

## DCWC Firearms Transfers

Most gun owners buy and sell several firearms over the years. Legally, these transfers are of three types: in-state retail; in-state individual; and out-of-state. In-state retail sales are handled by the retailer.

Under federal law, an individual may purchase a firearm from another individual residing in the same state without any background check or paperwork, assuming the seller has no reason to believe the buyer is a “prohibited person” (felon, mentally ill, etc.). North Carolina imposes only the additional restriction that the transfer of any handgun requires a Pistol Purchase Permit (PPP), issued to the buyer by his or her sheriff. Various states have passed “universal background check” laws, and one is perennially introduced in Congress at the federal level. Hence, the ability to buy and sell guns between in-state individuals may change in the future. Furthermore, even though no background check is required for in-state individual sales in NC, many gun owners do not feel comfortable selling firearms to a stranger, and would prefer to have a background check conducted. Only a Federal Firearms License (FFL) holder, such as a gun store, can access the National Instant Criminal Background Check System (NICS) to perform a background check on a buyer. Gun stores (or other FFLs) typically charge a fee for this service.

Federal law prohibits the transfer of any firearm crossing state lines – new or used, from a retailer or individual – to any individual. However these transactions are structured, the actual transfer of each firearm must be performed by a FFL. Typically, the buyer arranges the firearm to be shipped to a local FFL, then picks up the firearm from the FFL, undergoing a NICS check (if not exempt). Most FFLs charge a fee in the range of \$30-50 for this service.

DCWC has obtained a FFL, and can transfer firearms to or from club members. Currently, this service is limited to private transactions in two situations: DCWC will transfer a firearm from an out-of-state seller to a member, or from a member to a third party. There is no fee for this service.

Generally, federal law requires a NICS check for any transfer of firearms across state lines to an individual, and allows (but does not require) a NICS check for the transfer of firearms between residents of the same state. In both cases, an exception is made for individuals who hold valid state-issued permits that serve as a substitute for the NICS check. In North Carolina, both a Pistol Purchase Permit (PPP) and a Concealed Handgun Permit (CHP), if currently valid and issued within the past five years, are NICS substitutes for any firearm purchase (not just handguns).

The transfers described herein are performed by DCWC members who serve on the FFL Committee. The following rules have been established and approved by the DCWC Board of Directors.

### Out of State Purchases by Members

If you have purchased, or plan to purchase, a firearm from an out of state dealer, individual, website, etc., and you would like to have DCWC perform the required FFL transfer to you, send an email to [dcwc.ffl@gmail.com](mailto:dcwc.ffl@gmail.com) identifying the firearm, the seller, and include your name and age. Attach a scan or picture of a valid, government-issued, photo ID (e.g., driver’s license or passport).

Purchase the firearm and arrange for payment. Have the seller contact us at [dcwc.ffl@gmail.com](mailto:dcwc.ffl@gmail.com) to exchange FFL information. We will provide our FFL and shipping instructions to the seller. All firearms MUST be shipped with instructions to HOLD the package at the shipper's local facility, where we will pick it up. **Firearms CANNOT be delivered to the club!** Other than during open hours, the gate is closed and the delivery personnel cannot gain access. If the shipper attempts delivery to the club, and a "helpful" member happens to be at the gate, he could sign for your package and take it home.

**The risk of loss in attempted physical delivery to the club is on the buyer. Be sure the seller ships the firearm with instructions to HOLD it for pickup.**

Once we have a tracking number, we can contact the shipper and verify that no delivery will be attempted. To facilitate pick-up, you should have the seller list "Ed Green or Tim Humphrey" as a recipient (we promise not to pick up your gun and take it home).

When we receive notice that the firearm is available for pickup at the shipper's facility, a DCWC FFL Committee volunteer will contact you to arrange a time to transfer the firearm at the Club shop. Be sure you bring a valid, government-issued, photo ID (e.g., driver's license or passport), and your PPP or CHP, if you wish to use one as an alternative to a NICS check. The PPP or CHP must be current (issued within the past five years). If you have been issued a Unique Personal ID Number (UPIN), bring that as well.

The transfer meeting is between you and an FFL Committee volunteer. To avoid interfering with normal club operations, these meetings will be arranged off-hours (For white badge members, we will arrange the transfer during open hours). Although the meeting will be held in the shop, the FFL Committee volunteer is not a shopkeeper, and the shop is not "open" for business – you cannot buy ammo, supplies, tokens, etc. at this time.

At the meeting, you will fill out Section A of a [Form 4473](#). Only if this form is filled out correctly and signed will the transfer proceed. If you use a valid CHP, it will be copied. If you use a valid PPP, we will take and keep it. In either case, the transfer is complete.

If you do not use a CHP or PPP, a NICS check will be conducted with the FBI. There are three possible outcomes of a NICS check: PROCEED, DENIED, or DELAYED.<sup>1</sup>

- If the result is PROCEED, the firearm will be transferred to you.
- If the result is DENIED, the firearm will **not** be transferred. DCWC will return the firearm to the seller, and your membership account will be assessed the return postage. You must arrange a refund from the seller. The NICS system does not give a reason for denials. You will be given an FBI brochure explaining what to do if you are denied by the NICS process.

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<sup>1</sup> A fourth possibility is CANCELLED, which means the NICS check was invalid. These are rare. If it occurs, we will retry, and/or contact the NICS division for technical support. This may incur a delay in completing the transfer.

- If the result is DELAYED, the firearm will **not** be transferred at that time. Most DELAY responses are updated within three days. We will wait one week. If the NICS check is updated to PROCEED within one week, DCWC will contact you for another transfer meeting. If the NICS check is updated to DENIED, or we receive no update within a week, the firearm will be returned as explained above. Note: under federal law, a FFL may transfer a firearm under a DELAYED response if it is not updated after three days. DCWC will **not** do this. If you anticipate a DELAYED response and want to take the gun after three days, use a different FFL and pay their fee.

### Private Sales

Although not legally required for in-state, resident-to-resident sales, many conscientious gun owners are not comfortable selling a firearm to a stranger, and prefer that a background check be performed.

- When you arrange a sale with a buyer, send an email to [dcwc.ffl@gmail.com](mailto:dcwc.ffl@gmail.com). A FFL Committee volunteer will arrange a mutually convenient time to meet you and the buyer at the club to transfer the firearm. Arrange your own financial transaction with the buyer. If the firearm is a handgun, verify that the buyer has a valid PPP, which must be surrendered. DCWC will retain a copy and give you the original.
- If the buyer is not a club member, you will have to meet him or her outside the gate. You must escort the buyer onto club property, and off club property when the transfer is completed. Feel free to show the buyer around our club and facilities; we will offer him or her a “fact sheet” about DCWC.
- At the meeting at the Club shop, the buyer must present a valid, government-issued, photo ID, and must fill out correctly, and sign, Section A of a [Form 4473](#). The FFL Committee volunteer will either verify the buyer is exempt (PPP or CHP), or will run a NICS check.
  - If the result is PROCEED, the transfer will be recorded and the firearm transferred.
  - If the result is DENIED, DCWC will not perform the transfer. You keep your firearm and escort the would-be buyer off club property.
  - If the result is DELAYED, the firearm will not be transferred at that time. If no further result is received after the 3-day waiting period, it is up to you whether or not to proceed with the transfer. If so, email [dcwc.ffl@gmail.com](mailto:dcwc.ffl@gmail.com) to arrange another meet-up, transfer the firearm, and record the transfer.