

## *Private Sale Q&A for Individuals*

**Q: What types of private firearm sales or transfers are subject to background check requirements?**

A: Starting on March 15, 2013, all private firearm sales or transfers (with the exception of those sales or transfers to and between certain family members) will require a background check of the buyer.

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

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

**Q: As a private individual seller/transferor, how do I conduct a background check on a buyer or transferee?**

A: The background check must be performed by a dealer. Federal law and guidelines govern the process that dealers must follow if they choose to conduct a background check for a private sale.

You, the seller/transferor, bring the weapon to any dealer that agrees to facilitate the sale or transfer. The dealer conducts an instant background check of the buyer/transferee—the same check run for all retail firearm sales. The dealer may not charge more than \$10 for this service.

You may visit the dealer along with the buyer/transferee and complete the sale or transfer together, or you may leave your firearm with the dealer to complete the sale or transfer on your behalf.

**Q: Do I need to get a background check if I am selling or transferring the firearm to a relative?**

A: No background check is required for sales or transfers to *wives, domestic partners, children and step-children*.

**Q: Are dealers required to facilitate a private sale or transfer?**

A: No, dealers in New York are not required to facilitate private firearm sales or transfers. However, if they do, they may not charge more than \$10 per firearm to complete the sale or transfer. It is up to the private parties to decide who is responsible for paying the dealer.

**Q: What if I fail to comply with the background check provision?**

A: Failure to comply with the provision is punishable as a class A misdemeanor.