

How to Buy Firearms in Texas

You want to buy or sell a firearm? We at Final Shot hope that the following information will help make the process a little easier and dispel a couple myths.

For the simplification of discussion, we day-to-day folk can define a firearm as:

- **Handgun** - either revolver or semi-automatic
- **Shotgun** - either short or long barrel without a pistol grip
- **Rifle** - Anything designed to be fired from the shoulder, but not a shotgun
- **Long Gun** – A rifle or shotgun but not an AOW
- **AOW** - Any other weapon, most commonly pistol grip shotguns

Other Important Terms

- **NFA** – National Firearms Act. The purpose was for more regulation on certain types of firearms. These are the machine guns (fully automatic), silencers and short barreled shotguns commonly associated as gangster weapons.
- **FTF** – This means Face-to-Face and most commonly found on the internet forums. This means you will conduct a face to face transaction with someone who is not a licensed firearms dealer.
- **Magazine** – This is the thingamajig that holds the cartridges (bullets). A lot of folks think it is called a clip; it is not. Only Hollywood and the main stream media use this term.
- **4473** - The BATFE federal form you and the FFL will complete when you purchase a firearm.
- **NICS** – The FBI **N**ational **I**nternal **C**riminal Background Check **S**ystem is the background check initiated during a firearms purchase. This word is pronounced NICKS.
- **CHL** - Concealed Handgun License and for these discussions, is considered a Texas CHL.
- **BATFE** – Bureau of Alcohol, Tobacco, Firearms and Explosives is part of the United States Department of Justice. It is unfortunate that they do not bring these items to your gatherings as party favors.
- **FFL** - A Federal Firearms License (FFL) is a license that enables an individual or company to engage in the interstate and intrastate sale of firearms or to the manufacture of firearms and/or ammunition.
- **Cartridge** – This is the thingybob that you place in the firearm and is fired. The cartridge is made up of the casing, primer, gun powder and bullet and goes BANG!
- **Bullet** – This is the pointy and usually shiny thing at the end of the cartridge and sometimes they have a hollow point. This is the metal part that leaves the firearm and makes holes.

Misconceptions

There are many misconceptions in the general public about what is required to purchase a firearm in Texas. This will help clear up some of the most frequently discussed misconceptions.

- There is no waiting period for a firearm purchase.
- There are no taxes (outside of sales tax) or registration of firearms.
- FTF sales are legal if you do not know or have reasonable cause to believe the person is prohibited from receiving or possessing firearms under Federal law.
- There are no restrictions on the type of firearm or how fast the next bullet fires, unless it is NFA firearm.
- There are no restrictions on magazine capacity or quantity unless it is NFA firearm.

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- It is perfectly legal to own a NFA firearm if you completed the BATFE application and pay the ~~tax, um err~~, application fee. You can shoot an NFA firearm that does not belong to you if the owner is present.
- NFA items are registered and taxed.
- Gun Show Loopholes do not exist outside of the main stream media and politicians. If you are a dealer at a gun show you have to complete the background check process. Two people walking around the show can do a FTF transaction, or private collectors can sell their private firearms.
- You can buy a long gun in any State so long as the you meet in person with the FFL in the purchasing State to accomplish the transfer and the sale, delivery and receipt fully comply with the legal conditions of the sale in the buyer's and seller's States.
- You can buy ammunition and firearms accessories in any State and take them to any State.
- When placing an order online, ammunition and firearms must be shipped separately.

Dealer Purchase or FFL Transfer

When you've found the firearm you would like to purchase, you will let the seller know whom you would like to use for the FFL transfer. This choice can be as simple as picking from a list maintained by the seller, or finding FFLs through your local firearms community. You will let the seller know the name and contact information of the FFL you have chosen for the transfer, and then let the FFL know as well. The seller and FFL will work together to transfer documents between the two. The seller will ship the firearm to the FFL, and the FFL will call you when they have received the package. You can then make an appointment to visit the FFL, or just stop by to complete the transfer. To finish the transfer process you will be asked to complete the 4473 form. The FFL representative will ask for and record your State issued identification information on the 4473 form. You can contact Final Shot for all your FFL needs.

As with life, to purchase a firearm, there are certain criteria that must be met:

- Must be legally able to possess a firearm. We are not lawyers so please check with your attorney or the BATFE if you have any question. The following are persons who CANNOT legally receive or possess firearms:
 - Has been convicted in any court of a crime punishable by imprisonment for a term exceeding 1 year
 - Is a fugitive from justice
 - Is an unlawful user of or addicted to any controlled substance
 - Has been adjudicated as a mental defective or has been committed to a mental institution
 - Is an alien illegally or unlawfully in the United States or an alien admitted to the United States under a nonimmigrant visa
 - Has been discharged from the Armed Forces under dishonorable conditions
 - Having been a citizen of the United States, has renounced his or her citizenship
 - Is subject to a court order that restrains the person from harassing, stalking, or threatening an intimate partner or child of such intimate partner
 - Has been convicted of a misdemeanor crime of domestic violence in the previous 5 years
 - Cannot lawfully receive, possess, ship, or transport a firearm.
 - A person who is under indictment or information for a crime punishable by imprisonment for a term exceeding 1 year cannot lawfully receive a firearm. Such person may continue to lawfully possess firearms obtained prior to the indictment or information.
- Identification
 - Valid Texas identification
 - Driver license
 - State issued ID

- A CHL is not a valid ID to be used in lieu of a DL/ID, but may be used for NICS
 - Active duty military
 - Military identification and official orders showing Texas as your duty station
 - The identification must not be expired
- Any valid State identification if you are purchasing or transferring a long gun at the FFL's office.
- Be of appropriate age
 - 18 Years of age for a long gun (Rifle or Shotgun that does not use pistol ammunition)
 - 21 Years of age for a handgun or AOW.
- CHL Holders - If you have a Texas CHL this can be used to skip the NICS background check. You will still complete a form 4473 and then present your CHL.
- If you are a resident of a Texas border State, you may purchase a long gun using your State issued identification.

The NICS check is generally completed in a couple minutes. At Final Shot, we perform most NICS checks using a secure electronic system though the FBI called eNICS. The NICS will respond in one of several ways:

- **Proceed** - Everything is okay and the FBI does not have any information in their system showing you should not possess a firearm. The firearm can be transferred to the person who signed the 4473 form.
- **Delayed** - This is not uncommon and can mean one of a million things. The most common is that you have a similar name to someone who is not eligible to possess a firearm. After three complete business days, the firearm may be transferred unless a denied is received from the FBI. For example, if you receive a hold on Monday, the hold days are Tuesday, Wednesday, and Thursday. The firearm may be transferred on Friday.
- **Denied** - This is not the response you want but it is not the end of the world. Final Shot will give you paperwork on how to question and appeal the denial.

Face-to-Face Purchase

FTF transfers of firearms are legal in Texas as long as:

- Is not an NFA firearm or accessory
- Have no reason to believe the purchaser is not able to legally possess a firearm
- Is a Texas resident or a
- For long guns, is a border State

Be smart and safe about the transaction:

- Meet the other party during normal hours
- Find a place that is busy with foot traffic
- CCTV cameras are in use
- If you are the seller, listen to the other person. Do they have a clue about what they are buying? Do they speak gang banger?
- It is recommended not sell a firearm and ammunition at the same time
- Not required but a good idea to complete a bill of sale.

You cannot sell a handgun to a resident of another State

A Texas resident may legally purchase long guns and accessories in the border States.