



U.S. Department of Justice

Bureau of Alcohol, Tobacco,
Firearms and Explosives

Washington, DC 20226

CHANGES IN FEDERAL LAW AS OF SEPTEMBER 13, 2004 RELATING TO SEMIAUTOMATIC ASSAULT WEAPONS (SAWs)

AND

LARGE CAPACITY AMMUNITION FEEDING DEVICES (LCAFDs)

GENERAL

As of September 13, 2004, the provisions of Public Law 103-322, the Violent Crime Control and Law Enforcement Act of 1994, covering semiautomatic assault weapons and large capacity ammunition feeding devices are no longer in effect. The regulations implementing these provisions also are no longer in effect.

Specifically, there is no longer a Federal prohibition on the manufacture, transfer, and possession of semiautomatic assault weapons and large capacity ammunition feeding devices.

There are no longer any marking requirements for semiautomatic assault weapons and large capacity ammunition feeding devices. Existing markings on firearms and magazines relating to law enforcement or government use may be disregarded.

There is no longer any Federal requirement for Federal firearms licensees to obtain certain documentation before transferring semiautomatic assault weapons and large capacity ammunition feeding devices to government agencies or law enforcement officers. However, any records obtained prior to September 13, 1994, pertaining to the sale or transfer of semiautomatic assault weapons must still be retained for a period of 5 years. See 27 CFR § 478.129(f). Moreover, records of importation and manufacture must be maintained permanently and licensees must maintain all other acquisition and disposition records for 20 years.

Licensees who provided letters of future intent to sell semiautomatic assault weapons and large capacity ammunition feeding devices to law enforcement agencies and other qualified customers are no longer obligated to comply with such letters.

Anyone who illegally possessed, manufactured, or transferred semiautomatic assault weapons or large capacity ammunition feeding devices before the bans sunset still have violated the law since their possession, manufacture, or transfer was illegal at the time.

IMPORTATION

The prohibition on the importation of non-sporting firearms under 18 U.S.C. section 922(l) and 925(d)(3) still applies.

Importation of large capacity ammunition feeding devices still is covered under the Arms Export Control Act. Therefore an approved permit still is required to import large capacity magazines.

Temporary importation of semiautomatic assault weapons and large capacity magazines is now lawful under the provisions of 27 CFR § 478.115(d) because temporary importations are not subject to the sporting purpose test.

Any importer who has a valid approved Form 6 import permit with a restriction related to the assault weapon ban should comply with the restriction because the weapons most likely are non-sporting.

Any importer who has a valid approved Form 6 import permit with a restriction related to large capacity ammunition feeding devices may disregard the restriction. Importers may apply for a new permit if they prefer.

ASSEMBLY OF NON-SPORTING SHOTGUNS AND SEMIAUTOMATIC RIFLES FROM IMPORTED PARTS

The prohibition on assembly of non-sporting shotguns and semiautomatic rifles from imported parts as provided under 18 U.S.C. § 922(r) and 27 CFR § 478.39 still applies.

SENTENCING ENHANCEMENTS

The sentencing enhancements for using semiautomatic assault weapons in a crime of violence or drug trafficking crime no longer are in effect. Similarly, the sentencing enhancements for semiautomatic assault weapons in the U.S. Sentencing Guidelines no longer are in effect.

LAW ENFORCEMENT OFFICERS AND POLICE DEPARTMENTS

Law enforcement officers and police departments who obtained semiautomatic assault weapons are no longer required to use such firearms only for official use.

Law enforcement officers and police departments may now sell or transfer semiautomatic assault weapons to persons who are not prohibited from receiving firearms.

Law enforcement officers and police departments may now sell or transfer large capacity ammunition feeding devices to anybody.

Signed statements that semiautomatic assault weapons and large capacity ammunition feeding devices will be used for official use are no longer required to be provided to Federal firearms licensees.

RETIRED LAW ENFORCEMENT OFFICERS

Federal law does not prohibit retiring law enforcement officers from keeping semiautomatic assault weapons or large capacity ammunition feeding devices.

Former law enforcement officers who received semiautomatic assault weapons on retirement may now transfer those firearms to persons who are not prohibited from receiving firearms. Transfer of large capacity ammunition feeding devices is no longer restricted.

NATIONAL FIREARMS ACT

All provisions of the National Firearms Act relating to registration and transfer of machineguns, short barreled rifles, weapons made from rifles, short barreled shotguns, weapons made from shotguns, any other weapons as defined in Title 26 U.S.C. section 5845(e), silencers, and destructive devices still apply.

Registered silencers can now be attached to semiautomatic rifles and pistols without creating a prohibited semiautomatic assault weapon.

USAS-12 and Striker12/Streetsweeper shotguns are still classified as destructive devices under ATF Rulings 94-1 and 94-2 and must be possessed and transferred in accordance with the NFA.

EFFECT ON STATE LAW

Expiration of the Federal law will not change any provisions of State law or local ordinances. Questions concerning State assault weapons restrictions should be referred to State and local authorities.