

# National Firearms Act (NFA) Responsible Person Questionnaire

Complete the form in duplicate. The ATF copy of the form, with fingerprints on Form FD-258 and photograph, will be submitted with the ATF Form 1, 4, or 5 (to the address shown on the specific form) and the other copy will be directed to the responsible person's chief law enforcement officer. (See Instructions)

1. Please check the appropriate box to indicate with which ATF form this questionnaire will be submitted.

ATF Form 1       ATF Form 4       ATF Form 5

2. Name and Address of Applicant or Transferee (as shown on the ATF Form 1, 4 or 5) (see instruction 2)

3a. Name and Home Address of Responsible Person

3b. Telephone (Area code and Number)

3c. e-mail address (optional)

3d. Other names used (including maiden name)

4a. Type of Firearm (see definition 5)

3e. Photograph

4b. Name and Address of Maker, Manufacturer and/or Importer of Firearm

Affix recent  
Photograph Here

(Approximately 2" x 2")  
(See instruction 3b)

4c. Firearm Model

4d. Caliber or Gauge

4e. Firearm Serial Number

5. Law Enforcement Notification (See instruction 5)

As a responsible person (see definition 4) of the trust or legal entity identified in Item 2 of this form, I am required to provide notification of the proposed making or acquisition and possession of the firearm described in item 4 of this form by providing a copy of the completed form to the chief law enforcement officer (CLEO) in the agency identified below:

Agency or Department Name

Name and Title of Official

Address (Street address or P.O. Box, City, State and Zip Code) to which sent (mailed or delivered)

### Information for the Chief Law Enforcement Officer

This form provides notification of the maker or transferee's intent to make or acquire and possess a National Firearms Act (NFA) firearm. No action on your part is required. However, should you have information that may disqualify this person from making or possessing a firearm, please contact the NFA Branch at (304) 616-4500 or NFA@atf.gov. A "Yes" answer to items 6h or item 7b or 7c could disqualify a person from acquiring or possessing a firearm. Also, ATF may not approve an application if the transfer or possession of the firearm would be in violation of State or local law.

6. Answer questions 6.a through 6.h. Answer questions 7 and 8 if applicable. For any "Yes" answer the transferee shall provide details on a separate sheet. (See definitions 8-12)

	Yes	No
a. Are you under indictment or information in any court for a felony, or any other crime, for which the judge could imprison you for more than one year? (See definition 8)		
b. Have you ever been convicted in any court for a felony, or any other crime, for which the judge could have imprisoned you for more than one year, even if you received a shorter sentence including probation? (See definition 8)		
c. Are you a fugitive from justice? (See definition 13)		
d. Are you an unlawful user of, or addicted to, marijuana or any depressant, stimulant, narcotic drug, or any other controlled substance? <b>Warning: The use or possession of marijuana remains unlawful under Federal law regardless of whether it has been legalized or decriminalized for medicinal or recreational purposes in the state where you reside.</b>		
e. Have you ever been adjudicated as a mental defective <b>OR</b> have you ever been committed to a mental institution? (See definitions 9 and 10)		
f. Have you been discharged from the Armed Forces under <b>dishonorable</b> conditions?		
g. Are you subject to a court order restraining you from harassing, stalking, or threatening your child or an intimate partner or child of such partner? (See definition 11)		
h. Have you ever been convicted in any court of a misdemeanor crime of domestic violence? (See definition 14)		

7a. Country of Citizenship: (Check/List more than one, if applicable. Nationals of the United States may check U.S.A.) (See definition 12)

United States of America       Other Country/Countries (specify): \_\_\_\_\_

	Yes	No
b. Have you ever renounced your United States citizenship?		
c. Are you an alien illegally or unlawfully in the United States?		
d.1. Are you an alien who has been admitted to the United States under a nonimmigrant visa?		
d.2. If "yes", do you fall within any of the exceptions stated in the instructions? Attach the documentation to the questionnaire <input type="checkbox"/> N/A		

8. If you are an alien, record your U.S. -Issued Alien or Admission number (AR#, USCIS#, or 194#): \_\_\_\_\_

**CERTIFICATION: Under penalties imposed by 18 U.S.C. § 924 and 26 U.S.C. § 5861, I certify that, upon submission of this form to ATF, a completed copy of this form will be directed to the chief law enforcement officer (CLEO) shown in item 5, that the statements contained in this certification, and any attached documents in support thereof, are true and correct to the best of my knowledge and belief.**

\_\_\_\_\_  
Signature of Responsible Person

\_\_\_\_\_  
Date

#### Instructions

- Completion: Each responsible person (see definition 4) of a trust or legal entity seeking to make or acquire a National Firearms Act (NFA) firearm shall complete this form in duplicate. (see instruction 9)
  - Each responsible person must submit his/her fingerprints and photograph with this form (see below).
  - Please note that this form is not required when the applicant on Form 1, 4 or 5 is an individual.
- Item 2- Enter the name, trade name (if any) and address of the trust or legal entity identified on the Form 1 (items 3a and b); Form 4 (item 2a); or Form 5 (item 2a)
- Item 3- Responsible Person information
  - Provide the information for the responsible person in items 3a through 3e.
  - Item 3e - Photograph: The responsible person shall attach, in item 3e on the ATF copy of the form only, a 2-inch by 2-inch frontal view photograph taken within one year prior to the date of the filing of the form. Item 3c is obscured on the CLEO copy.
- Firearm information
  - Type of NFA firearm: see definition 5 and as identified in item 4b of Form 1, 4, or 5
  - Name of maker, manufacturer and/or importer: as identified in item 4a of Form 1, 4, or 5
  - Firearm Model: identified in item 4d of Form 1, 4, or 5
  - Caliber or Gauge: identified in item 4c of Form 1, 4 or 5
  - Firearm Serial Number: identified in item 4g of Form 1, 4 or 5. Item 4e is obscured on the CLEO copy.
- Item 5- Law Enforcement Notification: Each responsible person must provide a notification on this form of the proposed making or acquisition of an NFA firearm to his/her chief law enforcement officer having jurisdiction where the responsible person is located. The chief law enforcement officer is considered to be the Chief of Police; the Sheriff; the Head of the State Police; or a State or local district attorney or prosecutor.
- Complete items 6 through 8
- Fingerprints: The responsible person shall submit, in duplicate with the ATF copy of this form, his or her fingerprints on FBI Form FD-258 and the fingerprints must be clear for accurate classification and taken by someone properly equipped to take them. No fingerprints are required with the copy of the form sent to the chief law enforcement officer.
- State or Local Permit: If the State in which the responsible person resides requires the responsible person to have a State or Local permit or licensee, a copy of the permit or license must be submitted with this form.
- Disposition: The ATF copy of the form, with the fingerprints and photograph, shall be submitted with the ATF Form 1, 4 or 5. The other copy shall be directed to the responsible person's chief law enforcement officer identified in item 5 of this form.
- Sign and date the form. The signature must be original.

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3b. Telephone (Area code and Number)

3c. e-mail address (optional)

3d. Other names used (including maiden name)

4a. Type of Firearm (see definition 5)

4b. Name and Address of Maker, Manufacturer and/or Importer of Firearm

4c. Firearm Model

4d. Caliber or Gauge

5. Law Enforcement Notification (See instruction 5)

As a responsible person (see definition 4) of the trust or legal entity identified in Item 2 of this form, I am required to provide notification of the proposed making or acquisition and possession of the firearm described in item 4 of this form by providing a copy of the completed form to the chief law enforcement officer (CLEO) in the agency identified below:

Agency or Department Name

Name and Title of Official

Address (Street address or P.O. Box, City, State and Zip Code) to which sent (mailed or delivered)

### Information for the Chief Law Enforcement Officer

This form provides notification of the maker or transferee's intent to make or acquire and possess a National Firearms Act (NFA) firearm. No action on your part is required. However, should you have information that may disqualify this person from making or possessing a firearm, please contact the NFA Branch at (304) 616-4500 or NFA@atf.gov. A "Yes" answer to items 6h or item 7b or 7c could disqualify a person from acquiring or possessing a firearm. Also, ATF may not approve an application if the transfer or possession of the firearm would be in violation of State or local law.

6. Answer questions 6.a through 6.h. Answer questions 7 and 8 if applicable. For any "Yes" answer the transferee shall provide details on a separate sheet. (See definitions 8-12)

	Yes	No
a. Are you under indictment or information in any court for a felony, or any other crime, for which the judge could imprison you for more than one year? (See definition 8)		
b. Have you ever been convicted in any court for a felony, or any other crime, for which the judge could have imprisoned you for more than one year, even if you received a shorter sentence including probation? (See definition 8)		
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7a. Country of Citizenship: (Check/List more than one, if applicable. Nationals of the United States may check U.S.A.) (See definition 12)

United States of America       Other Country/Countries (specify): \_\_\_\_\_

	Yes	No
b. Have you ever renounced your United States citizenship?		
c. Are you an alien illegally or unlawfully in the United States?		
d.1. Are you an alien who has been admitted to the United States under a nonimmigrant visa?		
d.2. If "yes", do you fall within any of the exceptions stated in the instructions? Attach the documentation to the questionnaire <input type="checkbox"/> N/A		

8. If you are an alien, record your U.S. -Issued Alien or Admission number (AR#, USCIS#, or 194#): \_\_\_\_\_

**CERTIFICATION: Under penalties imposed by 18 U.S.C. § 924 and 26 U.S.C. § 5861, I certify that, upon submission of this form to ATF, a completed copy of this form will be directed to the chief law enforcement officer (CLEO) shown in item 5, that the statements contained in this certification, and any attached documents in support thereof, are true and correct to the best of my knowledge and belief.**

\_\_\_\_\_  
Signature of Responsible Person

\_\_\_\_\_  
Date

#### Instructions

- Completion: Each responsible person (see definition 4) of a trust or legal entity seeking to make or acquire a National Firearms Act (NFA) firearm shall complete this form in duplicate. (see instruction 9)
  - Each responsible person must submit his/her fingerprints and photograph with this form (see below).
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  - Provide the information for the responsible person in items 3a through 3e.
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  - Type of NFA firearm: see definition 5 and as identified in item 4b of Form 1, 4, or 5
  - Name of maker, manufacturer and/or importer: as identified in item 4a of Form 1, 4, or 5
  - Firearm Model: identified in item 4d of Form 1, 4, or 5
  - Caliber or Gauge: identified in item 4c of Form 1, 4 or 5
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- Item 5- Law Enforcement Notification: Each responsible person must provide a notification on this form of the proposed making or acquisition of an NFA firearm to his/her chief law enforcement officer having jurisdiction where the responsible person is located. The chief law enforcement officer is considered to be the Chief of Police; the Sheriff; the Head of the State Police; or a State or local district attorney or prosecutor.
- Complete items 6 through 8
- Fingerprints: The responsible person shall submit, in duplicate with the ATF copy of this form, his or her fingerprints on FBI Form FD-258 and the fingerprints must be clear for accurate classification and taken by someone properly equipped to take them. No fingerprints are required with the copy of the form sent to the chief law enforcement officer.
- State or Local Permit: If the State in which the responsible person resides requires the responsible person to have a State or Local permit or license, a copy of the permit or license must be submitted with this form.
- Disposition: The ATF copy of the form, with the fingerprints and photograph, shall be submitted with the ATF Form 1, 4 or 5. The other copy shall be directed to the responsible person's chief law enforcement officer identified in item 5 of this form.
- Sign and date the form. The signature must be original.

## DEFINITIONS

1. **National Firearms Act (NFA).** Title 26, United States Code, Chapter 53. The implementing regulations are found in Title 27, Code of Federal Regulations, Part 479.
2. **Gun Control Act (GCA).** Title 18, United States Code, Chapter 44. The implementing regulations are found in Title 27, Code of Federal Regulations, Part 478.
3. **Person.** A partnership, company, association, trust, corporation, including each responsible person associated with such an entity; an estate; or an individual.
4. **Responsible Person.** In the case of an unlicensed entity, including any trust, partnership, association, company (including any Limited Liability company (LLC)), or corporation, any individual who possesses, directly or indirectly, the power or authority to direct the management and policies of the trust or entity to receive, possess or ship, transport, deliver, transfer or otherwise dispose of a firearm for, or on behalf of, the trust or legal entity. In the case of a trust, those persons with the power or authority to direct the management and policies of the trust includes any person who has the capability to exercise such power and possesses, directly or indirectly, the power or authority under any trust instrument, or under State law, to receive, possess, ship, transport, deliver, transfer, or otherwise dispose of a firearm for, or on behalf of the trust. Examples of who may be considered a responsible person include settlors/grantors, trustees, partners, members, officers, directors, board members or owners. An example of who may be excluded from this definition of responsible person is the beneficiary of a trust, if the beneficiary does not have the capability to exercise the enumerated powers or authorities.
5. **Firearm.** (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 26 U.S.C. § 5845(e); (6) a machinegun; (7) any silencer (as defined in 18 U.S.C. § 921) and (8) a destructive device.
6. **Maker.** The person (applicant) applying to make and register the firearm.
7. **Transferee.** The person acquiring the firearm.
8. **Prohibited Person.** Generally, 18 U.S.C. § 922(g) prohibits the shipment, transportation, receipt, or possession in or affecting interstate commerce of a firearm by one who has been convicted of a felony or any other crime, punishable by imprisonment for a term exceeding one year (*this does not include State misdemeanors punishable by imprisonment of two years or less*), is a fugitive from justice, is an unlawful user of or addicted to marijuana or any depressant, stimulant, or narcotic drug, or any other controlled substance, has been adjudicated as a mental defective or has been committed to a mental institution, has been discharged from the Armed Forces under dishonorable conditions, has renounced his or her U.S. citizenship, is an alien illegally in the United States or an alien admitted to the United States under a nonimmigrant visa or is subject to certain restraining orders. Furthermore, Section 922(n) prohibits the shipment, transportation, or receipt in or affecting interstate commerce of a firearm by one who is under indictment or information for a felony in any Federal, State or local court, or any other crime, punishable by imprisonment for a term exceeding one year. An information is a formal accusation of a crime verified by a prosecutor.

**EXCEPTION:** A person who has been convicted of a felony or any other crime, for which the judge could have imprisoned the person for more than one year, or who has been convicted of a misdemeanor crime of domestic violence, is not prohibited from purchasing, receiving, or possessing a firearm if: (1) under the law of the jurisdiction where the conviction occurred the person has been pardoned, the conviction has been expunged or set aside, or the person had their civil rights (the right to vote, sit on a jury and hold public office) taken away and later restored AND (2) the person is not prohibited by the law of the jurisdiction where the conviction occurred from receiving or possessing firearms. Person subject to his exception should mark "no" in the applicable box.

9. **Adjudicated as a Mental Defective.** A determination by a court, board, commission, or other lawful authority that a person, as a result of marked subnormal intelligence, or mental illness, incompetency, condition, or disease; (1) is a danger to himself or to others; or (2) lacks the mental capacity to contract or manage his own affairs. This term shall include (1) a finding of insanity by a court in a criminal case, and (2) those persons found incompetent to stand trial or found not guilty by reason of lack of mental responsibility.
10. **Committed to a Mental Institution.** A formal commitment of a person to a mental institution by a court, board, commission, or other lawful authority. The term includes a commitment to a mental institution involuntarily. The term includes commitment for mental defectiveness or mental illness. It includes commitments for other reasons, such as for drug use. The term does not include a person in a mental institution for observation or a voluntary admission to a mental institution.

**EXCEPTION:** NICS Improvement Amendments Act of 2007: A person who has been adjudicated as a mental defective or committed to a mental institution in a state proceeding is not prohibited by the adjudication or commitment if the person has been granted relief by the adjudicating/committing state pursuant to a qualifying mental health relief from disabilities program. Also, a person who has been adjudicated as a mental defective or committed to a mental institution by a department or agency of the Federal Government is not prohibited by the adjudication or commitment if either; (a) the person's adjudication or commitment was set-aside or expunged by the adjudicating/committing agency; (b) the person has been fully released or discharged from all mandatory treatment, supervision, or monitoring by the agency; (c) the person was found by the agency to no longer suffer from the mental health condition that served as the basis of the initial adjudication/commitment; or (d) the adjudication or commitment, respectively, is based solely on a medical finding of disability, without an opportunity for a hearing by a court, board, commission, or other lawful authority, and the person has not been adjudicated as a mental defective consistent with section 922(g)(4) of title 18, United States Code; or (e) the person was granted relief from the adjudicating/committing agency pursuant to a qualified mental health relief from disabilities program. Persons who fall within one of the above exceptions should mark "no" in the applicable box. This exception to an adjudication or commitment by a Federal department or agency does not apply to any person who was adjudicated to be not guilty by reason of insanity, or based on lack of mental responsibility, or found incompetent to stand trial, in any criminal case or under the Uniform Code of Military Justice.

11. **Restraining Order.** Under 18 U.S.C. § 922 firearms may not be sold to or received by person subject to a court order that (a) was issued after a hearing which the person received actual notice of and had an opportunity, to participate in (b) restrains such person from harassing, stalking, or threatening an intimate partner or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child, and (c)(i) includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child, or (ii) by its terms explicitly prohibits the use, attempted use, or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury. An "intimate partner" of a person is the spouse or former spouse of the person, the parent of a child of the person or an individual who cohabitates or has cohabitated with the person.
12. **Alien admitted to the United States Under a Nonimmigrant Visa.** An alien admitted to the United States under a nonimmigrant visa includes, among others, persons visiting the United States temporarily for business or pleasure, persons studying in the United States who maintain a residence abroad, and certain temporary foreign workers. These aliens must answer "yes" to question 7.d.1 and provide the additional documentation required under question 7.d.2. Permanent resident aliens

and aliens legally admitted to the United States pursuant to either the Visa Waiver Program or to regulations otherwise exempting them from visa requirements may answer "no" to this question and are not required to submit the additional documentation under 7.d.2. An alien admitted to the United States under a nonimmigrant visa is not prohibited from purchasing, receiving or possessing a firearm if the alien (1) is in possession of a hunting license or permit lawfully issued by the Federal Government, a State, or local government, or an Indian tribe federally recognized by the Bureau of Indian Affairs, which is valid and unexpired.

(2) was admitted to the United States for lawful hunting or sporting purposes; (3) is an official representative of a foreign government who is accredited to the United States Government or the Government's mission to an international organization having its headquarters in the United States; (4) is an official representative of a foreign government who is en route to or from another country to which that alien is accredited; (5) is an official of a foreign government or a distinguished foreign visitor who has been so designated by the Department of State; (6) is a foreign law enforcement officer of a friendly foreign government entering the United States on official law enforcement business; (7) has received a waiver from the prohibition from the Attorney General of the United States.

13. **Fugitives from Justice.** Any person who has fled from any State to avoid prosecution for a felony or a misdemeanor, or any person who leaves the State to avoid giving testimony in any criminal proceeding. The term also includes any person who knows that misdemeanor or felony charges are pending against such person and who leaves the State of prosecution.
14. **Misdemeanor Crime of Domestic Violence:** A Federal, State, local, tribal offense that is a misdemeanor under the Federal, State, or tribal law and has as an element the use or attempted use of physical force, or the threatened use of a deadly weapon, committed by a current or former spouse, parent, or guardian of the victim, by a person with whom the victim shares a child in common, by a person cohabitating with, or has cohabited with the victim as a spouse, parents, or guardian, or by a person similarly situated to a spouse, parent or guardian of the victim. The term includes all misdemeanors that have as an element the use or attempted use of physical force or the threatened use of a deadly weapon (*e.g., assault and battery*), if the offense is committed by one of the defined parties. (*See Exception in the definition of "Prohibited Person"*). A person who has been convicted of a misdemeanor crime of domestic violence also is not prohibited unless (1) the person was represented by a lawyer or gave up the right to a lawyer; or (2) if the person was entitled to a jury, was tried by a jury, or gave up the right to a jury trial. Persons subject to this exception should mark "no" in the applicable box.

#### **Privacy Act Information**

The following information is provided pursuant to Section 3 of the Privacy Act of 1974 (5 U.S.C. § 552(e)(3)):

1. **Authority:** Solicitation of this information is made pursuant to the National Firearms Act (NFA) 26 U.S.C. §§ 5812 and 5822. Disclosure of this information by the applicant is mandatory for the making or transfer of an NFA firearm.
2. **Purpose:** To ensure payment of the tax imposed by 26 U.S.C. §§ 5811 and 5821; to ensure that the making or transfer would not violate law; and to effect the registration of the firearm.
3. **Routine Uses:** The information will be used by ATF to make the determinations set forth in paragraph 2. In addition, to effect registration of the firearm, the description of the firearm, date of registration, and identification and address of the person entitled to possess the firearm will be entered in the National Firearms Registration and Transfer Record.
4. **Effect of not Supplying Information Requested:** Failure to supply complete information may delay processing and may cause denial of the application.

#### **Paperwork Reduction Act Notice**

This information request is in accordance with the Paperwork Reduction Act of 1995. The information provided is used in applying to make or transfer NFA firearms. Data is used to identify the maker; the transferor and transferee; and the firearm being made or transferred; and to ensure legality of the making or transfer.

The estimated burden associated with this collection of information is .25 hours per respondent or recordkeeper, depending upon individual circumstances. Comments concerning the accuracy of this burden estimate and suggestions for reducing this burden should be addressed to the Reports Management Officer, Information Technology Coordination Staff, Bureau of Alcohol, Tobacco, Firearms and Explosives, Washington DC 20226.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.