

26 CFR 178.114: IMPORTATION BY MEMBERS OF THE U.S. ARMED FORCES

A member of the U.S. Armed Forces who is a resident of any State or territory which requires that a permit or other authorization be issued prior to possessing or owning a handgun shall submit evidence of compliance with State law before an application to import a handgun may be approved.

ATF Rul. 74-13

[Status of ruling: Active]

State and local authorities have called to the attention of the Bureau of Alcohol, Tobacco and Firearms instances in which members of the United States Armed Forces have transported, shipped, received, or imported handguns into the United States to their place of residence pursuant to 18 U.S.C. 925(a)(4) without obtaining the required permit or other authorization required by their state of residence to acquire, possess, or own (as opposed to a license to purchase) handguns.

Title 18 U.S.C. 925(a)(4) provides that when established to the satisfaction of the Secretary of the Treasury to be consistent with the provisions of 18 U.S.C., Chapter 44 and other applicable Federal and State laws and published ordinances, the Secretary may authorize the transportation, shipment, receipt, or importation into the United States to the place of residence of any member of the United States Armed Forces who is on active duty outside the United States (or has been on active duty outside the United States within the 60-day period immediately preceding the transportation, shipment, receipt or importation), of any firearm or ammunition which is (a) determined by the Secretary to be generally recognized as particularly suitable for sporting purposes, or determined by the Department of Defense to be a type of firearm normally classified as a war souvenir; and (b) intended for the personal use of such member.

26 CFR 178.114(a) provides that an application for a permit to import a firearm or ammunition into the United States to the place of residence of any military member of the United States Armed Forces on active duty outside the United States shall include a certification by the applicant that the transportation, receipt or possession of the firearm or ammunition to be imported would not constitute a violation of any State law or local ordinance at the place of the applicant's residence.

In order to assure that the transportation, shipment, receipt or importation of handguns under 18 U.S.C. 925(a)(4) is not in violation of applicable State laws, it is *held* that, any member of the United States Armed Forces who is a resident of any State or territory which requires that a permit or authorization be obtained prior to acquiring, possessing or owning a handgun, must submit a copy of the license, permit, certificate of registration, or firearm identification card, as applicable, as required by his State in order for an application to import a handgun under 18 U.S.C. 925(a)(4) to be approved.