



NEW YORK STATE POLICE
1220 WASHINGTON AVENUE
ALBANY, NEW YORK 12226-2252

JOSEPH A. D'AMICO
SUPERINTENDENT

OFFICE OF COUNSEL
(518) 457-6137

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Dear Federal Firearms Licensee,

As you may be aware, starting March 15, 2013, all private firearms sales/transfers in New York State will require a background check of the buyer/transferee. Federal law and guidelines govern the process that dealers must follow if they choose to conduct a background check for a private sale. On March 15, 2013, the ATF issued updated procedures for the background check process and this letter serves to notify you of that guidance.

Beginning on March 15, 2013, except for sales or transfers between immediate family members, all sales or transfers of firearms between private individuals must include a National Instant Criminal Background Check System (NICS) check of the buyer or transferee of the firearm by an FFL. Sales or transfers between immediate family members, including spouses, domestic partners, children and step-children, are exempt from the background check requirement. As an FFL, you are not *required* to facilitate private sales, but if you choose to do so, you may charge up to \$10 for this service.

The background check process to be used in private sales or transfers is set out in ATF guidance, which is available at <http://www.atf.gov/regulations-rulings/procedures/031513-procedure-2013-1.pdf>.

To further assist you in understanding the NY SAFE Act and the implementation of the private sale/transfer background check requirement, the following resources are available:

- 1) Frequently asked questions and answers are posted at www.troopers.ny.gov.
- 2) The NY SAFE Act hotline at 1-855-LAW-GUNS is available during normal business hours to answer your questions.

Sincerely,

Thomas Capezza
Counsel to the New York State Police

Private Sale Q&A for Federal Firearms Licensees (“FFLs”)

Q: How does the SAFE Act affect private sales or transfers of firearms?

A: Starting March 15, 2013, a background check of a buyer or transferee of a firearm must be performed by a federal firearms licensee (“FFL”) before a firearm is sold or transferred by a private individual, unless the transfer is between immediate family members.

Q: What family members are exempt from the private sale/transfer provision?

A: Sales or transfers to and between spouses, domestic partners, children and step-children are exempt from the private sale/transfer provision.

Q: How do I complete a private sale or transfer?

A: Federal law and guidelines govern the process that dealers must follow if they choose to conduct a background check for a private sale. That guidance may be found at <http://www.atf.gov/regulations-rulings/procedures/031513-procedure-2013-1.pdf>.

Q: Am I required to perform a background check for a private sale or transfer?

A: No. You are under no legal obligation to facilitate a private sale or transfer.

Q: Is there a cap on what I may charge to facilitate the private sale or transfer?

A: You may charge up to \$10 to facilitate the sale or transfer.

Q: What if I have questions about the process?

A: Contact the NY SAFE Act hotline at 1-855-LAW-GUNS. You can also contact ATF Industry Operations at 646-335-9060 (New York City) or 716-853-5160 (Buffalo).