

# Virginia Firearms Transaction Program Newsletter

03-1

Department of State Police

July 2003

## Non-Immigrant Alien Firearm Transactions

*Federal Register, Volume 67, Part 178 Commerce in Firearms and Ammunition, § 178.32, prohibits the transportation, receipt and possession of firearms and ammunitions by aliens illegally in the United States and by non-immigrant aliens. Exceptions to the non-immigrant prohibition are:*

- 1. The non-immigrant alien is in possession of a hunting license or permit lawfully issued in the United States.*
- 2. The non-immigrant is an official representative of a foreign government who is either accredited to the United States Government or the Government's mission to an international organization having its headquarters in the United States or is en route to or from another country to which that alien is accredited. This exception only applies if the firearm or ammunition is shipped, transported, possessed or received in the representative's official capacity.*
- 3. The non-immigrant is an official of a foreign government or a distinguished foreign visitor who has been so designated by the Department of State. This exception only applies if the firearm or ammunition is shipped, transported, possessed, or received in the representative's official capacity.*
- 4. The non-immigrant is a foreign law enforcement officer of a friendly foreign government entering the United States on an official law enforcement business.*

Exception 1: The prospective purchaser must indicate possession of a hunting license or permit when completing the SP-65 Virginia Firearms Transaction Record (Section A., question 12.1). The hunting license or permit must be presented to the firearms dealer at the

time of transaction. The FTC should be advised of the exception in this instance.

Exceptions 2 and 3: The prospective purchaser must provide the firearms dealer with an original letter from his government on official stationary, which confirms that the firearm is being purchased in the representative's official capacity. The FTC should be advised of the exception in this instance, and a copy of the letter faxed to the FTC at (804) 674-6704.

Exception 4: The prospective purchaser must provide proof of this exception to the firearm dealer, and such proof must be provided to the FTC.

### **ALL NON-CITIZEN FIREARM BUYERS MUST**

**MEET STATE PRIMARY AND SECONDARY IDENTIFICATION AND RESIDENCY REQUIREMENTS**

**ESTABLISH THAT HE OR SHE HAS RESIDED IN A STATE FOR AT LEAST 90 DAYS PRIOR TO THE DATE OF THE SALE**

**PROVIDE AN ALIEN REGISTRATION NUMBER OR INS ADMISSION (I-94) NUMBER**

**WHEN AN I-94 NUMBER IS PRESENTED, AN EXCEPTION AS OUTLINED ABOVE MUST ALSO BE PROVIDED**

Effective January 1, 2004, DMV will not issue an original license, permit, or ID card to any applicant who has not presented evidence that he or she is a citizen of the United States, a legal permanent resident, or an authorized temporary resident alien of the United States. In the instance of temporary residence, the DMV document will only be valid during the period of authorized stay in the United States.

## Non-Resident Purchases

Virginia Code § 59.1-148.2, *Sale of Firearms to Residents of Contiguous States*, allows licensed firearm dealers to sell rifles or shotguns to a resident of a contiguous state provided the sale meets the lawful requirements of each state as well as the requirements of any applicable federal statute.

Contiguous States →

North Carolina Tennessee Kentucky West Virginia Maryland District of Columbia
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*The Firearms Transaction Center (FTC) 800-phone line service will not accept a non-resident purchase transaction that involves any other state.*

*VFTP Direct Access Dealers are instructed to not enter a transaction involving the purchase of a rifle or shotgun by a resident of other than a contiguous state.*

*Virginia Code § 59.1-148.2 does not affect pre-pawn or pawn transactions.*

## Transmittal of Related Fees

### Virginia Firearms Transaction Program Checks:

The cost is \$2.00 for Virginia residents and \$5.00 for non-Virginia residents. You will receive a monthly statement citing the number of telephonic background checks performed for that month. Along with the statement, you will receive a color-coded (yellow) envelope to remit payment, with the following address:

Firearms Transaction Center  
Post Office Box 85608  
Richmond, Virginia 23285-5608

Please be sure to use ONLY the yellow envelope and to include your Dealer Identification Number (DIN) on your check.

### Seller Identification Number Fingerprint Process:

The cost is \$37.00 per individual fingerprinted. You will receive a monthly statement citing the number of fingerprint card background checks conducted for that month. Along with the statement, you will receive a color-coded (blue) envelope to remit payment, with the following address:

Central Criminal Records Exchange  
Accounts Receivable  
Post Office Box 85076  
Richmond, Virginia 23261-5076.

Please be sure to use ONLY the blue envelope and to include your customer account number on your check.

## VFTP Procedures Manual for Dealers

Attached to this Newsletter are revised pages to the VFTP Procedures Manual for Dealers, Eight Edition, dated July 1, 2001.



The manual has been revised as follows:

Page 4: Paragraph B,1,f, Section I  
Page 8: Paragraphs A,2 and A,4, Section V  
Page 9: Paragraph A, Section VI  
Page 11: Paragraphs B and B,2, Section XI  
Page 14: Paragraph D,2,d, Section XII  
Page 17: Paragraph A,4, Section XVII  
Page 18: Paragraph A,1, Section XVIII  
Appendix 1 Definitions

Please update your manual with the revised pages. Additional manuals and revisions will be mailed to you upon request. A complete VFTP Procedures Manual for Firearm Dealers is available via our website at [www.virginiatrooper.org/](http://www.virginiatrooper.org/).

## **COMMENTS OR EDITORIALS SHOULD BE ADDRESSED TO**



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