIES.** [Amended §§ 924(e)(1) and 924(e)(2)(A), (B)]

## FEDERAL FIREARMS LAWS THE NATIONAL FIREARMS ACT

AS AMENDED BY:

Public Law No. 99-308, 100 Stat. 449, Approved May 19, 1986.

and

Public Law No. 99-100-203, 101 Stat. 1330, Approved December 22, 1987.

[References to the Internal Revenue Code of 1954 within this Act or amendments thereto refer to the Internal Revenue Code of 1986. (§2, Public Law 99-514, 100 Stat. 2085, October 22, 1986)]

### TITLE II—MACHINE GUNS, DESTRUCTIVE DEVICES, AND CERTAIN OTHER FIREARMS

Sec. 201. Chapter 53 of the Internal Revenue Code of 1954 is amended to read as follows:

#### "CHAPTER 53—MACHINE GUNS, DESTRUCTIVE DEVICES, AND CERTAIN OTHER FIREARMS

"Subchapter A. Taxes.

"Subchapter B. General provisions and exemptions.

"Subchapter C. Prohibited acts.

"Subchapter D. Penalties and forfeitures.

#### "Subchapter A—Taxes

"Part I. Special (occupational) taxes.

"Part II. Tax on transferring firearms.

"Part III. Tax on making firearms.

#### "PART I—SPECIAL (OCCUPATIONAL) TAXES

"Sec. 5801. Tax.

"Sec. 5802. Registration of importers, manufacturers, and dealers.

#### "SEC. 5801. TAX.

"(a) **GENERAL RULE.**—On first engaging in business and thereafter on or before July 1 of each year, every importer, manufacturer, and dealer in firearms shall pay a special

(occupational) tax for each place of business at the following rates:

"(1) Importers and manufacturers:  
\$1,000 a year or fraction thereof;

"(2) Dealers: \$500 a year or fraction thereof.

"(b) **REDUCED RATES OF TAX FOR SMALL IMPORTERS AND MANUFACTURERS.**—

"(1) **IN GENERAL.**—Paragraph (1) of subsection (a) shall be applied by substituting '\$500' for '\$1,000' with respect to any taxpayer the gross receipts of which (for the most recent taxable year ending before the 1st day of the taxable period to which the tax imposed by subsection (a) relates) are less than \$500,000.

manner as may by regulations be prescribed and such notification shall effect the registration of the firearm required by this section. Each importer, maker, and transferor of a firearm shall, prior to importing, making, or transferring a firearm, obtain authorization in such manner as required by this chapter or regulations issued thereunder to import, make, or transfer the firearm, and such authorization shall effect the registration of the firearm required by this section.

**"(d) FIREARMS REGISTERED ON EFFECTIVE DATE OF THIS ACT.**—A person shown as possessing a firearm by the records maintained by the Secretary or his delegate pursuant to the National Firearms Act in force on the day immediately prior to the effective date of the National Firearms Act of 1968 shall be considered to have registered under this section the firearms in his possession which are disclosed by that record as being in his possession.

**"(e) PROOF OF REGISTRATION.**—A person possessing a firearm registered as required by this section shall retain proof of registration which shall be made available to the Secretary or his delegate upon request.

#### **"SEC. 5842. IDENTIFICATION OF FIREARMS.**

**"(a) IDENTIFICATION OF FIREARMS OTHER THAN DESTRUCTIVE DEVICES.**—Each manufacturer and importer and anyone making a firearm shall identify each firearm, other than a destructive device, manufactured, imported, or made by a serial number which may not be readily removed, obliterated, or altered, the name of the manufacturer, importer, or maker, and such other identification as the Secretary or his delegate may by regulations prescribe.

**"(b) FIREARMS WITHOUT SERIAL NUMBER.**—Any person who possesses a firearm, other than a destructive device, which does not bear the serial number and other information required by subsection (a) of this section shall identify the firearm with a serial number assigned by the Secretary or his delegate and any other information the Secretary or his delegate may by regulations prescribe.

**"(c) IDENTIFICATION OF DESTRUCTIVE DEVICE.**—Any firearm classified as a destructive device shall be identified in such manner as the Secretary or his delegate may by regulations prescribe.

#### **"SEC. 5843. RECORDS AND RETURNS.**

"Importers, manufacturers, and dealers shall keep such records of, and render such returns in relation to, the importation, manufacture, making, receipt, and sale, or other disposition, of firearms as the Secretary or his delegate may by regulations prescribe.

#### **"SEC. 5844. IMPORTATION.**

"No firearm shall be imported or brought into the United States or any territory under its control or jurisdiction unless the importer establishes, under regulations as may be prescribed by the Secretary or his delegate, that the firearm to be imported or brought in is—

**"(1)** being imported or brought in for the use of the United States or any department, independent establishment, or agency thereof or of any State or possession or any political subdivision thereof; or

**"(2)** being imported or brought in for scientific or research purposes; or

**"(3)** being imported or brought in solely for testing or use as a model by a registered manufacturer or solely for use as a sample by a registered importer or registered dealer;

except that, the Secretary or his delegate may permit the conditional importation or bringing in of a firearm for examination and testing in connection with classifying the firearm.

#### **"SEC. 5845. DEFINITIONS.**

"For the purpose of this chapter—

**"(a) FIREARM.**—The term 'firearm' means

**"(1)** a shotgun having a barrel or barrels of less than 18 inches in length;

**"(2)** a weapon made from a shotgun if such weapon as modified has an overall length of less than 26 inches or a barrel or barrels of less than 18 inches in length;

**"(3)** a rifle having a barrel or barrels of less than 16 inches in length;

**"(4)** a weapon made from a rifle if such weapon as modified has an overall length of less than 26 inches or a barrel or barrels of less than 16 inches in length;

**"(5)** any other weapon, as defined in subsection (e);

**"(6)** a machinegun;

**"(7)** any silencer (as defined in section 921 of title 18, United States Code); and

**"(8)** a destructive device.

The term 'firearm' shall not include an antique firearm or any device (other than a machinegun or destructive device) which, although designed as a weapon, the Secretary or his delegate finds by reason of the date of its manufacture, value, design, and other characteristics is primarily a collector's item and is not likely to be used as a weapon.

**"(b) MACHINEGUN.**—The term 'machinegun' means any weapon which shoots, is designed to shoot, or can be readily restored to shoot, automatically more than one shot, without manual reloading, by a single function of the trigger. The term shall also include the frame or receiver of any such weapon, any part designed and intended solely and exclusively, or combination of parts designed and intended, for use in converting a weapon into a machinegun, and any combination of parts from which a machinegun can be assembled if such parts are in the possession or under the control of a person.

**"(c) RIFLE.**—The term 'rifle' means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed cartridge to fire only a single projectile through a rifled bore for each single pull of the trigger, and shall include any such weapon which may be readily restored to fire a fixed cartridge.

**"(d) SHOTGUN.**—The term 'shotgun' means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of projectiles (ball shot) or a single projectile for each pull of the trigger, and shall include any such weapon which may be readily restored to fire a fixed shotgun shell.

**"(e) ANY OTHER WEAPON.**—The term 'any other weapon' means any weapon or device capable of being concealed on the person from which a shot can be discharged through the energy of an explosive, a pistol or revolver having a barrel with a smooth bore designed or redesigned to fire a fixed shotgun shell, weapons with combination shotgun and rifle barrels 12 inches or more, less than 18 inches in length, from which only a single discharge can be made from either barrel without manual reloading, and shall include any such weapon which may be readily restored to fire. Such term shall not include a pistol or a revolver having a rifled bore, or rifled bores, or weapons designed, made, or intended to be fired from the shoulder and not capable of firing fixed ammunition.

**"(f) DESTRUCTIVE DEVICE.**—The term 'destructive device' means

**(1)** any explosive, incendiary, or poison gas;

**(A)** bomb,

**(B)** grenade,

**(C)** rocket having a propellant charge of more than four ounces;

**(D)** missile having an explosive or incendiary charge of more than one-quarter ounce,

**(E)** mine, or

**(F)** similar device;

**(2)** any type of weapon by whatever name known which will, or which may be readily converted to, expel a projectile by the action of an explosive or other propellant, the barrel or barrels of which have a bore of more than one-half inch in diameter, except a shotgun or shotgun shell which the Secretary or his delegate finds is generally recognized as particularly suitable for sporting purposes; and

**(3)** any combination of parts either designed or intended for use in converting any device into a destructive device as defined in subparagraphs (1) and (2) and from which a destructive device may be readily assembled. The term 'destructive device' shall not include any device which is neither designed nor redesigned for use as a weapon; any device, although originally designed for use as a weapon, which is redesigned for use as a signaling, pyrotechnic, line throwing, safety, or similar device; surplus ordnance sold, loaned, or given by the Secretary of the Army pursuant to the provisions of section 4684(2), 4685, or 4686 of title 10 of the United States Code; or any other device which the Secretary of the Treasury or his delegate finds is not likely to be used as a weapon, or is an antique or is a rifle which the owner intends to use solely for sporting purposes.