SuppressEd™

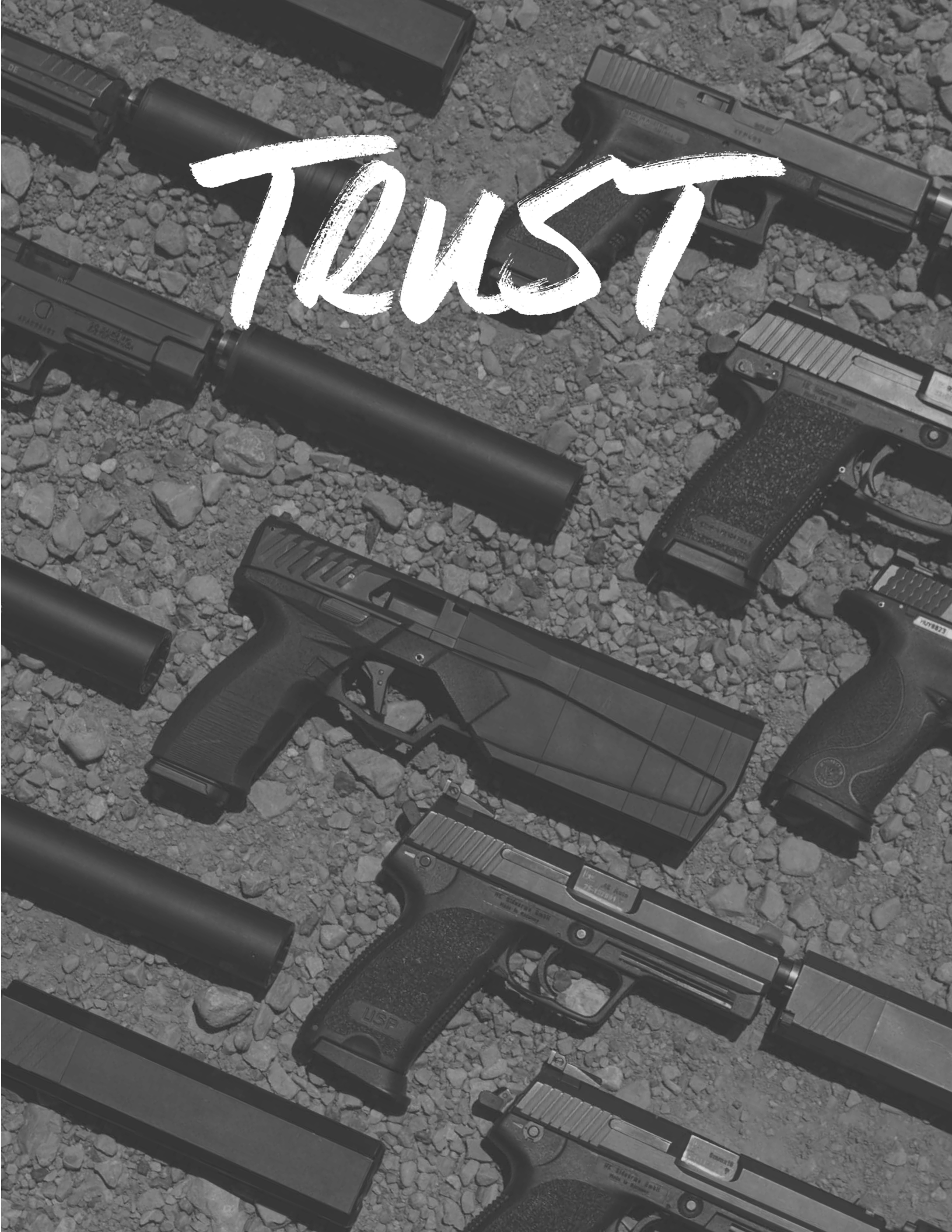
EasyGuide™ To
Purchasing A Silencer
Through A Trust

SilencerCo®

OWNING A SILENCER DOESN'T HAVE TO BE DIFFICULT.

SilencerCo's® SuppressEd EasyGuide provides you with the simplest and most pleasant silencer buying experience possible. Whether this is your first or fourteenth silencer, our EasyGuide removes the mystery and confusion of navigating the ownership process.

→ EASYGUIDE IS A COMPILATION OF RECOMMENDATIONS AND NO CONTENT OF THIS PACKET SHOULD BE INTERPRETED AS LEGAL ADVICE. SILENCERCO IS NOT RESPONSIBLE FOR ANY ISSUES THAT RESULT FROM INCORRECT ADHERENCE TO NFA RULES AND REGULATIONS AND ALL LOCAL, STATE, AND FEDERAL LAWS APPLY AND SHOULD BE FOLLOWED.


TRUST

EasyGuide For Trusts

Follow our step-by-step guide to transfer your new silencer through an NFA trust.

- ☐ Use our example form to carefully complete **(2) included BATFE Form 4s (5320.4)**[1] and sign in blue or black ink
- ☐ Make **(1) photocopy** of your completed Form 4
- ☐ Make **(1) photocopy** of your trust documentation
- ☐ Identify **all responsible persons**[2] (including yourself) and per person:
  - ☐ Use our example form to carefully complete **(1) included BATFE Form 5320.23**[3] and sign in blue or black ink for each responsible person
  - ☐ Obtain **(1) passport photo**[4] and affix to Form 5320.23 (do NOT staple) for each responsible person
  - ☐ Make **(1) photocopy** of your completed Form 5320.23, with passport photo affixed, for each responsible person
  - ☐ Use our example form to carefully complete **(2) FBI Form FD-258s**[5] in blue or black ink for each responsible person
- ☐ Identify your local **Chief Law Enforcement Officer (CLEO)**[6]
- ☐ Write a **$200 check**[7] to the BATFE, we recommend writing the serial number of your suppressor as the memo line.
- ☐ Use our included envelopes to **mail your completed paperwork** to the BATFE and your CLEO[8]

Your dealer will notify you when your silencer is ready for pickup, at which point you will complete a BATFE Form 4473 and finalize your ownership.

INCLUDED EXAMPLE FORMS

BATFE Form 4 (5320.4)
BATFE Form 5320.23
FBI Form FD-258

INCLUDED BLANK FORMS

(2) BATFE Form 4s (5320.4)
(3) BATFE Form 5320.23s

For footnotes, see page 5.

TERMS & TIPS

1 *The primary transfer and registration application for all Title II NFA Weapons (the legal classification for a silencer).*

2 *A responsible person of a trust is any individual who possesses, directly or indirectly, the power or authority to receive, possess, ship, transport, deliver, transfer, or otherwise dispose of a Title II NFA Weapons for, or on behalf of, the trust. We highly recommend that you speak with an attorney to clarify and ensure you avoid delays.*

Examples of who may be considered a responsible person of a trust include settlers, granters, trustees, or beneficiaries, if said beneficiary has the capability to exercise any of the powers or authorities enumerated above.

3 *Form 5320.23 is the NFA Responsible Person Questionnaire. This form must be completed by all responsible persons, including the granter of the NFA trust.*

4 *Passport photos can be obtained through several convenient channels, including shipping centers and pharmacies. We recommend speaking with your dealer for local suggestions.*

5 *Fingerprint cards may be taken by any business or government agency who is properly equipped to take fingerprints. All fingerprint cards should be rolled in blue or black ink.*

6 *A CLEO is as an officer of the law with authority over your county of residence's jurisdiction who is notified of your intent to own and has the authority to present ineligibilities to the BATFE. Since this authority is not exclusive, multiple people may qualify as your CLEO. Ask your dealer about eligible local contacts to help you narrow your search.*

7 *Payment may be credit card or debit card, cash, or money order. We recommend checks because when it clears, you know your forms are being reviewed.*

8 *If a responsible person lives outside the jurisdiction of the CLEO for where the NFA item will be maintained, that responsible person will need to send an additional copy of form 5320.23 to their respective CLEO.*

OMB No. 1140-0014 (xx/xx/xxxx)

U.S. Department of Justice
Bureau of Alcohol, Tobacco, Firearms and Explosives

Application for Tax Paid Transfer and Registration of Firearm

ATF Control Number

SUBMIT in DUPLICATE to: **National Firearms Act Branch**
Bureau of Alcohol, Tobacco, Firearms and Explosives, P.O. Box 530298, Atlanta, GA 30353-0298

1. Type of Transfer *(Check one)*

☐ $5 ☒ $200

Submit the appropriate tax payment with the application. The tax may be paid by credit or debit card, check, or money order. Please complete item 20. Upon approval of the application, we will affix and cancel the required National Firearms Act stamp. *(See instructions 2b, 2i and 3)*

2a. Transferee's Name and Address *(Include trade name, if any) (See instruction 2d)*

THE JOHN TRUST
123 MAIN STREET
SALT LAKE CITY, UT 84116

☐ INDIVIDUAL ☒ TRUST or LEGAL ENTITY

2b. County: SALT LAKE

3a. Transferor's Name and Address *(Include trade name, if any) (Executors: see instruction 2k)*

JOE DEALER
456 MAIN STREET
SALT LAKE CITY, UT 84116

3b. e-mail address *(optional)*

3c. Transferor's Telephone *(Area Code and Number)*: (XXX) XXX-XXXX

3d. If Applicable: Decedent's Name, Address, and Date of Death

3e. Number, Street, City, State and Zip Code of Residence *(or Firearms Business Premises)* If Different from Item 3a.

The above-named and undersigned transferor hereby makes application as required by Section 5812 of the National Firearms Act to transfer and register the firearm described below to the transferee.

4. Description of Firearm *(Complete items a through h) (See instruction 2m)*

a. Name and Address of Maker, Manufacturer and/or Importer of Firearm	b. Type of Firearm *(See definitions)*	c. Caliber or Gauge	d. Model	e. Of Barrel: Length *(Inches)*	f. Overall:
SILENCERCO, LLC 5511 S 6055 W WEST VALLEY CITY, UT 84118	SILENCER	22LR	22Sparrow SS		5.08"

g. Serial Number: XXX-XXX-XX

h. Additional Description or Data Appearing on Firearm *(Attach additional sheet if necessary)*

5. Transferee's Federal Firearms License *(If any)* *(Give complete 15-digit number) (See instruction 2c)*

First 6 digits	2 digits	2 digits	5 digits

6. Transferee's Special (Occupational) Tax Status *(If any)*

a. Employer Identification Number:

b. Class:

7. Transferor's Federal Firearms License *(If any)*

First 6 digits	2 digits	2 digits	5 digits
123456	78	1G	01234

8. Transferor's Special (Occupational) Tax Status *(If any)*

a. Employer Identification Number: 12-3456789

b. Class: 2

Under Penalties of Perjury, I Declare that I have examined this application, and to the best of my knowledge and belief it is true, correct and complete, and that the transfer of the described firearm to the transferee and receipt and possession of it by the transferee are not prohibited by the provisions of Title 18, United States Code; Chap 44; Title 26, United States Code; Chap 53; or any provisions of State or local law.

9. Signature of Transferor *(Or authorized official)*: JOE DEALER

10. Name and Title of Authorized Official *(Print or type)*: JOE DEALER, AUTHORIZED OFFICIAL

11. Date: XX/XX/XXXX

The Space Below is for the use of the Bureau of Alcohol, Tobacco, Firearms and Explosives

By Authority of The Director, This Application Has Been Examined, and the Transfer and Registration of the Firearm Described Herein and the Interstate Movement of that Firearm, When Applicable to the Transferee are:

Stamp Denomination

☐ Approved *(With the following conditions, if any)*

☐ Disapproved *(For the following reasons)*

Signature of Authorized ATF Official

Date

Previous Editions are Obsolete

ATF Copy

ATF E-Form 4 (5320.4)
Revised May 2016

Transferee Certification

12. Law Enforcement Notification *(See instruction 2f)*

The transferee is to provide notification of the proposed acquisition and possession of the firearm described on this Form 4 by providing a copy of the completed form to the chief law enforcement officer in the agency identified below:

Agency or Department Name	Name and Title of Official
UTAH HIGHWAY PATROL	JAMES OFFICER, LAW ENFORCEMENT OFFICIAL

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

789 MAIN STREET, SALT LAKE CITY, UT 84116

Information for the Chief Law Enforcement Officer

This form provides notification of the transferee's intent to 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 acquiring or possessing a firearm, please contact the NFA Branch at (304) 616-4500 or NFA @atf.gov. A "Yes" answer to items 14.a through 14.h or 16.a or 16.b could disqualify a person from acquiring or possessing a firearm. Also, ATF will not approve an application if the transfer or possession of the firearm is in violation of State or local law.

13. Transferee Necessity Statement *(See instruction 2e)*

I, JOHN INDIVIDUAL *(Name and Title of Transferee)*, have a reasonable necessity to possess the machinegun, short-barreled rifle, short-barreled shotgun, or destructive device described on this application for the following reason(s) ALL LAWFUL PURPOSES

and my possession of the device or weapon would be consistent with public safety (18 U.S.C. § 922(b) (4) and 27 CFR § 478.98).

Transferee Questions (Complete Only When Transferee is An Individual)

14. Answer questions 14.a. through 14.h. Answer questions 16 through 17 if applicable. For any "Yes" answer the transferee shall provide details on a separate sheet. *(See instruction 7b and definitions)*

		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 1m)*	○	○
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 1m)*	○	○
c.	Are you a fugitive from justice? *(See definitions 1s)*	○	○
d.	Are you an unlawful user of, or addicted to, marijuana or any depressant, stimulant, narcotic drug, or any other controlled substance? **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.**	○	○
e.	Have you ever been adjudicated as a mental defective **OR** have you ever been committed to a mental institution? *(See definitions 1n and 1o)*	○	○
f.	Have you been discharged from the Armed Forces under **dishonorable** 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 1p)*	○	○
h.	Have you ever been convicted in any court of a misdemeanor crime of domestic violence? *(See definition 1q)*	○	○

15. Photograph

Affix
Recent Photograph Here
(Approximately 2" x 2")
(See instruction 2g)

16a. Country of Citizenship *(Check/List more than one, if applicable. Nationals of the United States may check U.S.A.) (See definition 1r)*

○ 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 application ○ N/A	○	○

17. 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 12, that the statements, as applicable, contained in this certification, and any attached documents in support thereof, are true and correct to the best of my knowledge and belief. NOTE: See instructions 2.d(2) and 2.d(3) for the items to be completed depending on the type of transferee.

JOHN INDIVIDUAL (AS TRANSFEREE)
Signature of Transferee

XX/XX/XXXX
Date

ATF Copy

ATF E-Form 4 (5320.4)
Revised May 2016

18. Number of Responsible Persons *(see definitions)* associated with the transferee trust or legal entity 3

19. Provide the full name (printed or typed) below for each Responsible Person associated with the applicant trust or legal entity (if there are more Responsible Persons than can be listed on the form, attach a separate sheet listing the additional Responsible Person(s)). Please note that a completed Form 5320.23, National Firearms Act (NFA) Responsible Person Questionnaire, must be submitted with the Form 4 application for each Responsible Person.

Full Name	Full Name
JOHN INDIVIDUAL	
RESPONSIBLE PERSON 2	
RESPONSIBLE PERSON 3	

20. **Method of Payment** *(Check one) (See instruction 2i)* (if paying by credit/debit card, complete the sections below)

● Check *(Enclosed)* ○ Cashier's Check or Money Order *(Enclosed)* ○ Visa ○ Mastercard ○ American Express ○ Discover ○ Diners Club

Credit/Debit Card Number *(No dashes)*	Name as Printed on the Credit/Debit Card	Expiration Date *(Month & year)*

Credit/Debit Card Billing Address:	Address:		
	City:	State:	Zip Code:

Total Amount: $200.00

I Authorize ATF to Charge my Credit/Debit Card the Tax Amount.

Signature of Cardholder — Date

Your credit/debit card will be charged the above stated amount upon receipt of the application. The charge will be reflected on your credit/debit card statement. In the event your application is NOT approved, the above amount will be credited to the credit/debit card noted above.

Important Information for Currently Registered Firearms

If you are the current registrant of the firearm described on this form, please note the following information.

Estate Procedures: For procedures regarding the transfer of firearms in an estate resulting from the death of the registrant identified in item 2a, the executor should contact the NFA Branch, Bureau of Alcohol, Tobacco, Firearms and Explosives, 244 Needy Road, Martinsburg, WV 25405.

Change of Address: Unless currently licensed under the Gun Control Act, the registrant shall notify the NFA Branch, Bureau of Alcohol, Tobacco, Firearms, and Explosives, 244 Needy Road, Martinsburg, WV 25405, in writing, of any change to the address in item 2a.

Change of Description: The registrant shall notify the NFA Branch, Bureau of Alcohol, Tobacco, Firearms and Explosives, 244 Needy Road, Martinsburg, WV 25405, in writing, of any change to the description of the firearm(s) in item 4.

Interstate Movement: If the firearm identified in item 4 is a **machinegun, short-barreled rifle, short-barreled shotgun**, or **destructive device**, the registrant may be required by 18 U.S.C. § 922(a)(4) to obtain permission from ATF prior to any transportation in interstate or foreign commerce. ATF E-Form 5320.20 can be used to request this permission.

Restrictions on Possession: Any restriction *(see approval block on face of form)* on the possession of the firearm identified in item 4 continues with the further transfer of the firearm.

Persons Prohibited from Possessing Firearms: If the registrant becomes prohibited from possessing a firearm, please contact the NFA Branch for procedures on how to dispose of the firearm.

Proof of Registration: A person possessing a firearm registered as required by the NFA shall retain proof of registration which shall be made available to any ATF officer upon request.

Paperwork Reduction Act Notice

This form meets the clearance requirements of the Paperwork Reduction Act of 1995. The information you provide is used in applying to transfer serviceable firearms taxpaid. Data is used to identify transferor, transferee, and firearm, and to ensure legality for transfer under Federal, State and local laws. The furnishing of this information is mandatory (26 U.S.C. § 5812).

The estimated average burden associated with this collection of information is 3.78 hours per respondent or recordkeeper, depending on individual circumstances. Comments concerning the accuracy of this burden estimate and suggestion for reducing this burden should be addressed to 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.

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 (26 U.S.C. §5812). Disclosure of this information by the applicant is mandatory for transfer of an NFA firearm, unless the transfer is otherwise exempt from tax.

2. **Purpose.** To insure payment of the tax imposed by 26 U.S.C. § 5811; to insure that the transfer would not be in violation of law; and to effect 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, information as to the identification of the firearm, date of registration, and the identification and address of person entitled to possess the firearm will be entered into the National Firearms Registration and Transfer Record. No information obtained from an application, registration, or records required to be submitted by an individual in order to comply with any provision of the National Firearms Act or regulations issued thereunder, shall, except in connection with prosecution or other action for furnishing information, be used, directly or indirectly, as evidence against that person in any criminal proceeding with respect to a violation of law occurring prior to or concurrently with the filing of the application. The information from this application may only be disclosed to Federal authorities for purposes of prosection for violation of the National Firearms Act.

4. **Effects of not Supplying Information Requested.** Failure to supply complete information will delay processing and may cause denial of the application.

Definitions/Instructions

1. Definitions.

   a. **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.

   b. **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.

   c. **Firearm.** The term "firearm" means: (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) a muffler or silencer for any firearm whether or not such firearm is included within this definition; and (8) a destructive device.

   d. **Person.** A partnership, company, association, trust, corporation, including each responsible person associated with such an entity; an estate; or an individual.

   e. **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, 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.

   f. **Employer Identification Number (EIN).** Required of taxpayer filing special (occupational) tax returns under 27 CFR § 479.35.

   g. **Special (Occupational) Tax.** Required by the NFA to be paid by a Federal firearms licensee engaged in the business of manufacturing (Class 2), importing (Class 1), or dealing (Class 3) in NFA firearms.

   h. **Federal Firearms License.** A license issued under the provisions of the GCA to manufacture, import or deal in firearms.

   i. **ATF Officer.** An officer or employee of the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) authorized to perform any function relating to the administration of the NFA.

   j. **Transfer.** Selling, assigning, pledging, leasing, loaning, giving away, or otherwise disposing of a firearm.

   k. **Transferor.** The person selling or otherwise disposing of a firearm; including applying to transfer a firearm.

   l. **Transferee.** The person acquiring the firearm.

   m. **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 misdemeanor crime of domestic violence; 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 mentally defective or has been committed to a mental institute; 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 has 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. Persons subject to this exception should mark "no" in the applicable box.

   n. **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.

   o. **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 also 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 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 a lack of mental responsibility or found incompetent to stand trial, in any criminal case or under the Uniform Code of Military Justice.

p. **Restraining Order.** Under 18 U.S.C. § 922, firearms may not be sold to or received by persons 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 partner of a child of the person, or an individual who cohabitates or has cohabitated with the person.

q. **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 who is cohabiting with or has cohabited with the victim as 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.

r. **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 16.d.1 and provide the additional documentation required under question 16.d.2. Permanent resident aliens and aliens legally admitted to the United States pursuant 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 16.d.2. An alien admitted to the United States under 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 representatives 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.

s. **Fugitives from Justice.** Any person who has fled from any State to avoid prosection 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 prosection.

2. **Preparation of Application**

a. **Authority.** As provided by 26 U.S.C. §§ 5811 and 5812, any person seeking to transfer a firearm must submit, in duplicate, a separate application on this form for each firearm. The transferor must furnish all the information called for, except as noted by instructions within, on this application form. Please note that the form now contain a 3rd (CLEO) copy of the form for use in compliance with instruction 2f and item 12 of the form.

b. **Transfer Tax Rates.** The transfer tax is $200.00 except when the firearm is an 'any other weapon' where the tax rate is $5.00.

c. **Federal Firearms Licensees.** If the transferor or transferee is a Federal Firearms licensee (FFL) under the GCA, the licensee's complete name, trade name (if any), and address shall be entered in items 2a or 3a of this form, respectively. The complete license number for each shall be entered in items 5 and 7 of the form and if the licensee is a special (occupational) taxpayer under the NFA, the licensee's employer identification number (EIN) shall be entered in item 6 and 8 of the form along with the class of special tax paid. **IMPORTANT NOTE:** The business structure of the licensee shall be described consistently. For example, if the transferor is a sole proprietor, item 3a shall reflect the FFL information for the sole proprietor business and item 7 shall reflect the FFL number for that sole proprietor business. Item 8 will reflect the EIN for the sole proprietor business. If the special tax is paid as a corporation, then it is not valid for the transaction. Similarly, a corporation name shown in item 3a with the FFL number and EIN of a sole proprietor will not be valid for the transaction.

d. **Completion of Form.**

(1) The transferor shall provide the transferee's complete name and physical address (no Post Office boxes) in item 2a. If the transferee is a trust or legal entity, show only the complete name of the trust or legal entity and do not include any individual names (such as names of trustees or corporate officials). The address shall be the location within the particular state where the firearm will be maintained for a trust or legal entity. In the case of two or more locations for a legal entity, the address shown shall be the principal place of business within the particular state (or principal office, in the case of a corporation).

(2) If the transferee is an individual, the entire Form 4 shall be completed except for items 18 and 19. In addition, the transferee must include his or her fingerprints on FBI Form FD-258 and his or her photos (see instruction 2g).

(3) If the transferee is other than an individual, e.g., a trust or legal entity such as a corporation, the transferee shall not complete items 14, 15, 16, and 17. All other items must be completed including the signing of the Transferee Certification statement by the transferee.

(4) Documentation of entity existence:

(a) If the transferee is other than an individual, the transferee must attach documentation evidencing the existence and validity of the entity, which includes complete and unredacted copies of partnership agreements, articles of incorporation, corporate registration, declarations of trust with any trust schedules, attachments, exhibits, and enclosures.

(b) If the transferee entity has had an application approved as a maker or transferee within the preceding 24 months of the date of filing this application, and there has been no change to the documentation evidencing the existence and validity of the entity previously provided, the entity may provide a certification that the information has not been changed since the prior approval and shall identify the application for which the documentation had been submitted by form number, serial number, and date approved.

(5) If the transferee is other than an individual, each responsible person of the trust or legal entity (See definition 1e) must include a completed ATF Form 5320.23, National Firearms Act (NFA) Responsible Person Questionnaire, with the submitted Form 4.

(6) Item 17 (Method of Payment) is obscured on the ATF Copy 2 (Registrant) and the CLEO copy. In addition, item 4g (serial number) is obscured on the CLEO copy. These fields do not require completion on these copies.

e. **Transferee Necessity Statement.** Item 13 must be completed by the transferee if:

(1) the firearm to be transferred is a machinegun, short-barreled rifle, short-barreled shotgun, or destructive device;
(2) the transferor is licensed under the GCA to deal in such device or firearm; and
(3) the transferee is **not** licensed under the GCA to deal in such device or firearm

f. **Law Enforcement Notification.** The transferee must provide a copy of the Form 4 to the chief law enforcement officer (CLEO) who has jurisdiction over the area of the transferee's address shown in item 2a of the Form 4. In addition, if the transferee is other than an individual, a copy of the Form 5320.23, National Firearms Act (NFA) Responsible Person Questionnaire, completed by each responsible person must be provided to their respective chief law enforcement officer. 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..

g. **Photographs and Fingerprints.** An individual transferee, except if licensed as a manufacturer, importer, or dealer under the GCA, must (1) attach to item 15 of the ATF Form 4, a 2 inch x 2 inch photograph of the frontal view of the transferee taken within 1 year prior to the date of the application and (2) submit two properly completed FBI Forms FD-258 *(Fingerprint Card with blue lines)* with the application. The fingerprints must be clear for accurate classification and taken by someone properly equipped to take them.

h. **Signatures.** All signatures required on ATF Form 4 must be original in ink on both copies.

(1) if the applicant is an individual, the applicant shall sign the form;
(2) if the applicant is the estate of a decedent where the firearm is being transferred to other than a beneficiary, the executor or administrator of the estate shall sign the form;
(3) if the applicant is a trust or legal entity, a responsible person of the trust or legal entity shall sign the form; or
(4) if the applicant is a Federal firearms licensee, a responsible person of the Federal firearms licensee shall sign the form

i. **Remittance.** The applicant shall complete item 20. Please note that you may pay by credit/debit card, check, or money order. The check or money order is to be made payable to ATF. **Do not send cash**.

j. **Photocopies or Computer Generated Versions or Downloaded Version from ATF Website.** After downloading or copying and printing this form, ensure that the front and back are on the same sheet of paper. The NFA Branch will not approve the application if the front and back are on separate sheets of paper.

k. **Estates, Trusts, and Other Transfers by Operation of Law.** When a firearm is being transferred tax exempt from an estate by bequest or interstate succession (See 27 CFR § 479.90a), or by other operation of law to a beneficiary or other authorized recipient, ATF Form 5 is used to effect the transfer otherwise, Form 4 is used. See ATF Form 5 for additional information.

l. **Submission**. The transferor shall submit 2 complete forms (ATF copy 1 and Copy 2 (Registrant)) to the NFA Branch at the address on the face of the form. All items on the form are to be completed except as noted in the instructions and any attachment included with the submission. The applicant shall direct the 3rd copy (CLEO) complete copy of the form to the chief law enforcement officer as provided in instruction 2f and item 12.

m. **Description of Firearm and Markings.** (1) Item 4a. please provide the name and address of the maker, manufacturer or importer of the firearm. If there are additional makers, manufacturers, or importers, include this information in item 4h or on a separate sheet of paper. (2) Item 4b. the types of NFA firearm are listed in instruction 1c. (3) Item 4c. specify one caliber or gauge. If there are additional calibers associated with the description of the firearm, include this information in item 4h or on a separate sheet of paper (4) Item 4d. show the model designation (*if any*). (5) Items 4e. and 4f. specify the barrel length and overall lengths as applicable. If there are additional barrel and overall lengths associated with the description of the firearm, include this information in item 4h. or on a separate sheet of paper. (6) Item 4g. enter the serial number of the firearm as it appears on the firearm. (7) If there are differences between the description of the firearm on the form in comparison to the physical description of the firearm or in the markings on the firearm, including the serial number, contact the NFA Branch in regard to these differences.

n. **State or Local Permit.** If a State or local permit or license is required for the transferee prior to acquisition of the firearm, a copy of the permit must be included with the application. If the transferee is a trust or legal entity, when the State of residence for any responsible person requires a State or local permit or license, a copy of the permit or license must be submitted with Form 5320.23, National Firearms Act (NFA) Responsible Person Questionnaire.

3. **Approval of Application.** Upon approval of an application, the NFA Branch will return the approved copy to the transferor for delivery with the firearm to the transferee. Since the approval of the application effectuates registration of the firearm to the transferee, the physical transfer of the firearm must be completed immediately; however, the transferor must not transfer the firearm until the application has been approved and received. If the physical transfer of the firearm cannot be completed immediately, the transferor must contact the NFA Branch with the specifics.

4. **Withdrawal of Application.** The transferor may withdraw an application prior to approval subsequent to a written request to the Chief, NFA Branch, 244 Needy Road, Martinsburg, WV. 25405. The NFA Branch will arrange for a refund of the tax paid.

5. **Cancellation of Approved Application.** The transferor may cancel an approved application only if the physical transfer of the firearm has not been completed. The transferor must return the approved application with the original tax stamp affixed with a written request for cancellation, citing the need and that the physical transfer of the firearm did not take place. The request shall be directed to the Chief, NFA Branch, 244 Needy Road, Martinsburg, WV. 25405. The NFA Branch will arrange for a refund of the tax paid.

6. **Disapproval of Application.** If the application is disapproved, the NFA Branch will note the reason for disapproval on the application and return one copy of the ATF Form 4 to the transferor.

7. **Reasons for Disapproval.** 26 U.S.C. § 5812 provides that applications shall be denied if the transfer, receipt, or possession of the firearm would place the transferee in violation of law.

a. **Violation of the Law.** Applications shall be denied if the receipt or possession of the firearm would place the person receiving or possessing the firearm in violation of the law.

b. **Persons Prohibited from Receiving a Firearm.** The application will be disapproved if the transferee is a person prohibited from receiving a firearm. For information regarding persons prohibited from receiving a firearm, refer to definitions 1m though 1r.

8. **Status Inquiries and Questions**. Information relating to the NFA and other firearms laws is available at the ATF Internet website at **www.atf.gov**. Any inquiry relating to the status of an application to transfer an NFA firearm or about procedures in general should be directed to the NFA Branch at (304) 616-4500. Please be aware that any dissemination by ATF of information relating to the application to register an NFA firearm must conform with the restrictions in 26 U.S.C. § 6103.

9. **Penalties.** Any person who violates or fails to comply with any of the requirements of the NFA shall, upon conviction, be fined not more than $10,000 or be imprisoned for not more than 10 years, or both. Any firearm involved in a violation of the NFA shall be subject to seizure and forfeiture. It is unlawful for any person to make or cause the making of a false entry on any application or record required by the NFA knowing such entry to be false.

10. **Compliance with the Gun Control Act.** Person must also comply with all relevant portions of the GCA

U.S. Department of Justice
Bureau of Alcohol, Tobacco, Firearms and Explosives

OMB No. 1140-0107 (06/30/2019)

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)*

THE JOHN TRUST
123 MAIN STREET
SALT LAKE CITY, UT 84116

3a. Name and Home Address of Responsible Person

JOHN INDIVIDUAL
123 MAIN STREET
SALT LAKE CITY, UT 84116

3b. Telephone *(Area code and Number)*

(XXX) XXX-XXXX

3c. e-mail address *(optional)*

EMAILADDRESS@EMAIL.COM

3d. Other names used *(including maiden name)*

4a. Type of Firearm *(see definition 5)*

SILENCER

3e. Photograph

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

SILENCERCO
5511 S 6055 W
WEST VALLEY CITY, UT 84118

4c. Firearm Model	4d. Caliber or Gauge	4e. Firearm Serial Number
22Sparrow SS	**22LR**	**XXX-XXX-XX**

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

UTAH HIGHWAY PATROL

Name and Title of Official

JAMES OFFICER, LAW ENFORCEMENT OFFICIAL

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

789 MAIN STREET, SALT LAKE CITY, UT 84116

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? **Warning: The use or possession of marijuana remains unlawful under Federal law regardless of whether is has been legalized or decriminalized for medicinal or recreational purposes in the state where you reside.**	○	●
e. Have you ever been adjudicated as a mental defective **OR** have you ever been committed to a mental institution? *(See definitions 9 and 10)*	○	●
f. Have you been discharged from the Armed Forces under **dishonorable** 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	● 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.

John Individual
Signature of Responsible Person

XX/XX/XXXX
Date

Instructions

1. 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)
   a. Each responsible person must submit his/her fingerprints and photograph with this form *(see below)*.
   b. Please note that this form is not required when the applicant on Form 1, 4 or 5 is an individual.
2. 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)*
3. Item 3- Responsible Person information
   a. Provide the information for the responsible person in items 3a through 3e.
   b. 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.
4. Firearm information
   a. Type of NFA firearm: see definition 5 and as identified in item 4b of Form 1, 4, or 5
   b. Name of maker, manufacturer and/or importer: as identified in item 4a of Form 1, 4, or 5
   c. Firearm Model: identified in item 4d of Form 1, 4, or 5
   d. Caliber or Gauge: identified in item 4c of Form 1, 4 or 5
   e. Firearm Serial Number: identified in item 4g of Form 1, 4 or 5. Item 4e is obscured on the CLEO copy.
5. 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.
6. Complete items 6 through 8
7. 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.
8. 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.
9. 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.
10. Sign and date the form. The signature must be original.

ATF Copy

ATF E-Form 5320.23
Revised May 2016

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 trail 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 Sates 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 Sates for lawful hunting or sporting purposes; (3) is an official representative of a foreign government who is accredited to the United Sates Government or the Government's mission to an international organization having its headquarters in the United Sates; (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 Sates 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.

APPLICANT
* See Privacy Act Notice on Back

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FD-258 (Rev. 9-9-13) 1110-0046

SIGNATURE OF PERSON FINGERPRINTED
JOHN INDIVIDUAL

RESIDENCE OF PERSON FINGERPRINTED
123 MAIN STREET
SALT LAKE CITY, UT 84116

DATE: xx/xx/xxxx

SIGNATURE OF OFFICIAL TAKING FINGERPRINTS
JOE OFFICER

EMPLOYER AND ADDRESS
UTAH HIGHWAY PATROL
456 MAIN STREET
SALT LAKE CITY, UT 84116

REASON FINGERPRINTED
SILENCER PURCHASE

TYPE OR PRINT ALL INFORMATION IN BLACK

LAST NAME: NAM
FIRST NAME: JOHN
MIDDLE NAME: DOE

INDIVIDUAL

ALIASES: AKA

O
R
I

FBI LEAVE BLANK

DATE OF BIRTH (Month Day Year): DOB — XX XX XXXX

CITIZENSHIP	SEX	RACE	HGT.	WGT.	EYES	HAIR	PLACE OF BIRTH
CTZ — U.S. CITIZEN	M	W	6'4"	200	BLU	BRO	POB — SALT LAKE CITY, UT

YOUR NO. OCA

FBI NO. FBI

ARMED FORCES NO. MNU

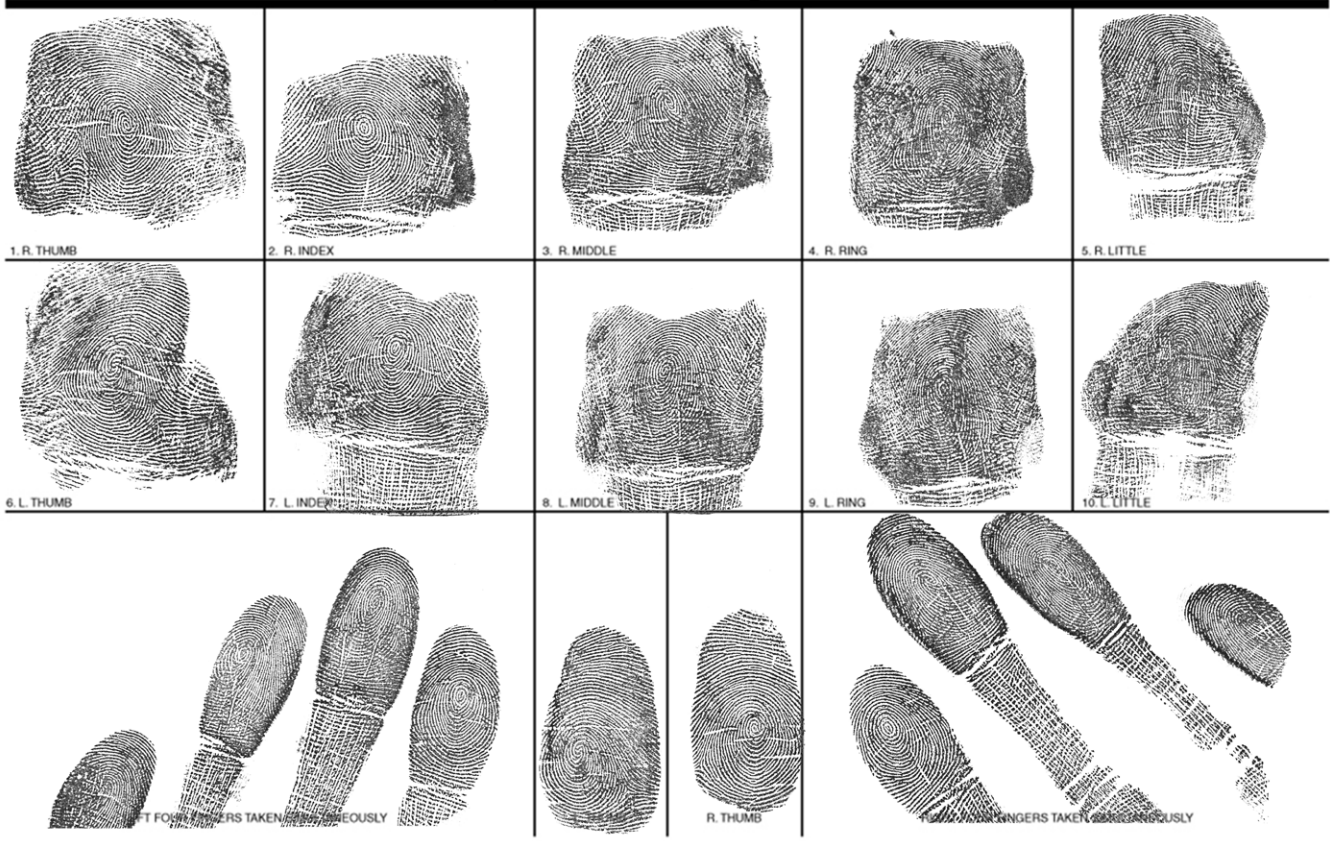
SOCIAL SECURITY NO. SOC
XXX-XX-XXXX

MISCELLANEOUS NO. MNU

LEAVE BLANK

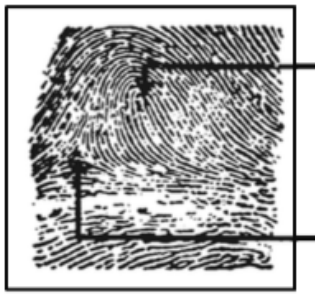
CLASS

REF.



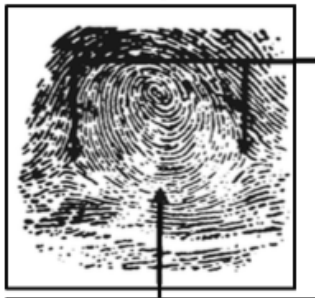
FEDERAL BUREAU OF INVESTIGATION
UNITED STATES DEPARTMENT OF JUSTICE
CJIS DIVISION/CLARKSBURG, WV 26306

1. LOOP



THE LINES BETWEEN CENTER OF LOOP AND DELTA MUST SHOW

2. WHORL



THESE LINES RUNNING BETWEEN DELTAS MUST BE CLEAR

3. ARCH

ARCHES HAVE NO DELTAS

FD-258 (REV. 9-9-13)

APPLICANT

THIS CARD FOR USE BY:

1. LAW ENFORCEMENT AGENCIES IN FINGERPRINTING APPLICANTS FOR LAW ENFORCEMENT POSITIONS.*
2. OFFICIALS OF STATE AND LOCAL GOVERNMENTS FOR PURPOSES OF EMPLOYMENT, LICENSING, AND PERMITS, AS AUTHORIZED BY STATE STATUTES AND APPROVED BY THE ATTORNEY GENERAL OF THE UNITED STSTES. LOCAL AND COUNTY ORDINANCES, UNLESS SPECIFICALLY BASED ON APPLICABLE STATE STATUTES DO NOT SATISFY THIS REQUIREMENT.*
3. U.S. GOVERNMENT AGENCIES AND OTHER ENTITIES REQUIRED BY FEDERAL LAW.**
4. OFFICIALS OF FEDERALLY CHARTERED OR INSURED BANKING INSTITUTIONS TO PROMOTE OR MAINTAIN THE SECURITY OF THOSE INSTITUTIONS.

Please review this helpful information to aid in the successful processing of hard copy criminal and civil fingerprint submissions in order to prevent delays or rejections. Hard copy fingerprint submissions must meet specific criteria for processing by the Federal Bureau of Investigation.

Ensure all information is typed or legibly printed using blue or black ink.
Enter data within the boundaries of the designated field or block.
Complete all required fields. (If a required field is left blank, the fingerprint card may be immediately rejected without further processing.)
- The required fields for hard copy fingerprint cards are: originating agency identifier number - date of birth - place of birth - name - sex fingerprint impressions - any applicable state stamp - Other (race, height, weight, eye color, hair color)
  - * criminal fingerprint cards also require an arrest charge and date of arrest.
  - * civil fingerprint cards also require a reason fingerprinted and date fingerprinted

Do not use highlighters on fingerprint cards.
Do not enter data or labels within 'Leave Blank' areas.
Ensure the 'Reply Desired' field is checked when applicable (criminal only).
Ensure fingerprint impressions are rolled completely from nail to nail.
Ensure fingerprint impressions are in the correct sequence.
Ensure notations are made for any missing fingerprint impression (i.e. amputation).
Do not use more than two retabs per fingerprint impression block.
Ensure no stray marks are within the fingerprint impression blocks.

Training aids can be ordered online via the Internet by accessing the FBI's website at: fbi.gov, click on 'Fingerprints', then click on 'Ordering Fingerprint Cards & Training Aids'. Direct questions to the Identification and Investigative Services Section's Customer Service Group at (304) 625-5590 or by e-mail at <liaison@leo.gov>.

PRIVACY ACT STATEMENT

Authority: The FBI's acquisition, preservation, and exchange of fingerprints and associated information is generally authorized under 28 U.S.C. 534. Depending on the nature of your application, supplemental authorities include Federal statutes, State statutes pursuant to Pub.L. 92-544, Presidential Executive Orders,and federal. Providing your fingerprints and associated information is voluntary; however, failure to do so may affect completion or approval of your application.

Social Security Account Number (SSAN). Your SSAN is needed to keep records accurate because other people may have the same name and birth date. Pursuant to the Federal Privacy Act of 1974 (5 USC 552a), the requesting agency is responsible for informing you whether disclosure is mandatory or voluntary, by what statutory or other authority your SSAN is solicited, and what uses will be made of it. Executive Order 9397 also asks Federal agencies to use this number to help identify individuals in agency records.

Principal Purpose: Certain determinations, such as employment, licensing, and security clearances, may be predicated on fingerprint-based background checks. Your fingerprints and associated information/biometrics may be provided to the employing, investigating, or otherwise responsible agency, and/or the FBI for the purpose of comparing your fingerprints to other fingerprints in the FBI's Next Generation Identification (NGI) system or its successor systems (including civil, criminal, and latent fingerprint repositories) or other available records of the employing, investigating, or otherwise responsible agency. The FBI may retain your fingerprints and associated information/biometrics in NGI after the completion of this application and, while retained, your fingerprints may continue to be compared against other fingerprints submitted to or retained by NGI.

Routine Uses: During the processing of this application and for as long thereafter as your fingerprints and associated information/biometrics are retained in NGI, your information may be disclosed pursuant to your consent, and may be disclosed without your consent as permitted by the Privacy Act of 1974 and all applicable Rountine Uses as may be published at any time in the Federal Register, including the Routine Uses for the NGI system and the FBI's Blanket Routine Uses. Routine uses include, but are not limited to, disclosures to: employing, governmental or authorized non-governmental agencies responsible for employment, contracting licensing, security clearances, and other suitability determinations; local, state, tribal, or federal law enforcement agencies; criminal justice agencies; and agencies responsible for national security or public safety.

Additional Information: The requesting agency and/or the agency conducting the application-investigation will provide you additional information pertinent to the specific circumstances of this application, which may include identification of other authorities, purposes, uses, and consequences of not providing requested information. In addition, any such agency in the Federal Executive Branch has also published notice in the Federal Register describing any system(s) of records in which that agency may also maintain your records, including the authorities, purposes, and routine uses for the system(s).

INSTRUCTIONS:

* 1. PRINTS MUST GENERALLY BE CHECKED THROUGH THE APPROPRIATE STATE IDENTIFICATION BUREAU, AND ONLY THOSE FINGERPRINTS FOR WHICH NO DISQUALIFYING RECORD HAS BEEN FOUND LOCALLY SHOULD BE SUBMITTED FOR FBI SEARCH.
2. IDENTITY OF PRIVATE CONTRACTORS SHOULD BE SHOWN IN SPACE "EMPLOYER AND ADDRESS". THE CONTRIBUTOR IS THE NAME OF THE AGENCY SUBMITTING THE FINGERPRINT CARD TO THE FBI.
3. FBI NUMBER, IF KNOWN, SHOULD ALWAYS BE FURNISHED IN THE APPROPRIATE SPACE.

** MISCELLANEOUS NO. - RECORD: OTHER ARMED FORCES NO. PASSPORT NO. [FP], ALIEN REGISTRATION NO. (AR), PORT SECURITY CARD NO. (PS), SELECTIVE SERVICE NO. (SS) VETERANS' ADMINISTRATION CLAIM NO. (VA).

01 CLEO
Mailing Checklist

TRUST

- ☐ **(1)** Photocopy of BATFE Form 4 (5320.4) (Application for Tax Paid Transfer and Registration of Firearm)
- ☐ **(1)** Photocopy of Your BATFE Form 5320.23 (National Firearms Act Responsible Person Questionnaire)

NOTE: All responsible persons mail a copy of their 5320.23 to their respective CLEO.

02 BATFE
Mailing Checklist

TRUST

- ☐ **(1)** Photocopy of Trust Documentation
- ☐ **(1)** $200 Check to *Bureau of Alcohol, Tobacco, Firearms, and Explosives*
- ☐ **(2)** Original BATFE Form 4s (5320.4) [Application for Tax Paid Transfer and Registration of Firearm]
- ☐ **(1)** Original BATFE Form 5320.23 [National Firearms Act Responsible Person Questionnaire] from *all* Responsible Person(s)
- ☐ Affix **(1)** Passport Photo to Item 3e on Form 5320.23 do **NOT** staple
- ☐ **(2)** Original FBI Form FD-258s [Fingerprint Card] from *all* Responsible Person(s)

SilencerCo

CONTACT

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