

CLASS 3 NFA Information

Unlike conventional firearms, each change of possession or ownership of a Title 2 weapon (silencer, machine gun, sawed-off shotgun, pen gun, etc.) must be approved in advance by BATF. This includes not only the sale of such a weapon, but also the act of giving or loaning it to another person. Failure to comply can result in a \$250,000 fine, 10 years in prison, or both. Although the weapon can be moved by its registered owner within the owner's state or residence, transportation across state lines requires prior BATF approval. These requirements were instituted by the National Firearms Act of 1934 and were incorporated into the Gun Control Act of 1968.

To the best of our knowledge, silencers are legal for private ownership in the following states: AL, AR, AK, AZ, CO, CT, FL, GA, ID, IN, KY, LA, ME, MD, MS, MT, NE, NV, NH, NM, NC, ND, OH, OK, OR, PA, SC, SD, TN, TX, UT, VA, WA, WV, WI, and WY. Additionally, they may be owned by Class 3 dealers and Class 2 manufacturers (but not individuals) in: CA, IA, KS, MA, MO, and MI. Territorial law prohibits possession in the Territories and Possessions of the United States. There are no known restrictions on governmental ownership. If your state is not listed, check with your local office of the Bureau of Alcohol, Tobacco, & Firearms or your state's Attorney General. If they are not legal in your state of residence, we cannot sell to you. Please do not ask us to violate state or federal law.

As with any firearm, an individual owner must take possession through a licensed dealer (That's us!) in his state of residence. In the case of Title 2 weapons (silencers, machine guns, etc.), the dealer (That's us!) must be what is known as a class 3 dealer, meaning that he has paid an annual special occupational tax in conjunction with his firearms license to permit him to deal in Title 2 weapons without paying the individual \$200 transfer tax on each weapon.

The \$200 transfer tax is assessed each time a Title 2 weapon changes hands. The exceptions are to (or from) a governmental agency or a class 3 dealer. Interestingly, many class 3 dealers do not have a storefront and deal in these weapons as a sideline..

Each time a Title 2 weapon changes hands, the transfer must be approved in advance by the Bureau of Alcohol, Tobacco & Firearms. It normally takes 4-5 weeks for BATF to approve the transfer between dealers or to law enforcement agencies, and the transfer to individuals requires 3-4 months.

The procedure for obtaining a suppressor, machine gun, short barrel rifle, short barrel shotgun, pen gun or Any Other Weapon (AOW) is to order (and pay for) the unit. The weapon should be ordered through us. Although you may order direct, it must be delivered through us. We will then assist you in completing the necessary paperwork to transfer the weapon to you. This will include your submitting fingerprints and two passport size photos on your application. In addition, your local chief law enforcement officer (sheriff or chief of police) will need to sign the application. Along with your \$200 transfer tax, the application is sent to BATF. When the application is approved (and not before), we will then turn over possession to you.

We will charge a fee for handling of the weapon. We are not in the business of being a sales tax collector for states other than Florida, but we do not encourage your avoidance of sales or use taxes.

If you are eligible to own any conventional firearm, you are also eligible to own a Title 2 weapon provided that there are no state laws prohibiting such ownership. This means basically that you must be free of all felony convictions and be over 21 years of age.

CLASS 3 NFA RETURNS - *All Class 3 returns are subject to a 35% restocking fee*

These items can be owned by an INDIVIDUAL, a TRUST, or a CORPORATION.

Here's what's involved for INDIVIDUAL ownership

1. We will complete two copies of a BATFE Form 4 for you. This is very similar to the form you would normally complete to purchase any firearm.
2. We will complete a BATFE Form 5330.20, which simply verifies your citizenship status.
3. We will also provide you with two fingerprint cards that you'll use to get your fingerprints done (it's usually easiest to get the prints done when you go to your local law enforcement agency's office).
4. You will need to get two passport photos done to affix to the back of the BATFE Form 4 (Walgreen's or CVS pharmacy can do them in about 15 minutes in their photo processing section)
5. Take everything to your local Chief Law Enforcement Officer (CLEO) and have him/her sign on the back side of both copies of the ATF Form 4.
6. You will then mail the whole packet, along with a \$200 check from you (a onetime fee that pays your transfer tax also called "tax stamp") to the BATFE.
7. 4-6 weeks later, when we get your approved paperwork back from the BATFE, we can then transfer the NFA item to you along with your BATFE approved Form 4.

Here's what's involved for TRUST ownership

1. We will complete two copies of a BATFE Form 4.
2. We will complete two copies of a BATFE Form 5330.20, which simply verifies your citizenship status.
3. You will make two copies of your trust for each transfer to mail to BATFE
4. You will mail the whole packet, along with a \$200 check from you (a onetime fee that pays your transfer tax - also called "tax stamp") to the BATFE.
5. 4-6 weeks later, when we get your approved paperwork back from the BATFE, we can then transfer the NFA item to you along with your BATFE approved Form 4.

The TRUST is by far the easiest method of ownership. You'll spend 1/10th the time completing your paperwork if you use a TRUST (instead of INDIVIDUAL or CORPORATE OWNERSHIP), because you won't need passport photos, fingerprint cards, or the CLEO's signature. There is no "down side" to a trust.

We have the ability to draw up a trust if you don't have one using a software program. Call or email us if this is something you're interested in.

We will draw up a trust for you and provide you with the two necessary trust documents (declaration of trust and memorandum of trust). You sign the two trust documents (declaration and memorandum) in front of a notary and have both documents notarized.

Here's what's involved for CORPORATION ownership

1. We will complete two copies of a BATFE Form 4.
2. We will complete two copies of a BATFE Form 5330.20, which simply verifies your citizenship status.
3. You will make two complete copies of your Articles' of Incorporation paperwork for each transfer to mail to BATFE
4. You will mail the whole packet, along with a \$200 check from you (a onetime fee that pays your transfer tax - also called "tax stamp") to the BATFE.
5. 4-6 weeks later, when we get your approved paperwork back from the BATFE, we can transfer the NFA item to you along with your BATFE approved Form 4.

We do not recommend ever going the CORPORATION route for NFA ownership. Businesses change and/or dissolve eventually (and then you'll have the hassle of dealing with your NFA items that are the property/assets of the corporation). A TRUST or INDIVIDUAL OWNERSHIP will last your lifetime.

If you have any questions about the process, please don't hesitate to call us and ask. Our goal is to take the mystery out of it all and make it simple, easy and painless.