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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