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## The Influence of Gun Control Legislation on Rampage Shootings

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THE INFLUENCE OF GUN CONTROL LEGISLATION ON RAMPAGE  
SHOOTINGS

by

ANDREW D. MANOR

A thesis submitted in partial fulfillment of the requirements  
for the Honors in the Major Program in Legal Studies  
in the College of Health and Public Affairs  
and in The Burnett Honors College  
at the University of Central Florida  
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Thesis Chair: Dr. James Beckman

## Abstract

The United States has experienced several mass shootings in the past few years. It has been averaging one shooting every week in 2015, and something must be done about it. This problem appears to be limited to the United States since several other nations have been able to minimize, and almost eliminate the number of mass shootings. By taking an analysis of the gun laws of the United States with those of Australia and Canada it can be concluded that some aspects of strict gun control can reduce the number of mass shootings. Further, the United States should look at what other common law nations have done to reduce the number of mass shootings. The United States is also the only nation that recognizes a fundamental right to keep and bear arms, and any legislation must address that right. Some ways to address strict gun control in the United States is to strengthen the background check system, add a liability insurance requirement, and strictly enforce culpable negligent statutes. Adding some elements of strict gun control will help minimize the amount, and impact of the shootings. Canada, and Australia both have active hunting communities that require the need for some legal firearms. A night at the movies, a day at school, or attending a church event should not bring about worry that an individual may get shot and killed by a deranged individual. Other similar nations have shown that rampage shootings do not have to be a side effect of living in a free society.

## Dedication

For the victims of seemingly senseless mass shootings in the United States. We can do better to prevent these tragedies.



## Acknowledgements

I would like to thank all those who made this project possible. From the Office of Undergraduate Research through the Summer Research Academy, to Dr. James Beckman for agreeing to be my committee chair. I would also like to thank the rest of my committee Dr. David Slaughter, and Dr. Cory Watkins. I would also like to thank those who came before as all my professors at Valencia College, specifically Cathy Mestre, and Wendy Toscano who gave me encouragement to follow my dreams, and my professors at Macomb Community College in Warren, Michigan specifically Ugis Pinka, whom I had for Freshman Composition, and who showed me that I was able to achieve academic success at the collegiate level.

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## I. Introduction

The end of the Second World War is considered to be the start of the modern era. In that time since the end of the war technology has increased at a great pace, more nations have adopted a republic form of government, and laws have been enacted to benefit more people than at any time in history before that point. At the same time, and seemingly perversely, in the United States, more individuals have utilized firearms and engaged in mass shootings in seemingly random places. This thesis will explore this problem in more detail and will also employ a comparative analysis involving several other countries as well – in the hopes of gleaning potential solutions by an analysis of the practices in other countries. The legal system of the United States was built upon the legal tradition of Great Britain. Because of the size of the British Empire several other nations have also adopted the same legal system, and traditions of Great Britain. Other nations that were former British colonies, such as Australia, and Canada have many of the same legal traditions and general form of government as does the United States, but yet, do not have the same problem with rampage shootings. Because of the similarities in the legal systems of these countries, these countries will be compared regarding gun laws and rampage shootings in the ensuing pages of this thesis.

In the United States any discussion regarding gun control legislation is considered controversial. Part of the reason is that there are several organizations that view any attempt to regulate firearms as a threat to liberty that the people of the United States hold sacred, and a violation of the Constitution. The United States has enshrined

the “right of the people to keep, and bear arms” in the Constitution in the Second Amendment, and this right has been incorporated to the states through the Fourteenth Amendment. The text of the Second Amendment is as follows: “A well regulated militia being necessary to the security of a free State, the right of the People to keep and bear arms shall not be infringed.” The United States also has a system of government that gives each state considerable power. Each state has its own constitution, and forty-five out of fifty states grant the people an enumerated right to bear arms. (Volokh, 2006) The provisions of each state Constitution vary. Some state the explicit right to self-defense, others stipulate that the right to keep and bear arms does not grant a right to carry a concealed weapon. Interestingly some of the earliest states placed a clause that a standing army in a time of peace is a threat to liberty. The purpose of this clause dates back to the American Revolution when the colonists despised the British Army being stationed in the cities to maintain order. Because of the British tradition of using militias for national defense many colonists viewed the use of a standing army to maintain order as an occupying force (Koppel & Gorman, United Kingdom -- History of Gun Laws Through 1900, 2012). Provisions from each of the forty-five state constitutions are delineated for the reader in Appendix A at the end of this thesis.

The primary group that is lobbying the various state legislatures and Congress against further firearm legislation is the National Rifle Association. This one influential lobby group alone has about five million members, and, among other things, issues a grade to public officials who are up for re-election every election. While the National Rifle Association is the largest organization it is not the only one. Currently Students for

Concealed Carry on Campus is pushing state legislatures to permit concealed carry on college campuses (Students for Concealed Carry, 2011). In Florida the group is using the 2014 shooting at the Florida State University Strozier Library to expand concealed carry on college campuses. (Rossman, 2014) Other groups that have started organizing for expanded gun rights include Florida Carry, Gun Owners' Action League, Gun Owners of America, Second Amendment Foundation, Law Enforcement Alliance of America, and several others.

Admittedly, every controversy has at least two sides, and the gun control debate in the United States is no different. The groups for expanding gun control legislation prefer to use the term gun safety, or firearm safety since the term gun control has a negative connotation. The largest group that is for gun control legislation is the Brady Campaign to Prevent Gun Violence with a membership of over 600,000 individuals. The gun control legislation groups are currently pushing the state legislatures to ban assault rifles, and fight back on so called "stand your ground laws" which basically authorizes people outside of their home to use deadly force if the individual feels he/she is in danger and are in a place he/she is legally permitted to be. This does not mean an individual can trespass, and use "stand your ground" as a defense when using deadly force. When Florida passed the now famous "stand your ground" law in 2005, the Brady Campaign purchased advertisements in newspapers in Boston, Chicago, and Detroit warning about the new Florida law. While the National Rifle Association has more members groups like the Brady Campaign have been successful in some states (Brady Campaign to Stop Gun Violence, 2015). Most of the focus of the Brady Campaign has

been in the courts either hiring lawyers to represent those bringing lawsuits, or by writing amicus curiae, or friend of the court, briefs in lawsuits dealing with the legality and/or constitutionality of gun laws.

One way to effectively lobby the government for changes to the law is for citizens and groups to lobby those holding public office. Further, the “government” is not a monolithic entity, rather, it has various subparts. In the nations mentioned above there is also a court system that is part of the government that permits anybody to file a lawsuit to challenge the laws. Because there must be stability and consistency in the law, the court cannot apply laws differently for each. If a person files a lawsuit, and loses he/she has the opportunity to later file an appeal with a higher court to ensure that the law was applied fairly. Many advocacy groups also use the court system to their advantage when they cannot convince the legislatures to enact laws that they like.

This thesis will look at the United States compared to two other nations, namely Australia and Canada. Each nation has a common law legal system, which will be described in depth and compared to other world legal systems for context. Then, in order to compare the nations there will be a discussion of mass shootings, and a mass shooting will be defined. After the event the national response will be analyzed, and what legislation came of the shooting, and what was the effect of that legislation. Finally, this thesis will attempt to address what legislation the United States might adopt to prevent mass shootings in the future by looking at solutions involving all aspects of the law and examples set by other countries.



## II. Literature Review

To complete the research the author consulted various publications, news articles, law review articles, research journal articles, news reports, and books. Each source was analyzed to report on each of the mass shooting incidents in each nation discussed below. By utilizing the One Search database in the University of Central Florida library using the search term of “rampage shootings”, and limiting the time from 1980 to 2015 there were over 10,000 search results. By narrowing those results down to only academic journals and books, the results were just over 500. During the search, this author could not locate any one source that compared the countries contained in this thesis. While many sources explored causes of rampage shootings, gun laws in the United States, gun laws of Canada, or gun laws of Australia, none explained and compared each of the countries in one article as attempted in this thesis.

Since the United States is the only nation analyzed that has not passed comprehensive gun control legislation, all articles looking at the United States focus on the lack of gun control legislation. In Canada and Australia the research provided shows the effect of the legislation since the author could not locate any law review articles, journal publications, or any other source analyzing gun laws in those countries before strict gun control legislation was passed. The primary reason for the lack of research on gun laws in Canada and Australia is the possibility that there was not any reason to research the laws since the overall crime rate, and therefore the gun crime rate, was low compared to the United States.

Part of this thesis analyzes what each country's citizens thought about gun control legislation. While Canada shows inconclusive results, Australia had some concrete evidence of consensus view of the public on the issue. Other sources relied upon include an encyclopedia on guns in American society, news reports of various mass shootings, United States Supreme Court decisions, and books looking at school shootings in the United States.

### III. World Legal Systems: The Methodology for Which Countries Were Selected

Every nation in the world has a legal system that falls into one of four world legal systems. Those four world legal systems include the following: common law; civil law (also known as Romano-Germanic Law), socialist law based systems, and religious law based systems. Common law originated in England, and is practiced in most former English colonies (University of Ottawa, 2015). Civil Law systems trace their origins to Roman Law and the famous Corpus Juris Civilis (i.e., Justinian's Code), and the subsequent reception and incorporation of Roman Law into countries such as Germany and France (Louisiana State University, 2015). Civil Law (as a global legal tradition) is practiced in most of Continental Europe, Latin America, and East Asia. The former Soviet Union utilized a Socialist Law system. Currently, only a few nations utilize a Socialist Based Law system, mainly countries such as China, Cuba, and North Vietnam (Hertel, 2009). Nations in the Middle East primarily utilize a religious based legal tradition. In a religious law system judges are typically all high ranking members of the state religion, and the rules of the state religion is the law (Hertel, 2009).

The United Kingdom, and virtually all nations that were former British colonies utilize a common law system (Hertel, 2009). This legal system originated during the Middle Ages, shortly after the Norman Conquest, and became the legal system tradition that the United States adopted. This legal system was based upon the introduction of juries to decide the facts in a case (Apple & Deyling, 1996) and reliance on the importance of judge made law and case law. Indeed, the majority of common law is not

codified in statutes. Florida, for example, has promulgated a statute (§2.01 Fla. Stat (2015)) which states as follows:

The common and statute laws of England which are of a general and not a local nature, with the exception hereinafter mentioned, down to the 4th day of July, 1776, are declared to be of force in this state; provided, the said statutes and common law be not inconsistent with the and laws of the United States and the acts of the Legislature of this state.

Florida has another statute that codifies the common law in §775.01 Fla. Stat. (2015) relating to criminal laws by specifying as follows:

The common law of England in relation to crimes, except so far as the same relates to the modes and degrees of punishment, shall be of full force in this state where there is no existing provision by statute on the subject.

Given that statutory authority above, for example, if the Florida legislature did not modify the definition of burglary, the courts in Florida would still decide cases by adhering to the rules contained in case law from England. While a feature of a pure common law system is a focus on the primacy of case law and judge-made law (and not a primary reliance on statutory authority), this has changed over time. In many countries today (including the United States), the legislature can, and often does, modify the common law by statute. Criminal law is one prime example of the common law being modified greatly by statute. Because of the burden of proof in a criminal case, relying on common law for a criminal charge can be a problem. While ignorance of the law is not an excuse

for not following that law; it must be published and accessible. Common law definitions can be difficult to find for the average citizen because it may take multiple cases to locate what is prohibited, or what someone's duty entails. For that reason there are very few common law crimes, or torts. In Florida, for example, every common law felony has been redefined by statute.

In the United States there is only one jurisdiction that does not utilize a common law system. Louisiana utilizes a civil law for state court system. The state courts in Louisiana are bound to rulings of the federal courts that are located in Louisiana on issues that have joint federal and state jurisdiction. Likewise, in Canada, Quebec utilizes a hybrid of a common law and civil law system. The reason for those outliers in Canada and the United States is because of French influence. Before the French and Indian War the territory comprising of Quebec, and Louisiana were French colonies. In the Treaty of Paris of 1763 the French ceded all of their land in Canada, and all of their holdings east of the Mississippi River in what would become the United States (Treaty of Paris, 1763). This included the city of Baton Rouge, Louisiana; which was located on the eastern bank of the Mississippi River. The city of New Orleans was on the western bank of the Mississippi River and would remain out of British, and later the United States, control until the Louisiana Purchase in 1803. The other states that came from the Louisiana Purchase adopted a common law system because the populations of those territories were low as evidenced by when each state was admitted to the union. The new settlers could influence the laws of those states more than in Louisiana, which became a state in 1812.

The most prevalent legal system in the world is the Civil Law system, which is based upon the Roman Code (Apple & Deyling, 1996) and its eventual incorporation into the laws of countries such as France and Germany. Communist nations used a modified version of a Civil Law system called a socialist based legal system. Statutes enacted by the legislature are the primary source of law, and court rulings are not considered to be an important source of law. Instead of court rulings scholarly articles about the law are used by the legislature to introduce new laws on legal issues that have not been addressed. Lawyers are not advocates for their clients, and the judge is not a neutral third party that rules on issues of law during a trial. The judge is also not an attorney, but a professional who decided to become a career judge. Civil law, in its current form, dates back to approximately 530 AD with the promulgation of Corpus Juris Civilis by Roman Emperor Justinian. Unlike common law most nations that adopted a civil law system did so to become competitive with the west, and modified it within their own legal systems.

There is not one form of Civil Law. While the Roman Civil Law was the first form of Civil Law there were others that followed. During the reign of Napoleon the French incorporated their own form of Civil Law, which is currently practiced in territories that Napoleon held at one time. The laws of Spain, Portugal, France, Mexico, and various Central American nations are based upon the French Civil Law. Chile and other South American nations utilize Chilean Civil Law. Germany and other main land central and eastern European nations utilize German Civil Law. Nordic nations and Iceland base

their Civil Law on Scandinavian Law. Most Civil Law nations have a mixed system incorporating local and tribal laws into their Civil Law system.

The nations in main land Europe utilize primarily a civil law system. The courts do not have the authority to interpret the laws like they do in a common law system. This is not intended to state that the court system has more authority than the other branches of government, but in the United States when one side loses a major case at the Supreme Court the losing side will frequently state that unelected judges are overturning the will of the people. Contrast that temperament to a civil law system in which the court system cannot create law with their rulings. As technology improves and changes the courts must wait for the legislature to change the law. In a common law system the courts can apply the law to the new technology. In every aspect of the law and policy the courts have been able to react more quickly to changes in technology than the legislatures.

Again, while not a source of focus of further study in this thesis, religious based legal systems also appear in the world. Religious law systems are legal systems that are based upon a state religion. Many Islamic nations utilize a religious law system commonly referred to as Shari'ah Law. The term of Shari'ah Law refers to the primary source of Islamic law the Qur'an, and the Sunnah. The Sunnah is the traditions of Muhammad, the last prophet of Islam, and combine both what he said, and how he lived his life (Raisch, 2013). Besides Islam other religions have their own laws as well. Judaism uses the Torah for Jewish law, Christianity uses Cannon Law, and other world religions have their own legal system. Currently a few nations utilize religious law

for their entire legal system. Those are primarily Middle Eastern nation utilizing Islamic law. Other nations may use religious law for certain cases when there is not any other authority on the issue. The Vatican uses Christian Cannon Law mixed with some civil law.

When comparing the laws of various countries it is important to look at the legal system, and traditions of those countries. An analysis of the laws of the United States with Spain, a civil law country, may show some interesting conclusions, but it will not tell a full story of the events. Likewise, a comparison that many advocating for looser gun control laws show are the laws comparing the United States with Switzerland. While both countries may have open access to firearms the legal system, and traditions render a comparison questionable. Legislatures are quicker to act in civil law countries because legal scholars typically will do extensive research into a law before controversy erupts. The statutes are not as open to interpretation in civil law jurisdictions as they are in common law jurisdictions, and the courts are less open to interpreting the law in a civil law system then they are in a common law system. Furthermore, many of the people who live in the United States could have easily had their ancestors immigrate to Canada or Australia; at least those who can trace their ancestry back to Great Britain. Likewise comparing Canada and the United States with Australia has one flaw. Australia follows common law in all states, and on the federal level. In Canada, and the United States one jurisdiction, Louisiana in the United States and Quebec in Canada, use a civil law system in state/provincial affairs. However, in Canada all gun laws are enacted on the federal level at which the common law is used. Further, in federal



matters Louisiana is bound by common law meaning that Louisiana has more of a hybrid system and not a pure civil law system. While there are some nations in Central America, or South America with problems with gun violence a comparison of those nations with the United States would not give a fair comparison. The court system in a common law system has more power than the court system used in a civil law system. If the appellate courts rule a statute shall be interpreted in a certain way all lower courts are bound to follow that interpretation. In a civil law system the court does not have the authority to interpret a law.

#### IV. Definition of a Mass Shooting

The Federal Bureau of Investigations (FBI) breaks the definition of a rampage shooting into two categories, a mass homicide, and spree homicide (Montaldo, 2014). For both a spree killing and mass murder the minimum number of killed is four, but a mass murder is generally in the same place, and a spree killing is several places with no cooling off period (Montaldo, 2014). There are some deficiencies in the FBI's definition of a rampage shooting. First, the media will typically report a shooting where two or three are killed, but several wounded as a mass shooting (Follman, What Exactly is a Mass Shooting?, 2012). Since a rampage shooting can be either a mass murder or spree killing, this research will only focus on killings that take place in a public area. This research will also slightly expand the definition of a rampage shooting to include incidents in which there were less than four killed, but a dozen or more injured, or cases where there were multiple shootings in a small period of time in a public location without regard to the casualty count. The proposed thesis will still include all rampage shootings in which there were less than a dozen casualties but four or more people killed. It will exclude acts of armed robbery, gang violence, and domestic violence since there is usually another motive for those crimes other than the killing itself.

There has been sixty-nine rampage shootings since 1982 in the United States. However, the number of rampage shootings made a sharp increase between 2006 and 2014 with thirty-two in just the past eight years alone (Follman, Aronsen, & Pan, A Guide to Mass Shootings in America, 2014). There has also been another sharp increase of rampage shootings in 2015 that is not obviously reflected in those figures

above. In 2015, there has been one rampage shooting, or attempt per week. The majority of the shooters were white men acting alone. There was one incident involving a woman, and two incidents involving two shooters (Follman, Aronsen, & Pan, *A Guide to Mass Shootings in America*, 2014). One of those incidents involving two shooters was the Columbine High School shooting in 1999. The majority of the shootings took place at schools and workplaces, but some took place in other public places such as a movie theatre, shopping malls, and government buildings. The youngest shooter was eleven at the time of the crime, and the oldest was sixty-six (Follman, Aronsen, & Pan, *A Guide to Mass Shootings in America*, 2014). While the average age of the shooters was thirty-four years and eight and a half months the median age was thirty-five years and six months, and the most frequent age of a shooter was twenty. The shooters had a collective 149 firearms and over three-quarters were legally obtained according the various state and federal laws in place at the time of the shootings (Follman, Aronsen, & Pan, 2014).

In the first month of 2014, the television news network MSNBC reported that there was an average of one mass shooting every other day reported in the media (Richinick, 2014). All of these shootings occurred in schools. However, these shootings do not meet the FBI definition of what constitutes as a mass shooting. First, close calls and scares were reported as a mass shooting. While these close calls may have turned tragic they are not mass shooting incidents. When the close calls are removed from this analysis, there were still eleven shootings in January 2014. Combined there were two fatalities, and eleven injured in those eleven shootings. The numbers do not meet the

definition of a mass shooting for all of those incidents. While it is important to report mass shootings to make the public aware; the media can do a disservice to the public when events are reported as a mass shooting that are not really mass shootings.

There have been rampage shootings in other nations besides the United States. Australia had on average of one rampage shooting per year before the Port Arthur Massacre in 1996 (Oliver, 2014). Conversely, Canada has had relatively few incidences of rampage killings. In the past twenty-five years Canada has only seen three incidents of a rampage shooting. This information is from incidents before October, 2014. In 1989 there was a person in Montreal who shot, and killed 14 women (Ansari, 2014). In 2014 a man shot and killed three police officers, and wounded two other people in Moncton, New Brunswick (The Canadian Press, 2014). Utilizing at least one example in each nation within the past twenty years shows that the rampage killings are not unique to the United States.

Currently the FBI does not classify rampage shootings as an act of terrorism. Other nations have made this distinction because of the effect of mass shootings on their communities (Taylor, 2015). Also, the media is reluctant to call rampage shootings a terrorist act. In Canada the trend under the Conservative government was to only label acts by Islamic fundamentalists as terrorist acts. In 2014 the attack on Parliament Hill in Ottawa was labeled a terrorist act, despite no link between the shooter, Michael Zehaf-Bibeau, to any known terrorist group (Taylor, 2015). In the Parliament Hill attack only one person was killed besides the perpetrator and is not classified a mass shooting according to the FBI definition. Likewise the mass shooting in New Brunswick was not

labeled an act of terror despite the fact that Canadian Mounties were primarily targeted (Taylor, 2015). After the shooter was arrested, and when he made a court appearance he stated that “he was attempting to start a rebellion against an oppressive, corrupt government that he insisted was squelching the freedom of most Canadians and serving only the rich.” (MacDonald, 2014) It should be noted that the Canadian authorities called the incident in New Brunswick a mass shooting, but the FBI would not. The United States defines domestic terrorism in 18 U.S.C. §2331 (2015), as activities that occur in the United States and involve the following:

(A) involve acts dangerous to human life that are a violation of the criminal laws of the United States or of any State;

(B) appear to be intended—

(i) to intimidate or coerce a civilian population;

(ii) to influence the policy of a government by intimidation or coercion; or

(iii) to affect the conduct of a government by mass destruction, assassination, or kidnapping

Likewise the Ft. Hood shootings, and the Chattanooga, Tennessee shootings at military recruiting centers were labeled acts of terrorism. Those shootings were perpetrated by an individual of Middle Eastern heritage that practiced Islam. The only perceived purpose of those shootings was to intimidate a civilian population. Every mass shooting can appear to be intended to intimidate a civilian population. Applying the definition of terrorism to the shooting in Moncton, New Brunswick it would appear that the shooter

was engaging in an act of terrorism, and that the shooting should be labeled a terrorist act. All mass shootings discussed in this thesis will involve the shootings with more than four killed.

## V. Historical Regulation of Firearms in Each Country Analyzed

Every nation analyzed in this study has passed some form of firearm regulations, or gun control legislation, in the past century. The United Kingdom went from a nation with abundant personal firearm ownership to one in which firearms have been effectively banned for personal use. Even the United States went from a nation with relatively few laws regarding firearms in the early 1900s to a system now requiring background checks and banning some firearms. Canada, a nation where hunting is very popular, has made it difficult for an individual to obtain certain types of firearms. Before the Port Arthur Massacre in Australia, personal ownership of firearms was seen as a fundamental right of Australians. As an indicator of public sentiment, the politicians who voted to pass the increased regulations in Australia, after the massacre, all lost their Parliament seats when they ran for re-election (Oliver, 2014). While the United Kingdom is not a primary focus of this research all of the laws of the United States, Canada, and Australia originate from the laws of the United Kingdom.

### a) Historical Laws Regarding Firearms in the British Empire

The discovery of gunpowder, and the invention of firearms predate the founding of the United States, Canada, or Australia. The three nations were, however, part of the British Empire. Given the common link to the British Empire they all share a common legal system. One of the dominant cultural differences between the United States, Canada, and Australia is that the United States separated from the British Empire through a bloody revolution while the other countries obtained their independence through relatively peaceful means. Canada took the first major step in separating from

the British Empire when the British Parliament passed the Constitution Act that was effective July 1, 1867. After the Constitution Act was passed Great Britain gradually gave Canadians more control over their nation until the British Parliament passed the Canada Act in 1982. Australia had a similar path to independence however the dates will vary as the Australia Act was not passed by the British Parliament until 1986. Another primary difference between Australia/Canada and the United States is that the British Monarch is still the head of state as they are the one responsible for appointing their governor-general, and the state/provincial lieutenant governors. Starting in 1865 the British Parliament enacted the Colonial Laws Validity Act which would eventually recognize each Australian State having a responsible government. Australia eventually achieved full independence in 1986 when the British Parliament passed the Australia Act.

As the below section of this thesis will illustrate, starting in the Thirteenth Century, and through the late Eighteenth Century the various kings of England, and Parliament enacted several laws to restrict personal possession of firearms (Koppel & Gorman, United Kingdom -- History of Gun Laws Through 1900, 2012). Through the Nineteenth Century many of the laws regarding regulation of firearms were gradually repealed. Indeed, at the beginning of the Twentieth Century the United Kingdom had virtually no regulations on firearms (Koppel D. B., United Kingdom -- History of Gun Laws since 1900, 2012). Over the 100 years that comprised the Twentieth Century the United Kingdom enacted some of the strictest laws regarding personal use, and possession of firearms of all nations comprising the British Empire.



British firearm laws have varied considerably since Anglo-Saxon times. The British also had considerable records dating back to the Norman Conquests, and after reviewing those records the foundations of the legal systems in all former British Colonies can be established. There is considerable mention of the militia in these early cases, and these cases implied that there was no standing, or professional army as a reason for needed firearm possession (Koppel D. B., United Kingdom -- History of Gun Laws since 1900, 2012). The British also lacked a professional police force; preferring to utilize the armed citizens of the community to apprehend a criminal whenever a major crime occurred. Thus, for both militia duty and law enforcement the citizens brought their own weapons, and personal firearm, or weapon, ownership was essential. Additionally, anybody who was required to report for militia duty, or law enforcement duty who failed to report was frequently prosecuted. Because of the duty to report for militia, or law enforcement duty, Parliament passed a law requiring citizens to actually supply their own weapons (Koppel & Gorman, United Kingdom -- History of Gun Laws Through 1900, 2012). The British preferred this arrangement so much that when crime increased under the reign of King Edward I during the years of 1272 and 1307, Parliament worked hard to enact the Statute of Winchester which required every man to have weapons (Koppel & Gorman, United Kingdom -- History of Gun Laws Through 1900, 2012). Later, under the reign of Edward IV during the years of 1461 and 1470, and then from 1471 to 1483 there was a ban on shotguns because the Crown felt that long bows were the only proper weapon for private ownership (Koppel & Gorman, United Kingdom -- History of Gun Laws Through 1900, 2012). At this time gunpowder

was expensive, and hard to obtain. Firearms were not nearly as accurate as a longbow and arrow. The technology to increase the accuracy of firearms would gradually develop, but that development would take time. These laws were often ignored, not just by the people, but local Sheriff's and Justice of the Peace officers as well.

The first true example of British gun control measures can be seen by the Fifteenth Century. In 1569 the Queen's Privy Council proposed that all militia arms should be stored in the town's armory (Koppel & Gorman, United Kingdom -- History of Gun Laws Through 1900, 2012). These laws did not outlaw personal ownership of firearms, but rather placed a separation of the firearms used by the militia, and those used for personal use. Opposition to that proposal was so intense that it was quickly withdrawn. During the Sixteenth Century laws were passed to stop commoners from owning handguns and crossbows (Koppel & Gorman, United Kingdom -- History of Gun Laws Through 1900, 2012). Eventually all firearm laws enacted under the reign of the Tudor's during the years of 1485 and 1603 were repealed.

Another set of firearm legislation in Britain was targeted to specific groups. After Henry VIII established the Church of England in 1534; Catholics were viewed with increased suspicion by many in the country. While Catholics were permitted to own firearms any militia weapon was required to be stored in the local armory. After the English Civil War the Rump Parliament increased firearm controls on political opponents, primarily those who were loyal to the monarchy. Those laws were ultimately unsuccessful when the monarchy eventually came back to power. Once the king was back in power, the tables were turned and the monarch conducted raids on private

homes of his opponents to search for stockpiles of weapons and ammunition. Much like his political opponents before his reign, he also targeted dissidents, namely Catholics, and republicans, in order to maintain his power.

The Crown also used other pretexts to pass controversial firearm legislation. Firearms during the Sixteenth through Eighteenth Century were often much louder than today's weaponry, and difficult to conceal. However, with the Game Act of 1671 nobility was authorized to appoint a game warden on their land and confiscate weapons from those who were hunting on their lands (Koppel & Gorman, United Kingdom -- History of Gun Laws Through 1900, 2012). While the pretext of the legislation was to prevent poaching on the lands of the nobility; anybody who was using firearms in that time period would have drawn considerable attention to themselves and were often prosecuted. William Blackstone stated, in his famous book *Commentaries on the Laws of England*, the real purpose of the Game Act was to prevent another attempt at overthrowing the Monarchy, and not the prevention of mere poaching of animals on the lands of another.

Thus, while the Crown would use firearm controls in an attempt to control the population at many times in British history many of these laws would eventually be repealed. During the majority of the Eighteenth Century firearm controls were largely non-existent in Britain. Until 1829, there was no standing police force in the nation, and when the first police force was established, the people had more weapons than the police (Koppel & Gorman, United Kingdom -- History of Gun Laws Through 1900, 2012).

In the years leading to the beginning of the twentieth century Britain went from virtually no gun controls to a near ban on firearms.

While gun laws of the United Kingdom are not a primary focus in this thesis it is important to note the direction of those laws since both Australia, and Canada still recognize the British Monarch as their own. The first modern act of legislation in the United Kingdom regarding firearms is the 1903 Pistol Act. The first provision of the Pistol Act prohibited minors and felons from purchasing pistols, and dictated that only people with a valid license could purchase a pistol (Koppel D. B., United Kingdom -- History of Gun Laws since 1900, 2012). The next major law came in 1920 with the Firearms Act. The Firearms Act outlawed possession of CS self-defense spray canisters, commonly referred to as pepper spray, and only allowed possession of pistols and rifles if a person could show they had a good cause to possess such a weapon (Koppel D. B., United Kingdom -- History of Gun Laws since 1900, 2012). In 1934 the British outlawed possession of short-barreled shotguns and fully automatic rifles. The rationale used for outlawing those firearms was the mob violence from prohibition in the United States (Koppel D. B., United Kingdom -- History of Gun Laws since 1900, 2012). The British Home Office announced in 1946 that self-defense was no longer a good reason to be granted a firearm license. Then in 1967 under the Criminal Justice Act licensing was established for shotguns; firearms seen as a sporting goods tool (Koppel D. B., United Kingdom -- History of Gun Laws since 1900, 2012). Later, in the 1988 Firearms Act, shotgun certificates became much harder to get. An applicant had to show good cause, and the only acceptable reasons to possess a shotgun was

participation in a shooting club, or pest control for farming (Koppel D. B., United Kingdom -- History of Gun Laws since 1900, 2012). In 1997, between the Parliaments headed by the Conservative Prime Minister John Major, and the Labor Prime Minister Tony Blair personal ownership of handguns was outlawed. Currently, an individual with good cause to own a shotgun, or rifle is permitted to own one.

Another way that the British have enacted strict gun control legislation is by giving the police wide power to approve, or deny a license. A prime example of this power comes from a provision that firearms must be stored in a secure place. When a person applies for a license, or renewal, the police would inspect the applicant's home to see where the firearms would be stored. The police would only approve the license if there were a pair of expensive safes, one for the ammo, and one for the firearms (Koppel D. B., United Kingdom -- History of Gun Laws since 1900, 2012). While an individual is permitted to deny the police entry into the home the police can deny the license. Therefore, while rifles and shotguns are legal in the United Kingdom there is an effective firearm ban because of the conditions the police place on anybody that applied for a firearm license. Obtaining two hardened safes, with an electronic lock that can sustain thirty minutes of attack is expensive. If an individual does not purchase the two safes the police will not issue a firearm license, and that individual will face criminal penalties for possession of an unlicensed firearm if that individual obtains a firearm.

#### b) United States Federal Laws Regarding Firearms

The United States has enacted a few major federal laws on firearms, all of which were enacted well into the Twentieth Century. The first federal law was the National

Firearms Act of 1934. The purpose of this legislation was to crackdown on gangster related criminal activity that came about during Prohibition. Many of those gangsters utilized automatic weapons, like the Thompson submachine gun (United States Department of Justice, 2015). The Gun Control Act of 1934 required that most firearms to be registered and taxed. This was the first time that the federal government banned people convicted of a felony, or those who were just under indictment, from possessing firearms. The act also imposed a \$200 transfer tax on all sales of firearms that were prohibited by the act, but purchased before the act was passed. While this tax appears insignificant in 2015, the amount of the tax would be equivalent to slightly over \$3,500 in 2015. Ultimately this law was gutted by the Supreme Court in 1968 in the case of *Haynes v United States*, 390 U.S. 85 (1968). Haynes was a convicted felon, and under the National Firearms Act of 1934 was prohibited from owning a firearm. He was prosecuted for not registering and paying the tax on a firearms he purchased. At the trial court he argued that by registering his firearm, and paying the tax, would be a form of self-incrimination prohibited under the Fifth Amendment of the Constitution. Haynes was convicted, but later had his conviction overturned by the United States Supreme Court. The act was amended to provide that only those who could legally own a firearm were required to register and pay the tax on the firearm.

The next major piece of legislation regarding firearms on the federal level was the Gun Control Act of 1968. After the assassination of President John F. Kennedy, the murder of Dr. Martin Luther King Jr., the killing of Robert F. Kennedy and the University of Texas shooting, Congress held hearings and considered legislation on further

restrictions on firearms, resulting in the Gun Control Act of 1968. This law included a ban on ordering firearms through the mail, and further added people who were prohibited from owning firearms. It defined those who were convicted of a felony, somebody addicted to a controlled substance, and a person adjudicated mentally deficient prohibited from owning a firearm. A major problem with this law is that a dealer had no way to know if they were selling to somebody who met that criteria. The law does permit a person who had his/her civil rights restored, or had their records sealed or expunged in to own a firearm.

Finally, in 1994 Congress passed the Brady Handgun Violence and Prevention Act. This law requires that everybody purchasing a firearm from a dealer to submit to a background check. It also set forth criteria for failing a back ground check, and ultimately unable to purchase a firearm as those convicted of a felony, a fugitive, somebody addicted to a controlled substance, a person adjudicated mentally deficient, in the country illegally, somebody who received a dishonorable discharge, a citizen who renounced their U. S. Citizenship, subjected to a restraining order, and somebody convicted of misdemeanor domestic violence. While typically the background check is completed while the dealer is on the phone with the FBI, but it can take up to three business days to complete the background check.

On the state level, there have been a plethora of various firearm regulations. These laws can vary from requiring a permit to purchase a firearm, bans on weapons considered assault weapons (such as rifles that look like military style rifles) requiring owners to purchase a license, and restrictions on magazine capacity. While not

considered firearm legislation per se, there are also castle doctrine laws, which permit the owner to use of deadly force when a trespasser enters the firearm owner's home, and "stand your ground laws."

In a federalist system of government, each state can have separate laws on firearm use as long as those laws do not interfere and conflict with the federal laws. Originally in the United States the U.S. Constitution only restricted the federal government by the provisions contained in the Second Amendment, and each state was only bound to their own state level Constitutions. While the Second Amendment provides the right of the people to bear arms, and implies restriction on the government in interpreting these rights, those restrictions only applied to the federal government.

Chicago and the District of Columbia had laws restricting and banning personal possession of hand guns. The United States Supreme Court heard two cases regarding these laws in Chicago and the District of Columbia. In *District of Columbia v Heller*, 554 U.S. 570 (2008) the Court held that the Second Amendment guaranteed an individual the right to possess a firearm without regard to their service in a militia. This case reversed a long standing law within the District that banned handguns obtained before the law went into effect in 1975, and struck down provisions of the law that if rifles and shotguns were kept in the home they must be disassembled. However, in a common law system, the courts can only rule on the issues that are before them. Because the District of Columbia is not a state, the ruling did not actually address if the Second Amendment was applicable to the states through the Fourteenth Amendment under the doctrine of Selective Incorporation. Two years later in *McDonald v The City of Chicago*,



561 U.S. 742 (2010) the Court ruled that the Second Amendment was applicable to the states through the Fourteenth Amendment. In this case McDonald was a victim of a burglary, and wanted to purchase a handgun for defense of his home. In order to legally purchase a handgun in the City of Chicago an individual had to obtain permit, but the city refused to issue any permits since they banned handguns in 1982. Because of those two cases any law passed by any state, county, or municipality in the United States must be consistent with the Second Amendment of the Constitution, and the Supreme Court's interpretation of the Second Amendment.

c) Australian National Firearms Agreement of 1996

Australia was colonized by the British in 1788 after the loss of the colonies that became the United States. During the British Colonial period a common punishment for people convicted of felonies, when execution was seen as being too harsh, was transportation to one of the colonies. From 1610 until the American Revolution, Britain transported thousands of prisoners to North America. After the revolution Britain temporarily held the territory that became part of present day Canada, but they saw transporting prisoners to Canada as too risky because of the proximity to the United States. The British did not want to risk prisoners escaping to the United States and then taking up arms against the British. Since the British could not transport their prisoners to either the United States, or Canada their jails quickly became overcrowded, and they needed to find a solution elsewhere. The solution was sending the prisoners to Australia.

One of the final stops the first convict transport fleets made while traveling to Australia was to collect supplies to establish the colony. Part of that final stop included obtaining enough firearms for the settlers, convicted criminals, to hunt for their food, and protect themselves from skirmishes with the aboriginal population. While there was some gun control legislation, these controls were largely unenforced (Halls, 1974). Due to the governmental structure of Australia each colony, before federation, and later each state, after federation, was responsible for its own gun laws (Alpers P. , 2013). A prime example of this is regarding fully automatic weapons, which was illegal in every Australian State, except Tasmania, in the 1930s. Tasmania finally outlawed fully automatic firearms in 1996 with the passage of the Australian National Firearm Agreement.

Before the National Firearms Agreement each state had its own laws regulating firearms. Before 1996 those laws, in some states, were very lenient as the gunman in the Port Arthur Massacre was able to secure his firearms from a gun dealer without having any permits or licenses (Bryant, 1996). It should be noted that Port Arthur is located in Tasmania, which still permitted fully automatic weapons at the time of the shooting. During the police interview Martin Bryant implied he did not need to show any identification to purchase the firearms he used during the massacre. After each state adopted the National Firearms Agreement strict regulations were enacted. All firearms were placed into different categories and each category has their own restrictions.

Table 1 Australian Firearm Categories

Category A	Firearms such as single fire and single load rimfire rifles, or shotguns that are not pump-action or semi-automatic. Air rifles and paintball guns also fall into this category and the person must state a genuine reason to purchase a firearm in this category.
Category B	Centerfire rifles, and muzzle loading firearms produced after January 1, 1901. A genuine need, or genuine reason including why a Category A firearm is not sufficient.
Category C	Self-loading rimfire rifles holding ten rounds or less, and pump-action or semi-automatic shotguns holding 5 or fewer rounds. These firearms are strongly restricted to firearms producers, occupational shooters, and some clay pidgin shooters.
Category D	Self-loading centerfire rifles, and shotguns holding more than 5 rounds. Only governmental agencies may own a functional Category D firearm.
Category H	Handguns and air soft pistols. Only certain security guards and certain target shooters are permitted to own a handgun.
Category R/E	Firearms that are banned. These include, but are not limited to automatic rifles, machine guns, anti-tank and anti-aircraft weapons and military weapons. This list is not a complete representation of all banned firearms in Australia.

(Australasian Police Ministers' Council, 1996)

The National Firearms agreement achieved its desired objective in reducing the number of firearms in circulation. This was primarily achieved through a buy-back program (Baird, 2013). The Australian Constitution, in a similar fashion to the United States Constitution, prohibits the government from taking property without compensation. After the mandatory buy-back of firearms Australia prohibited any

importation of any firearms (Baird, 2013). Australia conducted a similar, mandatory buy-back in 2003, and the results were similar to those in 1996.

#### d) Gun Laws in Canada

Canada has always had stricter gun laws than the United States (Mauser G. A., 2012). After the French and Indian War when the French lost their holdings in Canada the British enacted strict laws regulating firearms (Mauser G. A., 2012). The main reason is that the British did not trust the French colonists that were not under British authority. While the colonists in what would become the United States enjoyed considerable self-rule of the colonies the colonists in Canada were under a more authoritarian rule. The taxes that were imposed by the British in the colonies of New England that caused the American Revolution were also enacted in Canada. However, only the Intolerable, or Coercive Acts that were designed to punish Boston for the activists involved in the Boston Tea Party was enacted in the Massachusetts Bay Colony. The reason that the Massachusetts Bay Colony was singled out was because the East India Company wanted to be repaid for the tea that was dumped into the ocean.

While Canada has a federal system of government, power is delegated differently. In the United States, the states have the responsibility to enact criminal laws. This can cause confusion, and lead to a lack of uniformity of criminal law in the United States. Canada was cognizant of this problem, and placed the responsibility of criminal law with the federal government (Mauser G. A., 2012). Each province does have some authority in firearm laws, primarily through hunting regulations.

The gangsters during prohibition would frequently travel to Canada in order to smuggle alcohol into the United States, and during the Great Depression, Canada feared civil unrest and violence from American gangsters (Mauser G. A., 2012). Canada also was quick in addressing surplus weapons after the First World War, and because of that there were relatively few Thompson Submachine Guns in circulation; they were the favorite weapon during Prohibition. The Canadian Parliament continued to pass more firearm regulations using the war effort in the 1940s, terrorism in Quebec in the 1970s, a rampage shooting in 1989, and a new government in the 1990s (Mauser G. A., 2012). While Canada has strict firearm regulations, as illustrated in Table 2 produced at the end of this section, there is still an active hunting community in the nation which increases demand on the government for lawful gun ownership.

Canada issues permits to individuals who desire to possess a firearm. The agency responsible for issuing those permits is the Royal Canadian Mounted Police (RCMP). Also, despite the Canadian Border Services Agency (CBSA) being responsible for all activity at the Canadian Border, the RCMP processes all forms from foreign individuals who desire to import a firearm into Canada. The RCMP classifies firearms into three categories: prohibited, restricted, and non-restrictive (Royal Canadian Mounted Police, 2015). For any individual to possess a firearm in Canada they must apply, and the RCMP will only issue a permit after the individual completes the following three steps. First, an individual must complete safety training. Depending on which classification of firearm the individual desires to possess that class is either a Canadian Firearms Safety Course (CFSC), or Canadian Restricted Firearms Safety Course

(CRFSC). If an individual desires to possess a restricted firearm he/she must take both courses. Next he/she must apply for the license from the RCMP by filling out the form, and paying the fee. Then the RCMP will conduct a background check, and verify that the applicant has completed the necessary safety courses.

*Table 2 Canadian Firearm Categories*

Prohibited	<p>Handguns with a barrel shorter than 105 millimeters.</p> <p>Rifles and shotguns altered by sawing, or cutting the barrel so that it is shorter than 457 millimeters, or the total length of the firearm is shorter than 660 millimeters.</p> <p>Automatic rifles, or rifles that were converted from automatic to semi-automatic fire.</p> <p>Military surplus weapons.</p>
Restricted	<p>Any handgun not prohibited.</p> <p>Any firearm with a barrel shorter than 470 millimeters.</p> <p>Firearms with an overall length of 660 millimeters.</p>
Non-Restricted	Any firearms not listed as Prohibited or Restricted

Note: Restricted firearms may only be shot at a shooting range, or sanctioned shooting competition. (Royal Canadian Mounted Police, 2015)

Every nation analyzed has enacted some gun control legislation. Many of the laws were passed in response to some incident that occurred in that nation which will be reviewed in the next section. Even the United States has passed some gun control legislation in response to an identifiable event.

## VI. Mass Shootings in the United States, Canada, and Australia

There have unfortunately has been mass shootings that have occurred in each nation. The United States has had more rampage shootings than Australia and Canada. In order to have a fair and accurate representation of the effect of gun control laws in each nation, an overview of some of the rampage shootings in each nation is necessary. An analysis of the perpetrator in each case, and how he/she obtained the firearms will be reviewed. These shootings may take place in one location, or spread out over multiple locations. Part of the overview will be any legislation, or media representation, that happened in the aftermath. A look at any significant legislation that passed, or expired, prior to the shooting will also be mentioned since there may be a causal relationship between the legislation, or lack thereof, for the shooting. Given time constraints, and the overall prevalence of mass shootings in the United States any shooting that happened after August 30, 2015 will not be mentioned either in whole or in part.

### a) Columbine School Shooting

While not the first mass shooting to happen in the United States, or even the first school shooting the Columbine School Shooting was an event to shock the conscience of the United States. On April 20, 1999, two students of Columbine High School killed twelve students, and one teacher. During the investigation it was revealed that those two students saw the carnage of the Oklahoma City Bombing and wanted an event to rival the devastation of that event (National Geographic Channel, 2006).

Before the shooting both perpetrators researched how to make bombs, and planted those bombs in various locations. Those two perpetrators also purchased firearms at a local gun show, and from a friend, in the days leading up to the shooting (Luzadder, 1999). The pair meticulously planned every detail of their shooting including planting bombs to distract the emergency responders, and to maximize death and destruction.

When the pair arrived at Columbine they planted their bombs, and attempted to set them off. When those bombs failed to detonate they returned to their cars and retrieved their weapons (National Geographic Channel, 2006). One perpetrator ran into somebody who had just patched up a disagreement with him and he told him "I like you now. Get out of here. Go home." As the shooting started this person was seen fleeing from the school (Brown & Merritt, 2002). The pair entered the cafeteria just as the first lunch period was starting.

At 11:19 am, the pair entered the cafeteria and began shooting individuals. Most of the students in the school originally thought they were witnessing a senior prank, and not an actual shooting (National Geographic Channel, 2006). Those in the cafeteria, however, realized that this was not just a prank, but an actual emergency. The police arrived on the scene at 11:22, and the pair had made their way from the cafeteria to the library. When they got to the library there were over fifty students, and teachers who hid in the library. The pair made a reference to the jocks in the school, but when nobody admitted to participating in a school sport they decided to start shooting anyways (National Geographic Channel, 2006). After the event in the library the pair tried to



detonate some of the bombs that did not detonate, but mostly failed. At 12:08 they both committed suicide.

In the aftermath of the Columbine Massacre the first discussion on the “gun show loophole” occurred. Because of the Brady Handgun Violence Prevention Act anybody purchasing a firearm from a licensed dealer must submit to a background check. The flaw in that legislation is that it does not cover purchases made at a local gun show from a private individual. The pair did not have to show any identification when they purchased their firearms, and as a result nobody questioned their age.

#### b) Virginia Tech Shootings

On April 16, 2007 an individual enrolled at Virginia Tech killed thirty-two people, injured twenty-three, and took his own life when it was over. These killings were spread over the campus in two separate locations. First the perpetrator killed two individuals in a residence hall. After he killed the two people he left the building before emergency services could arrive. He then went to another building and killed thirty additional people before taking his own life. Unlike the Columbine Massacre there were no bombs planted to increase the devastation.

While in middle school the perpetrator was diagnosed with severe depression, and was under the care of a psychiatrist until he graduated from high school (Smith, 2007). When he enrolled at Virginia Tech he was under no obligation to disclose his condition, and the school did not have any right to obtain any of his previous medical records. However there is some controversy as to whether the shooter’s diagnosis and subsequent treatment of mental illness was protected (Christan Science Monitor staff,

2007). While attending Virginia Tech the gunman was accused of stalking two women, and he was ordered into a treatment program. Because this was not an involuntary inpatient program, he was not committed. He was later able to purchase a firearm (Potter & Schoetz, 2007). Virginia had a loophole in its laws regarding the background checks that permitted anybody adjudicated as mentally incompetent to still purchase a firearm.

c) Aurora, Colorado theatre shooting

During the midnight premiere of *Batman: A Dark Knight Rises*, on July 20, 2012 an individual bought a ticket to the movie, and proceeded to open fire on the theatre patrons. About thirty minutes into the movie the shooter left the theatre, dressed in protective gear, obtained his guns, and tear gas canisters, and returned through an emergency exit door. Most people watching the movie thought that the shooter was either pulling a prank, or part of some publicity stunt and did not view him as a threat. About ten minutes into the shooting police arrived, and a few minutes later arrested the shooter. After his arrest while the police searched his apartment and discovered that the shooter set up multiple bombs in an attempt to cause more devastation. In the end there were twelve people killed, and seventy people injured.

The shooter obtained his firearms, and chemicals to make the bombs legally in the United States. During the preliminary hearing testimony was presented showing the shooter buying his cache of firearms in the months leading up to the shooting (McKinley & Ng, 2012). More testimony during the preliminary examination showed that there were no laws in place in Colorado, either state or federal, that would have prevented an

individual as mentally disturbed as the shooter from obtaining his weapons. While the shooting occurred in 2012 the shooter was eventually convicted for his actions during the shooting, and sentenced to life in prison without the possibility of parole.

d) Sandy Hook Elementary Shooting

Near the end of 2012 an individual entered an elementary school and opened fire on the students of that school. The perpetrator of the shooting was also a mentally disturbed person. His mother kept a cache of weapons in the home. Before he went to Sandy Hook he stole the weapons and killed his mother. The school had a security protocol in effect that required all visitors to report to the main office, and a visitor could only enter through one set of doors. All other doors were locked from the outside. The shooter was able to gain entry by shooting a pane of glass near the door and open it from the outside. About five minutes after shots were first fired the police arrived. The entire shooting lasted about ten minutes as the police report they did not hear any more shots about five minutes after they arrived.

This shooting is unique in one aspect, and that is with regard to how the shooter obtained his firearms. The shooter was twenty, and in Connecticut the legal age to purchase a handgun is twenty-one, but the legal age to purchase a rifle or shotgun is eighteen. While his mother was able to legally purchase the handguns the shooter had the option to legally purchase a shotgun or rifle. He opted to steal them from his mother, and then kill her before driving to the school to commit the crime.

#### e) Charleston Church Shooting

In June 2015 there was a shooting at a predominantly African-American church in Charleston, South Carolina. In the evening of June 17 there was a group of thirteen worshippers participating in Bible study. This group included the shooter. About an hour into the Bible study the shooter proceeded to shoot everybody in the group except for one person, and then stated he was going to take his own life. Two other people survived because they pretended to be dead. Ultimately, the shooter did not take his own life, and would later be arrested and face charges for the shooting.

In this case the shooter was arrested in the months leading up to the attack, and admitted to the charge. However, due to an error with the National Instant Criminal Background Check System the purchase of the firearms was permitted to proceed. During the subsequent investigation it was discovered that the shooter intended to start a race war. He belonged to several white supremacy groups; the shooting is being treated as a hate crime. The State of South Carolina is seeking the death penalty in this case.

The response to this shooting was different from other mass shooting events in the nation. While there was some discussion to tighten the gun control laws most of the discussion dealt with symbols considered racist. The State of South Carolina ultimately removed the Confederate Flag from the Capitol Building, and there were several calls to remove Confederate symbols from other places. The media also looked to see what programming they were running, and canceled popular television programs that depicted the Confederacy in a positive light. While this may change some attitudes in

the future, and had the opposite effect the shooter was looking for, this does not address the problem with mass shootings in the United States.

f) École Polytechnique massacre

One of the worst mass shootings to occur in Canada happened at the École Polytechnique de Montréal in Montreal Quebec. Near the end of 1989, the shooter went to a sporting goods store and purchased a semi-automatic rifle, and hunting knife. During the transaction he stated that he was going to hunt small game so he did not arouse any suspicion. When he entered the school he went into a classroom and separated the women and men, and claimed he was fighting feminism. One of the female students responded that they were not feminists, but were just wanting to study engineering. He claimed that because they wanted to be engineers they were feminists. The entire incident lasted for twenty minutes, and in those twenty minutes fourteen people were killed, and fourteen people were injured.

Police response was slow, and as a result of the shooting there were two major changes in law in Canada. The first was to strengthen the gun laws to require background checks on rifle purchases. The second change was in the police response to a mass shooting incident. Later the same year there was another mass shooting in Montreal, and the changes in police response is credited for saving multiple lives.

g) Port Arthur Massacre

In April, 1996 in the town of Port Arthur, Australia there was a mass shooting incident that shocked the conscious of Australia. In this case there was a single shooter, and he went on a spree that killed thirty-five people in a resort area near the historic

prison colony where Britain sent convicted criminals that they did not want to execute. Because of the historic site, Port Arthur is a resort town, and has a lot of tourists. The incident took place over two days, but is still considered a spree killing. The killings did not occur in one location, and the shooter did not intend to kill himself afterwards.

A few years before the shooting the shooter bought an AR-10 rifle, and a shotgun. While having the rifle repaired he inquired about buying an AR-15 rifle, and bought cleaning supplies for a .30 caliber rifle. When he bought the rifle and shotgun the only registration of firearms Tasmania required was handguns. Each state in Australia had different laws, similarly to the United States. He also purchased a large sporting equipment bag and made the comment he needed it to hold large amounts of ammunition.

Because of the nature of the shooting reports of the events were later put together by the police that responded to the various sites. In the morning of the shooting the shooter woke up early, and did not leave the house until almost four hours later. The first location he went was a bed and breakfast his father attempted to purchase a few years earlier. He blamed the owners of double dealing, and blamed them for his father's suicide. The owners of the bed and breakfast were his first victims, but he would not stop there. A few hours after the murders at the bed and breakfast the shooter went to the Port Arthur Historic Site where he committed more murders. In the hours since the first killings, and second set of killings he interacted with several people, but did not kill them. Once at the historic site there were six different sites where the perpetrator killed several other people.

The following day while barricaded in a house the police were eventually able to arrest the perpetrator. When the police were on the scene he set fire to the house while threatening to kill a hostage he already killed earlier. During the fire the perpetrator escaped the house, and was subsequently arrested. He faced thirty-five counts of murder, and various charges for attempted murder, carjacking, arson, and several other charges. He eventually plead guilty to all charges, and upon sentencing he received thirty-five life sentences plus 1,035 years. He is being held in solitary confinement, and is not permitted any visitors with the exception of his immediate family. While Australia permits parole for people convicted of murder after serving twenty-five to thirty years he will never be released from prison.

As a result of this shooting Australia enacted very strict gun control laws. At the time eighty-five percent of the people supported those laws, but they had some reservations. The government of Australia was able to discredit many of the opponents of strict gun control legislation as unduly biased (and actually influenced by foreigners) once it was discovered that the Christian Coalition and National Rifle Association, organizations based in the United States, were the primary opponents of the law.

## VII. Effectiveness of Gun Control Legislation

The United States is the only major nation with the problem of recurrent rampage shootings. As evidenced above there have been serious mass shootings in the United States after the American conscience has been shocked by a mass shooting. As evidenced by the Charleston Church Shootings the gun lobby groups will do everything in their power to change the discussion. Anytime any legislature brings up the topic of gun control legislation the NRA is the first to issue studies stating that gun control legislation does not work. A common saying by those who oppose any legislation restricting possession of firearms is that gun control is useless because criminals will not obey the law. While they may be correct to a point about criminals not following the law as a society we still have laws. For instance, the NRA position would be akin to a lobbying interest representing alcohol groups which argues, as a society, should not have laws regulating drunken driving because criminals will not obey the law regarding drunken driving. As a society we have laws dealing with almost every aspect of daily life, and while some people will ignore those laws that is not an excuse to not have any laws.

After every mass shooting society looks to find the motives of the individual, or individuals involved in those shootings. Shortly after the Columbine shooting there were reports that the trench coats worn by the shooters was the cause of the shooting (Brown & Merritt, 2002). Other groups looked at violent television shows, movies, and video games (Langman, 2009). In the Charleston church shooting opponents of gun control



blamed the Confederate symbols as the reason the shooter went on a rampage. Access to firearms is seldom viewed as the primary culprit in the United States.

When Canada and Australia had their rampage and spree killings, which were largely aberrations – compared to the frequency of these events in the United States, one of the first issues viewed was access to firearms, and whether this attributed to the killings. Entertainment options being considered violent was not looked at unlike the opposite propensity in the United States. Other issues viewed were the mental health of the individual and warning signs they may have exhibited before the shooting. Immediately after the shooting the discussion of gun control was brought up, and anybody who said it was too soon to discuss it was viewed as being biased on the issue and not representative of the majority of society. While opinion polls immediately after any gun control legislation went into effect were not favorable polls conducted well after the legislation went into effect shows that gun control legislation was mostly viewed favorably (Oliver, 2014).

A major difference between Canada/Australia and the United States is the enumerated right for the people to keep and bear arms in the United States. Unlike other fundamental rights in the United States not mentioned in the Constitution (e.g. the right to interstate and intrastate travel, or the right of privacy) the right of the people to keep and bear arms is specifically enumerated in the Constitution. Anytime legislation is passed that restricts a fundamental rights of a citizen in the United States, the courts are required to apply a strict scrutiny test. Therefore, any legislation attempting to pass gun control restrictions or better guidelines in the United States must pass this “strict

scrutiny” test, which states that the law must serve a compelling state interest, and if the law passes the first hurdle it must then be narrowly tailored to achieve that goal and it the least restrictive means to achieve that goal. A prime example of this is the law that requires all passengers, and baggage to be screened at the airport before being permitted to board a commercial flight. The compelling state interest in this case is to prevent aircraft piracy and to protect national security. The screening is accomplished by walking through a metal detector and having bags scanned by an x-ray machine. Since the screening is concluded in a matter of seconds, and serves a compelling state interest (i.e. national security) the unwarranted search of people traveling on a commercial airliner is permitted as the least restrictive means to achieve these compelling state goals and interests. It has also been argued that this is a consent search since traveling on a commercial airliner is voluntary.

Similarly, in *Heller* the Supreme Court held that Congress, and the states, can place restrictions on firearms.

Like most rights the Second Amendment right is not unlimited. It is not a right to keep and carry any weapon whatsoever in any manner whatsoever and for whatever purpose: For example concealed weapons prohibitions have been upheld under the Amendment or state analogues. The Court’s opinion should not be taken to cast doubt on longstanding prohibitions on the possession of firearms by felons and the mentally ill, or laws forbidding the carrying of firearms in sensitive places such as schools and government buildings, or laws imposing conditions and

qualifications on the commercial sale of arms. *Miller's* holding that the sorts of weapons protected are those "in common use at the time" finds support in the historical tradition of prohibiting the carrying of dangerous and unusual weapons. (District of Columbia v. Heller, 2008)

Interpreting what the Supreme Court decided in *Heller* it is reasonable that Congress, or the state, can require safety training for anybody who desires to purchase a firearm.

There have also been other restrictions placed on fundamental rights. While the right to interstate, and intrastate travel is recognized as a fundamental right if somebody desires to drive an automobile to travel they must obtain a driver's license, liability insurance, and register that automobile with the state. The courts have ruled that an automobile is a dangerous instrumentality, and therefore the compelling state interest is protecting other people using the highways. Medical costs from a single automobile accident can run into the tens of thousands of dollars and not everybody has the means to pay those medical bills. Without liability insurance it is quite possible that a community may lose their only trauma center because of the lack of money from the unpaid bills.

Currently, the United States appears to be moving in the opposite direction from the rest of the world in regards to gun control legislation. With the patchwork of laws, an action that is permitted in one state may be prohibited in another. Currently, if an individual desires to carry a handgun in a concealed fashion most states require a permit. Many states recognize permits issued in other states for individuals that are traveling through their state. A state is not required to recognize a permit issued in

another state as valid in that state, and this has created situations in which people with valid permits in their home state have faced charges of carrying a concealed weapon without a permit. Another issue many opponents of gun control bring up is openly carrying a firearm. Typically they will use a rifle or shotgun as their firearm of choice strapped along their body. The issue is that many of the perpetrators of mass shootings have used rifles to carry out their massacre. The groups that are against all gun control measures are also advocating for laws that would prohibit a business owner from denying service to somebody openly carrying a firearm. Since most of these mass shootings were conducted using a rifle an individual walking around with a rifle strapped to their chest, or back, could be somebody advocating for expanding the rights of legal firearm owners to carry their weapons in public, or somebody about to commit a mass shooting. Before every mass shooting the perpetrators walked some distance with their firearms openly carried.

Opponents of gun control legislation also have to realize that there is no single solution. What works in Canada may not work in the United States. Accounting for the strict scrutiny test the background checks Canada require may be found unconstitutional in the United States because of the right to privacy. The background checks Canada performs are more in-depth than any background check performed under Brady as shown by the information requested on the application for a firearm license shown in Appendix C. In Canada the purchaser must supply a list of two references, and those references are contacted. The RCMP will also contact any conjugal partner, and any conjugal partner you may have lived with in the past two

years. Any proposed legislation needs to consider court challenges that might negate the legislation.

Considering that a firearm is a dangerous instrumentality, the first legislation that should be addressed is applying a strict liability standard to the owner. If someone loans out his/her automobile and the driver gets into an accident the owner may be sued for those damages despite the owner not operating the automobile. The owner of the firearm should know to whom they are loaning that firearm. If the owner decides to loan the firearm to an individual who should not possess a firearm, or is negligent in storing the firearm, the owner should be held accountable in civil court for any damage that results from the firearm. Many states have adopted culpable negligence statutes to impose criminal penalties for negligent storage of a firearm. States could also add an insurance requirement for anybody who desires to purchase a firearm. This insurance can be a separate rider on an individual's homeowner's or renter's policy that specifically covers negligent firearm use.

The purpose of the strict liability and insurance requirement is to make someone really think about obtaining such a large cache of weapons. While they are still free to purchase the weapons the required insurance may have placed ownership out of reach. Adding the strict liability would incentivize owners of firearms to securely store them so they are not easily stolen.

Other measures can also be used as well. For instance, changes in the National Instant Criminal Background Check System could be made so that any result that is not conclusively positive that the person has passed require extra screening. This may be

an inconvenience to someone purchasing a firearm, and could be negated with a voluntary license scheme. Require any individual who desires to obtain a firearm in a private sale to submit to a background check in which the individual must show identification verifying their age. Also, similar to automobiles, issue a certificate of title to any firearm that must be transferred with each change of ownership.

Finally, criminal penalties can be assessed for negligence storage of a firearm. While the United States does not, nor should, require home inspections, and safes that can withstand thirty minute assaults some care should be taken to ensure that a firearm is secured in the home. A simple affidavit, sworn under the penalty of perjury, can be enough to enforce a secure storage provision if a firearm is stolen and used in a criminal manner if there is nothing in the house to secure the firearm. Florida has already enacted some statutory laws regarding negligent storage of a firearm that a minor has found and used (Fla. Stat. §784.05 (2015)). If an firearm owner does not properly store a firearm so that a reasonable person would believe a minor can access it, and that firearm is then used to injure or kill somebody the owner can be charged with a third degree felony punishable by up to five years in a state prison, and/or a \$5,000 fine. That statute can be modified to add a provision that anybody who negligently loans, sells, or gives away a firearm to any person who cannot pass a background check, or a reasonable person believes would not pass a background check is subjected to the same criminal penalties as if a minor had found the firearm.

While the categories of firearms in Canada may not be applicable to laws in the United States, the requirement of a firearm safety course, and extensive background

check should be required. The requirement of providing references may be too much providing any previous conjugal partners; however, that does make some sense. The purpose of that single question is to prevent domestic violence.

Given the analysis presented here, one can logically extrapolate that tighter gun control legislation can reduce the amount of rampage shootings. With the propensity of events in the United States compared with the infrequency of mass shootings in Canada and near elimination of mass shootings in Australia, enacting some strict gun control legislation does help with the problem. It should be noted that after every rampage shooting in the United States in 2014 and 2015 the satire publication *The Onion* runs a headline “‘No Way To Prevent This,’ Says Only Nation Where This Regularly Happens.” (sic) (Sanders, 2015). The author of the article changes some key facts about each shooting, but the overall theme remains the same. Gun Control legislation should not be viewed as something that does not work simply because all rampage shootings have not been prevented just like any other law is not effective because not everybody follows that law.

Appendix A: State Constitution clauses regarding the right to bear arms.



**Alabama:** That every citizen has a right to bear arms in defense of himself and the state. Art. I, § 26

**Alaska:** A well-regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed. The individual right to keep and bear arms shall not be denied or infringed by the State or a political subdivision of the State. Art. I, § 19

**Arizona:** The right of the individual citizen to bear arms in defense of himself or the State shall not be impaired, but nothing in this section shall be construed as authorizing individuals or corporations to organize, maintain, or employ an armed body of men. Art. II, § 26

**Arkansas:** The citizens of this State shall have the right to keep and bear arms for their common defense. Art. II, § 5 (enacted 1868, art. I, § 5).

**Colorado:** The right of no person to keep and bear arms in defense of his home, person and property, or in aid of the civil power when thereto legally summoned, shall be called in question; but nothing herein contained shall be construed to justify the practice of carrying concealed weapons. Art. II, § 13

**Connecticut:** Every citizen has a right to bear arms in defense of himself and the state. Art. I, § 15

**Delaware:** A person has the right to keep and bear arms for the defense of self, family, home and State, and for hunting and recreational use. Art. I, § 20

**Florida:** (a) The right of the people to keep and bear arms in defense of themselves and of the lawful authority of the state shall not be infringed, except that the manner of bearing arms may be regulated by law.

(b) There shall be a mandatory period of three days, excluding weekends and legal holidays, between the purchase and delivery at retail of any handgun. For the purposes of this section, "purchase" means the transfer of money or other valuable consideration to the retailer, and "handgun" means a firearm capable of being carried and used by one hand, such as a pistol or revolver. Holders of a concealed weapon permit as prescribed in Florida law shall not be subject to the provisions of this paragraph.

(c) The legislature shall enact legislation implementing subsection (b) of this section, effective no later than December 31, 1991, which shall provide that anyone violating the provisions of subsection (b) shall be guilty of a felony.

(d) This restriction shall not apply to a trade in of another handgun. Art. I, § 8

**Georgia:** The right of the people to keep and bear arms shall not be infringed, but the General Assembly shall have power to prescribe the manner in which arms may be borne. Art. I, § 1

**Hawaii:** A well regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed. Art. I, § 17

**Idaho:** The people have the right to keep and bear arms, which right shall not be abridged; but this provision shall not prevent the passage of laws to govern the carrying of weapons concealed on the person nor prevent passage of legislation providing minimum sentences for crimes committed while in possession of a firearm, nor prevent

the passage of legislation providing penalties for the possession of firearms by a convicted felon, nor prevent the passage of any legislation punishing the use of a firearm. No law shall impose licensure, registration or special taxation on the ownership or possession of firearms or ammunition. Nor shall any law permit the confiscation of firearms, except those actually used in the commission of a felony. Art. I, § 11

**Illinois:** Subject only to the police power, the right of the individual citizen to keep and bear arms shall not be infringed. Art. I, § 22

**Indiana:** The people shall have a right to bear arms, for the defense of themselves and the State. Art. I, § 32

**Kansas:** The people have the right to bear arms for their defense and security; but standing armies, in time of peace, are dangerous to liberty, and shall not be tolerated, and the military shall be in strict subordination to the civil power. Bill of Rights, § 4

**Kentucky:** All men are, by nature, free and equal, and have certain inherent and inalienable rights, among which may be reckoned: ...

Seventh: The right to bear arms in defense of themselves and of the State, subject to the power of the General Assembly to enact laws to prevent persons from carrying concealed weapons. Art. XIII, § 25.

**Louisiana:** The right of each citizen to keep and bear arms shall not be abridged, but this provision shall not prevent the passage of laws to prohibit the carrying of weapons concealed on the person. Art. I, § 11

**Maine:** Every citizen has a right to keep and bear arms and this right shall never be questioned. Art. I, § 16

**Massachusetts:** The people have a right to keep and to bear arms for the common defence (sic). And as, in time of peace, armies are dangerous to liberty, they ought not to be maintained without the consent of the legislature; and the military power shall always be held in an exact subordination to the civil authority, and be governed by it.

Pt. 1, art. 17

**Michigan:** Every person has a right to keep and bear arms for the defense of himself and the state. Art. I, § 6

**Mississippi:** The right of every citizen to keep and bear arms in defense of his home, person, or property, or in aid of the civil power when thereto legally summoned, shall not be called in question, but the legislature may regulate or forbid carrying concealed weapons. Art. III, § 12

**Missouri:** That the right of every citizen to keep and bear arms in defense of his home, person and property, or when lawfully summoned in aid of the civil power, shall not be questioned; but this shall not justify the wearing of concealed weapons. Art. I, § 23

**Montana:** The right of any person to keep or bear arms in defense of his own home, person, and property, or in aid of the civil power when thereto legally summoned, shall not be called in question, but nothing herein contained shall be held to permit the carrying of concealed weapons. Art. II, § 12 (enacted 1889).

**Nebraska:** All persons are by nature free and independent, and have certain inherent and inalienable rights; among these are life, liberty, the pursuit of happiness, and the right to keep and bear arms for security or defense of self, family, home, and others, and for lawful common defense, hunting, recreational use, and all other lawful purposes,

and such rights shall not be denied or infringed by the state or any subdivision thereof.

Art. I, § 1

**Nevada:** Every citizen has the right to keep and bear arms for security and defense, for lawful hunting and recreational use and for other lawful purposes. Art. I, § 11(1)

**New Hampshire:** All persons have the right to keep and bear arms in defense of themselves, their families, their property and the state. Pt. 1, art. 2-a

**New Mexico:** No law shall abridge the right of the citizen to keep and bear arms for security and defense, for lawful hunting and recreational use and for other lawful purposes, but nothing herein shall be held to permit the carrying of concealed weapons. No municipality or county shall regulate, in any way, an incident of the right to keep and bear arms. Art. II, § 6

**North Carolina:** A well regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed; and, as standing armies in time of peace are dangerous to liberty, they shall not be maintained, and the military shall be kept under strict subordination to, and governed by, the civil power. Nothing herein shall justify the practice of carrying concealed weapons, or prevent the General Assembly from enacting penal statutes against that practice. Art. 1, § 30

**North Dakota:** All individuals are by nature equally free and independent and have certain inalienable rights, among which are those of enjoying and defending life and liberty; acquiring, possessing and protecting property and reputation; pursuing and obtaining safety and happiness; and to keep and bear arms for the defense of their

person, family, property, and the state, and for lawful hunting, recreational, and other lawful purposes, which shall not be infringed. Art. I, § 1

**Ohio:** The people have the right to bear arms for their defense and security; but standing armies, in time of peace, are dangerous to liberty, and shall not be kept up; and the military shall be in strict subordination to the civil power. Art. I, § 4

**Oklahoma:** The right of a citizen to keep and bear arms in defense of his home, person, or property, or in aid of the civil power, when thereunto legally summoned, shall never be prohibited; but nothing herein contained shall prevent the Legislature from regulating the carrying of weapons. Art. II, § 26

**Oregon:** The people shall have the right to bear arms for the defence (sic) of themselves, and the State, but the Military shall be kept in strict subordination to the civil power[.] Art. I, § 27

**Pennsylvania:** The right of the citizens to bear arms in defence (sic) of themselves and the State shall not be questioned. Art. 1, § 21

**Rhode Island:** The right of the people to keep and bear arms shall not be infringed. Art. I, § 22

**South Carolina:** A well regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed. As, in times of peace, armies are dangerous to liberty, they shall not be maintained without the consent of the General Assembly. The military power of the State shall always be held in subordination to the civil authority and be governed by it. Art. 1, § 20

**South Dakota:** The right of the citizens to bear arms in defense of themselves and the state shall not be denied. Art. VI, § 24

**Tennessee:** That the citizens of this State have a right to keep and to bear arms for their common defense; but the Legislature shall have power, by law, to regulate the wearing of arms with a view to prevent crime. Art. I, § 26

**Texas:** Every citizen shall have the right to keep and bear arms in the lawful defense of himself or the State; but the Legislature shall have power, by law, to regulate the wearing of arms, with a view to prevent crime. Art. I, §

**Utah:** The individual right of the people to keep and bear arms for security and defense of self, family, others, property, or the state, as well as for other lawful purposes shall not be infringed; but nothing herein shall prevent the legislature from defining the lawful use of arms. Art. I, § 6

**Vermont:** That the people have a right to bear arms for the defence of themselves and the State -- and as standing armies in time of peace are dangerous to liberty, they ought not to be kept up; and that the military should be kept under strict subordination to and governed by the civil power. Ch. I, art. 16

**Virginia:** That a well regulated militia, composed of the body of the people, trained to arms, is the proper, natural, and safe defense of a free state, therefore, the right of the people to keep and bear arms shall not be infringed; that standing armies, in time of peace, should be avoided as dangerous to liberty; and that in all cases the military should be under strict subordination to, and governed by, the civil power. Art. I, § 13

**Washington:** The right of the individual citizen to bear arms in defense of himself, or the state, shall not be impaired, but nothing in this section shall be construed as authorizing individuals or corporations to organize, maintain or employ an armed body of men. Art. I, § 24

**West Virginia:** A person has the right to keep and bear arms for the defense of self, family, home and state, and for lawful hunting and recreational use. Art. III, § 22

**Wisconsin:** The people have the right to keep and bear arms for security, defense, hunting, recreation or any other lawful purpose. Art. I, § 25

**Wyoming:** The right of citizens to bear arms in defense of themselves and of the state shall not be denied. Art. I, § 24



Appendix B: Australian application for a firearm, and sample firearm  
license.

Send your completed application to:  
 Licensing & Regulation Division  
 GPO Box 2807  
 MELBOURNE 3001  
 Phone: 1300 651 645  
 Fax: (03) 9247 6485  
 Email: [licensingregulation@police.vic.gov.au](mailto:licensingregulation@police.vic.gov.au)  
 Web: [www.police.vic.gov.au](http://www.police.vic.gov.au)



VP Form 304A

VICTORIA POLICE

## Victorian Firearm Licence Application Form

*Licence Categories: A Longarms or A & B Longarms Licence*

### Part 1 - Type of Application (All applicants must complete this part)

*This is an application for .....* (Cross the relevant box(es) below)

<b>Category A</b>	<b>Duration</b>	<b>Category A&amp;B</b>	<b>Duration</b>
<input type="checkbox"/> Longarms Licence	5 Years	<input type="checkbox"/> Longarms Licence	5 Years

### Part 2 - Personal Information (All applicants must complete this part)

**Current Name**

Family Name

First Given Name

Second Given Name  Gender:  Male  Female

Third Given Name  Date of Birth:  /  /

**Previous Name**

Have you ever changed your name?  Yes  No

If "yes" you **MUST** provide a **certified** copy of your change of name certificate or full birth certificate that includes the schedule of any name changes or a marriage certificate.

**Residential Address** *Property name (if applicable)*

Flat / Unit Number  / Street Number  / Lot Number

Street Name

Street Type (RD, ST, AVE, etc)

\*Please Note: If you reside interstate, you will only be eligible for a Victorian licence if your licence is for a work purpose in Victoria.

Town / Suburb  State  Postcode

**Postal Address** *(only complete this section if you want your licence forwarded to an address different to your residential address)*

GPO Box  PO Box  Locked Bag  Private Bag  RSD  RMB

Street Name

Street Type (RD, ST, AVE, etc)

Town / Suburb  State  Postcode







**Attach: 100 points of certified identification documents here**  
 (unless you hold a Victorian Firearms, Security or Weapons licence/approval)

**Part 7 - Identification Reference**

Have you previously held an Interstate Firearms Licence?  Yes  No

If you answered "yes", please indicate: State  Licence Number

Do you hold a current Victorian Firearm Licence, security licence or Chief Commissioner of Police Weapon Approval?  Yes  No

If you answered "yes", please indicate the licence/approval number:

You do not have to provide any further information for Part 7 – Go to Part 8.

If you answer "no" you must provide 100 points of Certified Identification Documents (signed by your Referee), being one form of primary identification and one or more forms of secondary identification documents. (See Instruction Pages Part 7) and arrange for the below Declaration by Referee to be completed.

**Declaration by Referee and Signature by Applicant**

I, the Referee, declare that I have known  (insert full name of applicant)

by that name for a period of  (years) and  (months) and vouch for his/her identity.

Applicant to sign in the presence of an Acceptable Referee and indicate the type of Identification Documents being provided.

Applicant's Signature  Date  /  /

Identification Documents

I am providing the following  (insert document description(s) from instruction pages)  
 Certified Identification Documents (one of which must be primary identification)

I, the Referee, also certify that the above details are true and correct, the applicant's signature above was completed in my presence, and the Identification Documents I have signed are a true copy of the original. I am aware that it is an offence under the *Firearms Act 1996* to knowingly or recklessly make a statement in support of the application of another person under this Act which is false or misleading in any material particular (maximum penalty 240 penalty units or 4 years imprisonment).

Referee's Signature  Date  /  /

Referee's Personal Details

Family name  Given name/s

Address

Type of authority  (insert your Authority - see Instruction Pages)

Telephone: (Home)  (Business)  (Mobile)

**Certified copies (signed by the Referee) of your Identification documents must be attached to this application.**

**Please note: Your referee must not be related to you by birth or marriage, or be your defacto partner and must have known you for at least 12 months.**





Attach genuine reason evidence here

### Part 8 - Genuine Reasons

The *Firearms Act* 1996 requires you to have a genuine reason to obtain a Firearm Licence.

Cross the box(es) in the left column for the reason, or reasons, you are applying for, and provide the documents listed in the right hand column for each reason you tick

Genuine Reason (any one or more reasons)	Information and Documents you must provide
<input type="checkbox"/> <b>1. Sport / Target Shooting</b> any type, on approved ranges	<div style="display: flex; justify-content: space-between;"> <div style="border: 1px solid black; width: 180px; height: 20px;"></div> <div style="border: 1px solid black; width: 80px; height: 20px;"></div> <div style="border: 1px solid black; width: 60px; height: 20px; text-align: center;">/ /</div> </div> <p style="text-align: center;">(Name of club/organisation) (Branch) (Date joined)</p> <p>Membership Number <div style="border: 1px solid black; width: 150px; height: 20px; display: inline-block;"></div> Expiry Date <div style="border: 1px solid black; width: 60px; height: 20px; text-align: center;">/ /</div></p> <p style="text-align: center;"><b>AND</b></p> <p>Copy of current membership card <b>OR</b> Club or organisation's statement of endorsement.</p>
<input type="checkbox"/> <b>2. Hunting</b>  <p style="color: red; font-size: small;">Refer to the instruction pages for further information on evidence for Hunting</p>	<p>1. Evidence of your continual ownership (ie: your most recent Rates Notice), occupancy or management of land on which you intend to hunt. This must include the property size and be no more than 12 months old.</p> <p style="text-align: center;"><b>OR</b></p> <p>2. Victorian Membership of a shooting club or organisation that is approved for the activity of hunting is sufficient evidence for the reason of hunting. Membership <b>must be current</b> at the time of application and <b>you must maintain your club membership for the duration of your firearm licence.</b></p> <p style="text-align: center;"><b>OR</b></p> <p>3. Written permission from either the owner or manager of land upon which you intend to hunt. (Letter must contain your name and address, the size and location of the owners property, the owners full name and contact details and must be signed and dated by the owner.) This must be a new letter (no more than 12 months old), not a copy of a letter previously provided.</p> <p><b>If providing evidence for either 1 or 3, please complete the following:</b></p> <p>Property Size (Hectares) <div style="border: 1px solid black; width: 100px; height: 20px; display: inline-block;"></div></p> <p style="text-align: center;"><b>OR</b></p> <p>4. Copy of current Victorian Game Licence.</p> <p style="text-align: center;"><b>OR</b></p> <p>5. Written evidence of formal hunting contracts.</p> <p style="text-align: center;"><b>OR</b></p> <p>6. Original copy (issued in the last 12 months) of your Registration of Interest in hunting pest animals on Crown Land from Department of Environment, Land, Water &amp; Planning (DELWP)</p>
<input type="checkbox"/> <b>3. Primary Production</b> (either (i) or (ii))  i) Indicate if you are the: <input type="checkbox"/> Owner Or <input type="checkbox"/> Lessee / Share Farmer <p style="text-align: center;"><b>OR</b></p> ii) If NOT an owner or lessee, you must demonstrate that you are regularly engaged in primary production as a: <input type="checkbox"/> Manager Or <input type="checkbox"/> Employee  <p style="color: red; font-size: small;">Refer to the instruction pages for further information</p>	<p>1. Property Location <div style="border: 1px solid black; width: 250px; height: 20px; display: inline-block;"></div></p> <p style="text-align: center;"><b>AND</b></p> <p>2. Property size (Hectares) <div style="border: 1px solid black; width: 100px; height: 20px; display: inline-block;"></div></p> <p style="text-align: center;"><b>AND</b></p> <p>3. Total hours per week spent on primary production activities <div style="border: 1px solid black; width: 60px; height: 20px; display: inline-block;"></div></p> <p style="text-align: center;"><b>AND</b></p> <p>4. Australian Business Number (ABN) <div style="border: 1px solid black; width: 200px; height: 20px; display: inline-block;"></div></p> <p style="text-align: center;"><b>AND</b></p> <p>5. Type of Primary Production business conducted on property <div style="border: 1px solid black; width: 350px; height: 20px; display: inline-block;"></div></p> <p style="text-align: center;"><b>AND</b></p> <p>6. Copy of a recent land rates notice (last 12 months)</p> <p style="text-align: center;"><b>OR</b></p> <p>7. <b>If a Manager or Employee:</b> Provide written evidence from the Primary Producer of your employment, including his/her documents and information specified at (1 to 5) above.</p>

### Part 8 - Genuine Reasons (continued)

The *Firearms Act* 1996 requires you to have a genuine reason to obtain a Firearm Licence.

Cross the box(es) in the left column for the reason, or reasons, you are applying for, and provide the documents listed in the right hand column for each reason you tick

Genuine Reason (any one or more reasons)	Information and Documents you must provide
<input type="checkbox"/> <b>4. Security Guard</b>  <b>PLEASE NOTE:</b> You must be the holder of a Private Security licence for the Subactivities of Cash In Transit or Armed Guard.	1. Private Security Licence Number <input type="text"/> Expiry Date <input type="text"/> / <input type="text"/> / <input type="text"/> <b>AND</b> 2. Provide a letter of endorsement from your employer (Letter must: be on company letterhead, state hours worked, detail duties performed, state that duties require employee to be armed, be signed and dated by Nominee). <b>AND</b> 3. Copy of your Security Industry Firearms Safety Training Qualification (No more than 12 months old) 3. Name and address of employer: <input type="text"/> <input type="text"/> <b>If self employed:</b> Provide copies of contracts including (1) and (3) above.
<input type="checkbox"/> <b>5. Prison Guard</b>	1. Provide a letter of endorsement from your employer (Letter must: be on company letterhead, state hours worked, detail duties performed, state that duties require employee to be armed, be signed and dated by Nominee). <b>AND</b> 2. Copy of your Prison Industry Firearms Safety Training Qualification. (No more than 12 months old) 3. Name and address of employer: <input type="text"/> <input type="text"/>
<input type="checkbox"/> <b>6. Firearm Safety Instructor - Security Industry / Prison Guard</b>	Copy of Chief Commissioner's approved Security Industry / Prison Guard Firearms Accreditation Certificate.
<input type="checkbox"/> <b>7. Official / Commercial / Prescribed purpose or purpose authorized by an Act or regulations</b>	Provide sufficient information and documentation to support the genuine official, commercial or prescribed purpose relating to your application.
<input type="text"/> <input type="text"/> <input type="text"/>	

## Part 9 - Confirmation of Currently Owned Firearms

Do you currently own firearms?  Yes  No If you answer "no" go to part 10.

If you answered "Yes" please specify all of the firearms you currently own under each firearm licence OR if provided, update and sign your Firearm Registration Certificate and return it with this application (use the codes shown in Part 9 of the Instruction Pages to classify your firearms.)

If you have more than four firearms, please photocopy this page and attach it to your application.

Cross if copy attached.

Make																					
Model																					
Calibre 1											Calibre 2										
Calibre 3											Serial Number										
Category	<input type="checkbox"/>	Type	<input type="checkbox"/>	Action	<input type="checkbox"/>	Configuration	<input type="checkbox"/>	Magazine/Firearm Capacity	<input type="checkbox"/>												

Make																					
Model																					
Calibre 1											Calibre 2										
Calibre 3											Serial Number										
Category	<input type="checkbox"/>	Type	<input type="checkbox"/>	Action	<input type="checkbox"/>	Configuration	<input type="checkbox"/>	Magazine/Firearm Capacity	<input type="checkbox"/>												

Make																					
Model																					
Calibre 1											Calibre 2										
Calibre 3											Serial Number										
Category	<input type="checkbox"/>	Type	<input type="checkbox"/>	Action	<input type="checkbox"/>	Configuration	<input type="checkbox"/>	Magazine/Firearm Capacity	<input type="checkbox"/>												

Make																					
Model																					
Calibre 1											Calibre 2										
Calibre 3											Serial Number										
Category	<input type="checkbox"/>	Type	<input type="checkbox"/>	Action	<input type="checkbox"/>	Configuration	<input type="checkbox"/>	Magazine/Firearm Capacity	<input type="checkbox"/>												



**Part 10 - Acknowledgement** (All applicants must complete this Part)

I acknowledge that the particulars in this application and any attachments are true and correct and I make this acknowledgment knowing that it is an offence against section 140A(1) of the *Firearms Act* 1996 to wilfully supply details that are false or misleading (maximum penalty 240 penalty units or 4 years imprisonment).

Signature

Date

**Privacy Statement:** The information collected in this application is being collected by Victoria Police. It will be used in accordance with the provisions of the *Firearms Act* 1996, *Private Security Act* 2004, *Control of Weapons Act* 1990 and the *Privacy and Data Protection Act* 2014. Your information may be disclosed to employers, approved bodies and other statutory authorities for law enforcement purposes and the administration of justice. You can access your information by applying to the Victoria Police Freedom of Information Unit.

**Health Privacy Statement:** The health information collected in this application is being collected by Victoria Police. Contact details can be found on the front of this form. The health information collected will be used in accordance with the provisions of the *Firearms Act* 1996, *Private Security Act* 2004, *Control of Weapons Act* 1990 and the *Health Records Act* 2001, and is required to be collected under the *Firearms Act* 1996. Your health information may be disclosed to approved bodies and/or statutory authorities for purposes related to the administration of the above Acts, for the purpose of law enforcement or, if necessary, for the establishment, exercise or defence of a legal or equitable claim. Applicants are able to gain access to their health information through application to the Victoria Police Freedom of Information Unit. Failure to provide the health information requested in this application may result in this application being refused or delayed.

### **IMPORTANT CHECKLIST**

Before you mail this application to Licensing & Regulation Division **MAKE SURE THAT YOU:**

- READ** all the explanatory notes.
- Answer **ALL** the questions that apply to you.
- If applicable, **PROVIDE** a copy of the safety course certificate (Part 6).
- If applicable, **PROVIDE** a certified copy of your identification document(s) and make sure that your referee has signed Part 7.
- Include **ALL** Documentary Evidence for each Genuine Reason for your licence application (Part 8).
- Attach **ALL** supporting documentation.
- If applicable, list **ALL** your currently owned firearms (Part 9).
- Complete Part 10 - Acknowledgement.

**Send your application to: Licensing & Regulation Division, GPO Box 2807, MELBOURNE VIC 3001.**

If you do not complete all the above steps, this may **DELAY** the processing of your application.

If you need information on any aspect of this application form, please contact Licensing & Regulation Division on 1300 651 645.

**Please Note:** The *Firearms Act* 1996 states that any changes to your address or information detailed on your licence must be notified **in writing** to Licensing & Regulation Division **within 14 days** after the change occurs (maximum penalty 30 penalty units).

## Instruction Pages for Firearm Licence Application

Licence Categories: A Longarms, A & B Longarms

The information contained in your application is treated as Strictly Confidential  
**General Instructions for the Completion of Your Firearm Licence Application Form**

### How to use these instruction pages

This form is only to be used for New Category A or A & B Longarm Licence applicants and those wanting to renew their existing licence in advance of 8 weeks of their licence expiry.

There are **10 Parts** in the firearms licence application form. **You may not have to complete all parts.** These instruction pages help you decide whether you have to fill out each part, and how to fill out the parts that apply to you.

- The form is to be completed in black or blue pen **only**.
- Attach copies of supporting documents securely to your Application and forward to Licensing & Regulation Division, GPO Box 2807 Melbourne 3001.
- Contact Licensing & Regulation Division if you have any queries on telephone number 1300 651 645 or by e-mail at [licensingregulation@police.vic.gov.au](mailto:licensingregulation@police.vic.gov.au)

Online Resources: <http://www.police.vic.gov.au>

**Do not send:** original identification documents, cash, cheques or money orders.

**High quality copies of documents must be provided.** If documents are not clear your application will be returned for corrective action.

This includes:

- Passports in particular the photograph of holder
- Drivers Licences in particular the photograph of holder
- Any other acceptable Identification Documents in particular those with a photograph
- Credit cards
- Medicare cards
- Membership cards of Shooting Clubs or Organisations
- Gaming Licences

**Under no circumstances should liquid paper be used on application forms or other documents**

### Entering Information

All dates must be entered in the format DD/MM/YYYY. For example:

1	4	0	6	1	9	9	7
---	---	---	---	---	---	---	---

Please print in capital letters and avoid contact with the edge of the box. The boxes on the right are a **good example** of how to fill in the boxes.

A	B	C	D	E	F	G	H	I	J	K	L	M
N	O	P	Q	R	S	T	U	V	W	X	Y	Z

The example on the right has been filled in incorrectly. Printing touches or crosses the lines of the boxes. Printing like this will result in application processing delays.

B	U	E
---	---	---

When you are asked to make a choice, select boxes like this:  Yes  No

**Not like this:**  Yes  No

### Waiting Periods for Licences

New Firearms Licences cannot be issued until 28 days after Licensing & Regulation Division receives the application.

No waiting period applies for a licence renewal providing the application is submitted prior to the expiry of the old licence. The application will be processed as soon as possible.

### Fingerprints

Fingerprints are not required for Category A Longarm Licence **OR** Category A/B Longarm Licence.

## Part 1 - Type Of Application (All applicants must complete this Part)

The Licence Category you are applying for is dependent on the type of firearms that you own, propose to acquire or use. Select the Licence Category from the Firearms list below.	
Licence Categories	Firearm Types Applicable to this Application Form
A	Airguns; rimfire rifles (includes pump action not semi-automatic) shotguns (not semi-automatic or pump action); any combination of a shotgun and rimfire rifle; muzzle loading shotguns.
B	Muzzle loading firearms (except shotguns); centre fire rifles (includes pump action not automatic or semi-automatic); any combination of shotgun and centre fire rifle; black powder ball firing cannon. (Category B licence automatically allows you to use Category A firearms).
<b>Firearm Types Not Applicable to this Application Form</b>	
C	Semi automatic rimfire rifles (magazine capacity no more than 10 rounds); semi-automatic shotguns (magazine capacity not more than 5 rounds); pump action shotguns (magazine capacity not more than 5 rounds); tranquilliser guns.
D	Semi-automatic rimfire rifles (magazine capacity of more than 10 rounds); semi-automatic shotguns (magazine capacity of more than 5 rounds); pump action shotguns (magazine capacity of more than 5 rounds); semi-automatic centre fire rifles.
E	Machine guns, tear gas guns or projectors; shotguns or rifles with a length of less than 75 cm measured parallel to the barrel; cannons (which are not black powder ball firing); mortars; bazookas; rocket propelled grenades, large calibre military firearms designed to fire an explosive or projectile.
Junior	A Junior licence holder cannot own firearms, but can use A, B or C longarms (being shotguns) or General Category Handguns under supervision of an appropriate firearms licence holder.
<b>How to Complete Part 1</b> Cross the box(es) relating to the licence category(s) that you want.	

## Part 2 - Personal Information (All applicants must complete this Part)

**How to Complete Part 2**  
Provide your current personal details in the boxes provided. Make sure to leave a space between words. Cross the appropriate box to indicate if you are male or female.

If you have ever changed your name, you must provide a **certified** copy of your change of name certificate or full birth certificate that includes the schedule of any name changes or a marriage certificate.

You must provide your e-mail address, Victorian Driver's Licence number and contact telephone details to enable Licensing & Regulation Division to contact you if a problem is encountered in the processing of your application. When providing your e-mail address, make sure you indicate the exact case.

## Part 3 - Firearm Storage (All applicants must complete this Part)

The *Firearms Act 1996* (Schedule 4) provides for new storage standards for firearms and ammunition. The following is a brief summary of the storage requirements which you must be able to satisfy.

**Category A and B requirements**

- Hard wood or steel container – not easy to penetrate
- If the container weighs less than 150kg when empty, it must be securely fixed to the floor or wall frame.
- When a firearm is in the container, the container **MUST** be locked with a lock of sturdy construction.
- The premises must have 'intruder alarm system' if more than 15 firearms are stored on the premises.

'Intruder alarm system' means an alarm system which is installed, maintained and operated in accordance with Australian Standard 2201.1:2007 (as amended from time to time) and which, in the event of an intrusion, activates an audible alarm warning device and an external visible alarm warning light.

- Ammunition must be stored in a **separate** locked container (not with the firearm) unless the receptacle is purpose built to store ammunition separately from the firearms.

**NOTE: Your storage arrangements may be inspected at any reasonable time to ensure compliance with the *Firearms Act 1996*.**

## Part 4 - Medical History (All applicants must complete this Part)

**If you answer "yes"** to any question, you must supply a medical report regarding your suitability to hold a firearms licence, stating that you are a fit and proper person to be in possession of firearms and/or a firearms licence and that you pose no threat to yourself or the community.



## Part 5 - Previous History (All applicants must complete each section of this Part)

### How to Complete Part 5

Simply cross "yes" or "no" in response to each question, and supply the additional information requested, if it applies to you.

#### Offences

"Charges Pending" means formally charged with an offence which is currently awaiting a court appearance. In relation to "Found Guilty", it does not matter how long ago you were found guilty or what penalty was imposed. If you answer "yes", indicate the State and/or Country.

#### Family Violence Intervention Order

If you have been subject to a full (not interim) Intervention Order, you are required to indicate the year that you were subject to the order. You also have a right to apply to a court to be deemed not to be a Prohibited Person. Indicate if you have done this. Attach the Certified Court Extract if you were subsequently deemed not to be a Prohibited Person.

## Part 6 - Firearms Safety Course

You are required to complete a Firearm Safety Course if:

- This is a **new** Firearm application (you have not previously held a firearm licence in Victoria).
- You held a previous Firearms licence and it has been **expired more than 12 months**.
- If your licence was **cancelled**.

**The Firearm Safety Course Certificate must be submitted with your application.**

(Note: Certificates will not be accepted if more than 12 months old.)

For Firearm Safety Course information, visit [www.police.vic.gov.au/Firearms](http://www.police.vic.gov.au/Firearms) under Firearm Licence Applications.

## Part 7 - Identification Reference

### How to Complete Part 7

If this is your first Firearms Licence Application you must provide proof of your identification.

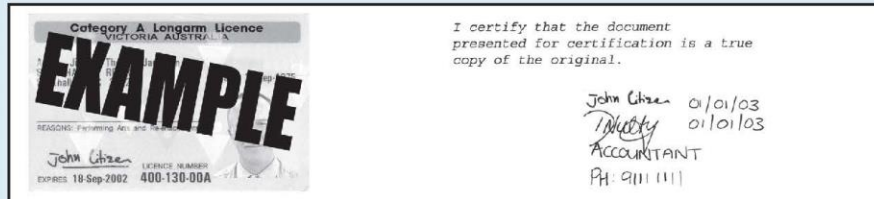
To prove your identity you are required to provide 100 points of identification. This must be a **certified copy** of one Primary identification document **and certified copies** of one or more Secondary identification document(s) equal to, or more than 100 points from the list below.

**One of the identification documents must also include your current residential address.**

* Primary Identification (only one allowed)	Points	* Secondary Identification <i>continued</i>	Points
Full Birth Certificate (Change of name certificate if applicable)	70	Mortgage Documents	35
Current passport	70	Land Titles Office	35
Passport which has not been cancelled and was current within preceding 2 years	70	Letter from Employer (within last 2 years) confirming name & address	35
Citizenship Certificates	70	Rates Notice	35
Diplomatic documents and official documents issued to refugees	70	Credit Card (only one from the same institution)	25
* Secondary Identification		Medicare Card	25
Identification Card issued by a Tertiary education institution.		Telephone Account	25
Authorised Deposit Taking institutions (customer of at least 12 months) ie. bank, building societies, credit unions, or registered corporations	40	Electoral Roll compiled by Australian Electoral Office	
Letter from Acceptable Referee (see next page) who has known person for at least 12 months	40	Letter from Acceptable Referee (see below - Acceptable Referee does not have to have known the person for 12 months or more)	25
Public Service ID	40	Records of a Public Utility ie. Gas, electricity, water, etc.	25
Any licence issued under law (ie. Driver licence)	40	Statement from a primary, secondary, or tertiary education institution that person attended in the last 10 years	25
Social Security Card	40	Records from a professional or trade association (club, school, union or trade/professional body)	25

**Note: Identification documents / photographs MUST be readable**

This is an example of a **Secondary** identification document that has been certified:



### Identifying Referee

You need to ask one of the persons from the following list to be your Referee. The Referee must not be related to you by birth or marriage and must have known you for at least 12 months.

## Part 7– Identification Reference *continued* – List of Acceptable Referees

The following people can act as referees for Part 7		
The Referee <b>must</b> have known you for at least 12 months.		
A member of <ul style="list-style-type: none"> <li>the Institute of Chartered Accountants in Australia,</li> <li>the Australian Society of Certified Practising Accountants, or</li> <li>the National Institute of Accountants.</li> </ul>	A member of a municipal, city, town, district or shire council of a State or Territory.	An employee of a financial institution who is authorised by the financial institution to open accounts with the institution.
An agent of a financial institution who is authorised by the financial institution to open accounts with the institution.	A full time employee of <ul style="list-style-type: none"> <li>a financial institution; or</li> <li>a corporation that is a registered corporation within the meaning of the <i>Financial Corporation Act 1974</i>; who has been employed continuously for at least 5 years by one or more financial bodies.</li> </ul>	An employee of a bank carrying on a business outside Australia <ul style="list-style-type: none"> <li>that does not have an authority under Section 9 of the <i>Banking Act 1959</i>; and</li> <li>that is engaged in a transaction with a cash dealer;</li> </ul> who is authorised by the bank to open accounts with the bank.
A full-time employee of a company carrying on insurance business who has been employed continuously for at least 5 years by one or more companies of that type.	A legal practitioner of a Federal, State or Territory Court.	A registrar, clerk, sheriff or bailiff of a Federal, State or Territory Court
An officer within the meaning of the <i>Defence Act 1903</i> .	An individual registered or licensed as <ul style="list-style-type: none"> <li>a dentist,</li> <li>a medical practitioner,</li> <li>a pharmacist, or</li> <li>a veterinary surgeon,</li> </ul> under a law of a State or Territory providing for that registration or licensing.	An individual who is employed and registered as a nurse under the law of a State or Territory providing for that registration.
A diplomatic or consular officer of an Australian Embassy, High Commission or Consulate, in Australia or overseas.	A holder of an office established by a law of the Commonwealth, a State or Territory in respect of which annual salary is payable.	A judge or master of a Federal, State or Territory Court.
A stipendiary magistrate of the Commonwealth or of a State or Territory.	A justice of the peace of a State or Territory.	A member of the Federal Parliament or a State Parliament.
A member of the Legislative Assembly of the Australian Capital Territory, the Northern Territory or Norfolk Island.	A minister of religion who is registered as a marriage celebrant.	A notary public.
A member of the Australian Federal Police, or of the police force of a State or Territory, who in the normal course of his or her duties, is in charge of a police station.	A member of the Australian Federal Police, or of the police of a State or Territory, of or above the rank of sergeant.	A manager of a post office.
An individual employed as an officer or employee by one or more of the following: <ul style="list-style-type: none"> <li>the Commonwealth, a State or Territory;</li> <li>an authority of the Commonwealth, a State or Territory; or</li> <li>a local government body of a State or Territory;</li> </ul> who has been so employed continuously for a period of at least 5 years, whether or not the individual was employed for part of that period as an officer and for part as an employee.	An individual employed as a full-time teacher or as a principal at one or more of the following educational institutions: <ul style="list-style-type: none"> <li>a primary or secondary school forming part of the education system in a State or Territory; or</li> <li>an institution listed in section 4 or paragraphs 34(4)(b)-(j) (inclusive) of the <i>Higher Education Funding Act 1988</i>;</li> </ul> who has been so employed continuously for a period of at least 5 years.	An individual who, in relation to an Aboriginal community <ul style="list-style-type: none"> <li>is recognised by the members of the community to be a community elder; or</li> <li>if there is an elected Aboriginal council that represents the community – is an elected member of the council.</li> </ul>
An individual who is an agent of a totalisator agency board if <ul style="list-style-type: none"> <li>the individual conducts an agency of the totalisator agency board at particular premises; and</li> <li>the agency is not ancillary to any other business conducted at those premises.</li> </ul>	A Commissioner for oaths of a State or Territory.	An individual who is registered as a tax agent under part VIIA of the <i>Income Tax Assessment Act 1936</i> .
A member of the Chartered Institute of Company Secretaries in Australia Limited.	A member or fellow of the Association of Taxation and Management Accountants.	A member of the Institution of Engineers Australia, other than a member with the grade of student.
A fellow member of the National Tax and Accountants' Association Limited.		

You must ask the Acceptable Referee to

- sign the copy of the identification documents that you are providing in order to indicate that it is a true copy of the original as demonstrated on the previous page; and
- complete all required parts of the "Declaration by Referee" section in Part 7 of the application form as instructed on the form. Please note that this includes witnessing you (the applicant) signing the application in their presence.

Make sure you include the signed identification documents with your application by stapling them to the back of the application.

## Part 8 - Genuine Reasons

The *Firearms Act* 1996 requires you to have a genuine reason to have a firearm(s) licence.

### How to complete Part 8

1. In the section that applies to you, indicate each genuine reason why you require the licence by putting a cross in the box immediately to the left of the genuine reasons listed.
2. Make sure that you supply the corresponding documents and information indicated in the right hand column.

**Note:** You can indicate more than one genuine reason for your application, however the information and documents listed in the right hand column must be provided for each genuine reason.

### Memberships

- Club membership, Registration documents, Game Licence, etc, provided **MUST BE CURRENT** at the time of receipt. You must maintain your club membership and currency of your Game Licence for the duration of your firearms licence, or your licence may be cancelled.

### Hunting

- If you wish to use **Hunting** as a genuine reason, you are required to provide one of the following documents:
  - Your current rates notice (not more than 12 months old). You must include the size of the property. Note: The rates notice must include your name. If the rates notice is recorded in a name other than your own, you must provide written permission as listed below.  
**OR**
  - Written permission from the owner or manager of land upon which you intend to hunt. This letter must contain your name and address, the size and location of the property, the owner or manager's full name and contact details. The letter must be signed and dated (not more than 12 months old) by the owner or manager.  
**OR**
  - Copy of a current Victorian Game Licence issued by the Department of Environment, Land, Water & Planning (DELWP).  
**OR**
  - Alternatively, you must produce a new, original copy of your Registration of Interest in hunting pest animals on Crown land from the Department of Environment, Land, Water & Planning (DELWP).  
For more information contact the Department of Environment, Land, Water & Planning (DELWP) Hotline 136 186.  
**OR**
  - Victorian Membership of a shooting club or organisation that is approved for the activity of hunting is sufficient evidence for the reason of hunting. Membership **must be current** at the time of application and **you must maintain your club membership for the duration of your firearm licence**.

### Primary Production

- If you wish to use **Primary Production** as a genuine reason, you must provide evidence that you are regularly engaged (1-19 hours per week) in this activity as an owner, lessee or "share farmer" by providing the following:
  1. Copy of your most recent rates notice (within the last 12 months), relating to the primary production property, **and**
  2. Your Australian Business Number (ABN), relating to the primary production business, **or**
  3. A letter from a tax agent (accountant not solicitor) declaring that you are carrying on the business of primary production in accordance with the Australian Tax Office assessment criteria, **or**
  4. Provide a copy of your last income tax assessment where you demonstrated that you are carrying on the business of primary production in accordance with the Australian Tax Office assessment criteria\*, **and**
  5. The type of Primary Production business conducted on the property.
  6. The size of the property where primary production activities are conducted.

*\*This form details applicants' net income (gross business income less business deduction) for both primary production and non-primary production business income.*

- If you are **either the Manager or Employee** of a Primary Producer, then you must:
  1. Provide a letter from your employer outlining that you are regularly engaged or employed in the business of Primary Production, and
- If you wish to apply for **Primary Production** and another genuine reason, then you must provide information and documents for each genuine reason. You **will be** charged a fee for the licence.
- The genuine reason of 'Primary Producer' authorises you to carry and use your firearms for the reason specified in your licence on the land of another primary producer, hunt pest animals on Crown land and shoot at an approved shooting range. No extra fee is payable.

### An Official / Commercial / Prescribed Purpose

- If you wish to use an **Official / Commercial / Prescribed Purpose** as a genuine reason for a licence, then you must provide sufficient documentary evidence, such as a letter from an employer, Business Registration Certificate, etc, to enable Licensing & Regulation Division to determine your genuine reason.

**Please Note:** You must notify Licensing & Regulation Division in writing of any change to the reason for issue of your licence within 7 days of becoming aware of the change.



## Part 9 - Confirmation of Currently Owned Firearms

You must indicate if you currently own firearms. If you answer "yes" you must supply full details of all currently owned firearms under each firearms licence. Or, if provided, update the 'Firearms Ownership' list and return the list with this application. If you previously provided these details in a permit application since the 13th July 1998 or a licence renewal application since the 1st January 1999, you do not have to complete this part. If this applies to you, cross the "yes" box and go to Part 10.

Firearm details:

- For combination and multi barrel firearms with more than one calibre, please specify each calibre and the firearm capacity.
- A correct serial number appropriate to the make and model of the firearm, must be supplied. (Take care to avoid part numbers or product numbers on grips etc. INVALID NUMBERS WILL DELAY YOUR APPLICATION. If in doubt, seek assistance from an authorised firearms identifier (most Licensed Firearms Dealers)).
- If the firearm has a magazine, record the capacity of the largest magazine for that firearm in your possession. If the firearm has no magazine, this is the firearm capacity.

Example of correctly completed form:

Make	B R O W N I N G																								
Model	B 2 5																								
Calibre 1	1 2 G A U G E												Calibre 2												
Calibre 3													Serial Number	1 5 0 - 1 2 3 4											
Category	A	Type	S H			Action	B O			Configuration	U O			Magazine Capacity	0 2										

Please use the codes shown in the tables below to classify your firearm

Firearm TYPE Codes	
Code	Description
AR	Air Rifle
BL	Breech Loading
CA	Cannon
CC	Combination (Centrefire Cat B)
CF	Centre Fire Rifle
CR	Combination (Rimfire Cat A)
DR	Drilling (3 Barrel)
HP	Handgun
HQ	Antique Handgun
HU	Humane Killer
MA	Machine Gun
ML	Muzzle Loading
MO	Mortar
NF	Needle Fire
PB	Paintball Marker
PW	Powerhead
RF	Rimfire Rifle
RL	Rocket Launcher
SH	Shotgun
TR	Tranquilliser Gun
VR	Vierling

Firearm Configuration Codes	
Code	Description
DB	Double Barrel - Side by Side
MX	Matchlock
MB	Multi Barrel
RV	Revolver
SA	Semi-Automatic
SB	Single Barrel
TF	Teat Fire
UO	Under and Over

Firearm ACTION Codes	
Code	Description
AR	Air
AU	Automatic
BA	Bolt Action
BF	Blank Fire
BM	Modified Break Open
BO	Break Open
CH	Combination (Handgun) Category H
FB	Falling Block
FL	Flintlock
FP	Flare Pistol
HL	Hammer Lock
LA	Lever Action
MH	Martini Henry
MO	Mortar
MX	Matchlock
MZ	Muzzle Loading
PA	Pump Action
PH	Powerhead
PM	Modified Pump Action
PN	Percussion
RB	Rolling Breech
RO	Rocket Launcher
RV	Revolver
RX	Rolling Block
SA	Semi-Automatic
SB	Sliding Breech
SC	Screw Breech
SN	Sneider
SP	Starting Pistol
SW	Swivel Breech
TD	Trap Door
TF	Teat Fire

## Part 10 - Acknowledgement

You must read, sign and date the Acknowledgement.

## Appendix C: Canadian Firearm Application and License





Royal Canadian Mounted Police  
Gendarmerie royale du Canada

## Information Sheet: Application for a Possession and Acquisition Licence Under the *Firearms Act* (for Individuals Aged 18 and Over)

Ce formulaire est disponible en français.

### Before you start...

Please note that individuals that currently possess firearms or intend to purchase firearms and/or ammunition must have a valid firearms licence.

**Use this form** if you are an individual aged 18 and over to apply:

- for a first time licence,
- for a new licence if your current licence has expired,
- for a Possession and Acquisition Licence (PAL) for a different class of firearm,
- for a Possession and Acquisition Licence (PAL) if you currently have a Possession Only Licence (POL).

**Do not use this form** to apply to renew your still existing and valid firearms licence. Call 1 800 731-4000 and ask for form "Application for Renewal of a Firearms Licence" (RCMP GRC 5614).

#### Please note:

- **You must complete all sections of the form. An incomplete form will cause delays in processing your application.**
- Processing a firearms licence application involves a variety of background checks. In some cases, in-depth investigations are conducted. We require a minimum of forty-five (45) days to process your application.
- Once your licence application has been fully processed and you have met the eligibility criteria, you will be issued a Possession and Acquisition Licence (PAL).
- There is a minimum 28-day waiting period for all applicants who do not presently hold a valid firearms licence. A PAL is valid for a period of five (5) years.

#### Safety Training

If you are applying for a Possession and Acquisition Licence (PAL) for non-restricted firearms, you must have passed the test for the Canadian Firearms Safety Course (CFSC). If you are applying for a PAL for restricted firearms, you must have passed two safety tests: the CFSC and the Canadian Restricted Firearms Safety Course (CRFSC). See Section G - Safety Training Certification for further information, or call 1 800 731-4000.

**If you need additional space**, list all information requested on a separate sheet of paper, add your name and licence number (if applicable) to the top of each sheet and attach the sheet to your application.

**If you need help completing this application form** or require another form, call 1 800 731-4000. Additional information and some application forms are also available on our [Web site](#).

**The following information explains certain parts of the form and will help you answer some of the questions. You should read the instructions as you fill in your form. If you are still unsure about a question, call 1 800 731-4000 for assistance.**

Mail your completed application form and all attachments to:

**Royal Canadian Mounted Police**  
P.O. Box 1200  
Miramichi, N.B. E1N 5Z3

### A - Licence Information

#### Box 2 b)

Note: The licence issued to you and fees are based on the firearms you currently possess and the firearms you intend to acquire and possess.

In general, you cannot request possession and acquisition of prohibited firearms unless you already lawfully possess a prohibited firearm and are changing your licence from a Firearm Acquisition Certificate (FAC) or Possession Only Licence (POL) to a Possession and Acquisition Licence (PAL).

If you are applying for a licence to acquire a prohibited handgun manufactured before 1946, please call 1 800 731-4000 for further information.

The following definitions may help you complete Box 2.

#### A non-restricted firearm is:

- an ordinary rifle, shotgun or combination gun that is not described below as being restricted or prohibited.

#### A restricted firearm is:

- a handgun that is not a prohibited firearm;
- a semi-automatic, centre-fire rifle or shotgun with a barrel length less than 470 mm (18.5 inches) that is not prohibited;
- a rifle or shotgun that can fire when its overall length is reduced by folding, telescoping or some other means to less than 660 mm (26 inches);
- any firearm prescribed as restricted (including some long guns).

## Information Sheet: Application for a Possession and Acquisition Licence Under the *Firearms Act* (for Individuals Aged 18 and Over)

### A prohibited firearm is:

- a handgun with a barrel length of 105 mm (4.1 inches) or less;
- a handgun designed or adapted to discharge 25 or 32 calibre ammunition;
- a rifle or shotgun that has been altered to make it less than 660 mm (26 inches) in overall length;
- a rifle or shotgun that has been altered to make the barrel length less than 457 mm (18 inches) where the overall firearm length is 660 mm (26 inches) or more;
- an automatic firearm and a converted automatic firearm;
- any firearm prescribed as prohibited.

Visit [our Web site](#) for a list of firearms restricted or prohibited under *Criminal Code* regulations.

### Box 3

#### *Aboriginal Peoples of Canada Adaptations Regulations (Firearms)*

Regulations that apply particularly to Aboriginal Peoples have been made under the *Firearms Act*. To apply under these regulations, you must:

- be an Indian, an Inuit, a Métis or beneficiary under a land claims agreement referred to in section 35 of the *Constitution Act*, 1982;
- be a member of an Aboriginal community; and
- engage in the traditional hunting practices of that Aboriginal community.

If you are applying under these Regulations and require a form, call 1 800 731-4000 for further information and ask for an "Aboriginal Peoples of Canada Adaptations Regulations (Firearms) Application" (RCMP GRC 5642).

## B - Personal Information

### Boxes 5 a), b) and c)

Please do not use initials or nicknames. Your last, first and middle name must be written in full. Junior (Jr.) or Senior (Sr.) can only be used if they form part of your legal name. If Junior (Jr.) or Senior (Sr.) form part of your legal name please provide a photocopy of an official piece of documentation issued by a municipal, provincial or federal government that bears your full name.

### Box 6

If you have changed your name several times, please indicate the most recent previous name on the form and list all other previously used names on a separate sheet. Return this sheet with your completed application.

## Proof of Identity

### Box 13 a) Type of identification

Print the type of identification used to prove your identity. For example, if you use your provincial or territorial driver's licence, print "Driver's licence" in Box 13 a).

Examples of other types of identification you may use to prove your identity are:

- Federal, provincial, territorial or municipal employee identification card
- Passport
- Birth certificate
- Citizenship certificate
- Permanent resident document

**Do not send original documents or photocopies with your application. Only provide the information requested.**

## Home Address

### Box 14 a) Street or land location

If you live in a rural area and do not have an address with a street number and name, provide your rural address (for example: lot and concession number). If you live on a reserve, provide the reserve number, or if you live in an Inuit community, provide your house number, box number or lot number. If your legal land location is unavailable please provide a general description of your home location e.g. 2 km east of route 6.

## C - Personal History

All questions in Section C - Personal History must be answered by all applicants.

### New Canadian Residents

If you have been a resident of Canada for less than 5 years you must obtain a letter of good conduct issued by the local or state police of your previous country of residence.

### Non-Residents of Canada

If you are a non-resident of Canada you must obtain a letter of good conduct issued by your local or state police.

### Letter of Good Conduct Required for New Canadian Residents and Non-Residents of Canada Only

A letter of good conduct must be written in the English or French language on the police department's official letter head paper. Please attach the letter to your application form.

## Information Sheet: Application for a Possession and Acquisition Licence Under the Firearms Act (for Individuals Aged 18 and Over)

### E and F - Information About Current and Former Conjugal Partners

Conjugal partner includes spouses and common law partners and all other persons with whom you live or have lived in a similar relationship within the last 2 years.

A spouse is a person to whom you are legally married. A common-law partner is a person who is cohabiting with you in a conjugal relationship, having so cohabited for a period of at least one year.

### Boxes 18 and 19

The signatures of your current or former conjugal partners is not legally required. However, if their signatures is not provided, the Chief Firearms Officer has a duty to notify them of your application for a firearms licence.

### G - Safety Training Certification

#### Box 20 a)

To get a Possession and Acquisition Licence (PAL) for non-restricted firearms, you must have passed the test for the Canadian Firearms Safety Course (CFSC). Complete Box 20 a) if this applies to you.

#### Box 20 b)

To get a Possession and Acquisition Licence for restricted or prohibited firearms, you must have passed two safety tests: the Canadian Firearms Safety Course (CFSC) and the Canadian Restricted Firearms Safety Course (CRFSC). Complete Box 20 b) if this applies to you. **Note:** If you passed the CFSC before February 1, 1999 you are considered to have met both these requirements.

If you have your Canadian Firearms Safety Course Report, provide a photocopy of this document with your application.

#### Box 20 c)

In the provinces of Manitoba and Quebec only, many hunter safety or similar courses taken prior to 1995 were approved as being equal to the CFSC requirement. If this applies to you, complete Box 20 c), including the name of the course. If you are unsure, call 1 800 731-4000.

Chief Firearms Officers have the authority to alternatively certify that you meet the requirements regarding the safe handling and use of firearms and the laws relating to firearms. To qualify for alternative certification, you must have been in continuous possession of a firearm since January 1, 1979. If you have proof that you were alternately certified, check YES in Box 20 c) and provide a photocopy of it with your application.

### I - Photo Guarantor

A photo guarantor is a person who confirms that the photograph you supply accurately identifies you. Your photo guarantor must have known you for at least one (1) year and must be at least 18 years old. Your spouse or your common-law or other conjugal partner or one of your references can be your guarantor.

You must provide a current photograph of yourself. Your guarantor must sign his or her name on the enclosed photo sticker. Refer to the **Photo Instructions** below for more details.

### J - Fees

The fees are based on the firearms you currently possess and the firearms you intend to acquire and possess.

The fee for a Possession and Acquisition Licence depends on the class of firearms you are applying to acquire and already possess as indicated in Section A - License Information. If you have indicated either restricted or prohibited firearms in **Box 2**, the fee is **\$80**. Otherwise, the fee is **\$60**. **The fee is non-refundable.**

Indicate the method of payment. Do not send cash. Make cheque or money order payable to Receiver General for Canada.

Please note: If paying by personal cheque, allow a minimum of ten (10) business days for bank clearance.

Administrative fees and any applicable interest will be applied to all dishonoured payments. If you are a non-resident of Canada, please make your fee payable in Canadian dollars.

### Fee waivers

You may not be required to pay the fee for a licence for non-restricted firearms if you need the firearms to hunt or trap in order to sustain yourself or your family. This fee waiver does not apply to restricted or prohibited firearms. Please contact the Chief Firearms Officer of your province or territory for further information.

### Checklist

#### Before mailing your application, have you...

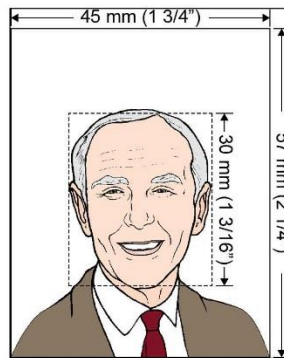
- answered all relevant questions?
- obtained all necessary signatures?
- enclosed the applicable fee?
- attached your photo with the signed sticker on the back?
- attached a copy of your safety course report (if you have it)?
- attached a separate sheet of paper with additional information if necessary?
- signed and dated the declaration?
- enclosed your completed application and any additional information in the envelope provided?

## Information Sheet: Application for a Possession and Acquisition Licence Under the Firearms Act (for Individuals Aged 18 and Over)

### Photo Instructions

You are not required to submit a passport type photograph or a photograph that has been taken by a professional photographer. However your photograph must meet the following criteria:

- Show a full front view of your head and shoulders.
- Use a plain, contrasting background without shadows.
- Do not wear a hat or sunglasses. Your eyes should be clearly visible and should not appear to be red.
- The photo should have been taken within the last twelve (12) months.
- Size: the photo should be no larger than 45 mm x 57 mm (1 3/4" x 2 1/4"). Your head in the photograph must be at least 30 mm (1 3/16") high.
- The photo must be original, not taken from an existing photo.
- Digitally produced photos are acceptable provided all other requirements are met.
- **Cut the photograph to fit the size requirements before sending it to us.**



#### Label Instructions

- Print your name and your guarantor's name on the label.
- Have your guarantor sign it and complete the Photo Guarantor section of your application.
- Cut and affix the label to the back of your photograph.
- Enclose the photograph with your application.

✂

_____
Name of applicant
_____
Name of guarantor
_____
Signature of guarantor



To instructions

Print form



Royal Canadian Mounted Police / Gendarmerie royale du Canada

For Administrative Use

### Application for a possession and acquisition licence under the *Firearms Act* (for individuals aged 18 and over)

**Attention:**

Read the Information Sheet for explanations. Mark the box to indicate your answers (where required). Print clearly in blue or black ink.

I would like to receive all information in:

English  French

**A - Licence Information** (Refer to Information Sheet)

1. Select the current type of licence you possess. Check only one.

- I have never had a firearms licence.
- I have an expired firearms licence.  
Provide the expired FAC, POL or PAL number.
- I have a Firearm Acquisition Certificate (FAC) and I request a different licence.  
Provide the current FAC number.
- I have a Possession Only Licence (POL) and I request a different licence.  
Provide the current POL number.
- I have a Possession and Acquisition Licence (PAL) and I request a different licence.  
Provide the current PAL number.
- I have a Minor's Licence and I request a different licence.  
Provide the current Minor's Licence number.

Expired FAC, POL or PAL number

Current FAC number

Current POL number

Current PAL number

Current Minor's Licence number

2. a) If you are licensed, indicate the class of firearms you now possess. Check all that apply.

Non-restricted  Restricted  Prohibited  I do not possess any firearms.

2. b) Indicate the class of firearms you wish to acquire and possess in the next five (5) years. Check all that apply.

Non-restricted  Restricted  Prohibited (Refer to Information Sheet)

3. Are you applying under the *Aboriginal Peoples of Canada Adaptations Regulations (Firearms)*? (refer to Information Sheet)

No  Yes. Attach form RCMP GRC 5642

Form RCMP 5642 attached

4. If you are not a resident of Canada, in which province or territory will you be using your firearms the most when in Canada?

**B - Personal Information** (Please do not use initials or nicknames - refer to Information Sheet)

5. a) Last name

5. b) First name

5. c) Middle name

6. a) Have you ever changed your name (including by marriage)?

No  Yes. If selected, provide previous name in boxes 6 b) and 6 c). (Attach a separate sheet, if necessary.)

6. b) Previous last name

6. c) Previous first name

7. a) Date of birth (yyyy-mm-dd)

7. b) Place of birth (City / Province / Territory / State)

7. c) Country

7. d) If you were born outside Canada, in what year were you admitted to Canada? (yyyy)

8. Gender

Male  Female

9. Eye colour

10. Height

cm

ft / in

**Contact Information**

11. a) Daytime telephone number

Extension

11. b) Evening telephone number

Extension

12. E-mail address (if applicable)



# Application for a Possession and Acquisition Licence Under the Firearms Act (for Individuals Aged 18 and Over)

For Administrative Use

## Proof of Identity

You must provide the following information about one (1) piece of identification that was issued by a federal, provincial, territorial, regional or municipal government. The identification must have a number (refer to Information Sheet). Note that by providing this information you authorize the Canadian Firearms Program to verify the details with the issuing agency.

13. a) Type of identification	13. b) Issuing government	13. c) Identification number
-------------------------------	---------------------------	------------------------------

## Home Address

You must provide the physical location where you live (refer to Information Sheet).

14. a) Street or land location			14. b) Apt. / Unit
14. c) City	14. d) Province / Territory	14. e) Country	14. f) Postal code

## Mailing Address

Your mailing address is the address where you receive your mail.  Mailing address is the same as home address

15. a) Street / Rural route / PO Box number			15. b) Apt. / Unit
15. c) City	15. d) Province / Territory	15. e) Country	15. f) Postal code

## C - Personal History

(New Canadian Residents and Non-residents, refer to Information Sheet)

If you answer **yes** to any of the questions in this section, you **must** provide details on a separate page. Add your name at the top of each page you attach. If details are not provided, your application cannot be processed.

A **yes** answer **does not mean** your application will be refused but it may lead to further examination.

If you have received a pardon for any offence listed in box 16 a), you are **not** required to disclose the offence.

16. a) During the past five (5) years, have you been charged, convicted or granted a discharge for an offence:		
(i) under the <i>Criminal Code</i> or the <i>Youth Criminal Justice Act</i> where violence was used, threatened or attempted;		<input type="radio"/> Yes <input type="radio"/> No
(ii) involving the misuse, possession or storage of a firearm; or		
(iii) involving trafficking or importing drugs or controlled substances?		
16. b) During the past five (5) years, have you been subject to a peace bond, protection order or an order under section 810 of the <i>Criminal Code</i> ?		<input type="radio"/> Yes <input type="radio"/> No
16. c) During the past five (5) years, have you or any member of your household been prohibited from possessing any firearm?		<input type="radio"/> Yes <input type="radio"/> No
16. d) During the past five (5) years, have you threatened or attempted suicide, or have you suffered from or been diagnosed or treated by a medical practitioner for: depression; alcohol, drug or substance abuse; behavioural problems; or emotional problems?		<input type="radio"/> Yes <input type="radio"/> No
16. e) During the past five (5) years, do you know if you have been reported to the police or social services for violence, threatened or attempted violence, or other conflict in your home or elsewhere?		<input type="radio"/> Yes <input type="radio"/> No
16. f) During the past two (2) years, have you experienced a divorce, a separation, a breakdown of a significant relationship, job loss or bankruptcy?		<input type="radio"/> Yes <input type="radio"/> No

## D - Conjugal Status

(You must answer both questions 17. a) & b) or your licence application will be delayed.)

17. a) Do you currently have a spouse, common-law or other conjugal partner?	<input type="radio"/> No <input type="radio"/> Yes. If yes, you <b>must</b> complete section E.
17. b) Within the last two (2) years have you lived in a conjugal relationship other than with the person you may have referred to in question 17. a)?	<input type="radio"/> No <input type="radio"/> Yes. If yes, you <b>must</b> complete section F.

## E - Information About Current Conjugal Partner

(Refer to Information Sheet)

18. a) Last name of current spouse, common-law or other conjugal partner	18. b) First name
18. c) Middle name	18. d) Date of birth (yyyy-mm-dd)
<b>If the signature of your current spouse, common-law or other conjugal partner is not provided, the Chief Firearms Officer has a duty to notify them of your application.</b>	
<b>If you have any safety concerns about this application, please call 1 800 731-4000.</b>	
18. e) Signature of current spouse, common-law or other conjugal partner	18. f) Date (yyyy-mm-dd)
18. g) Telephone number	Extension <input type="checkbox"/> day <input type="checkbox"/> evening When can he / she be reached at this number?

# Application for a Possession and Acquisition Licence Under the *Firearms Act* (for Individuals Aged 18 and Over)

For Administrative Use

<b>F - Information About Former Conjugal Partner</b> (Refer to Information Sheet)			
Provide information about your <b>former</b> conjugal partners. This includes any person, other than the person named in Box 18, with whom you have lived in a conjugal relationship within the last <b>two (2) years</b> . If you need more space, list the information on a separate sheet of paper.			
19. a) Last name of <b>former</b> spouse, common-law or other conjugal partner			
19. b) First name of <b>former</b> spouse, common-law or other conjugal partner		19. d) Date of birth (yyyy-mm-dd)	
<input type="checkbox"/> I declare that I do not know the current address and/or telephone number of my former spouse, common-law or other conjugal partner.			
19. d) Street / Rural route / PO Box number			19. e) Apt. / Unit
19. f) City	19. g) Province / Territory	19. h) Country	19. i) Postal code
<b>If the signature of your former spouse, common-law or other conjugal partner is not provided, the Chief Firearms Officer has a duty to notify them of your application.</b>			
<b>If you have any safety concerns about this application, please call 1 800 731-4000.</b>			
19. j) Signature of former spouse, common-law or other conjugal partner		19. k) Date (yyyy-mm-dd)	
19. l) Telephone number	Extension	When can he / she be reached at this number? <input type="checkbox"/> day <input type="checkbox"/> evening	
<b>G - Safety Training Certification</b> (Refer to Information Sheet)			
<b>Canadian Firearms Safety Course</b>			
20. a) Have you passed the Canadian Firearms Safety Course test?			
<input type="radio"/> No <input type="radio"/> Yes. If yes, please indicate the province where the course was passed, the year completed and attach proof.		Province	Year (yyyy) <input type="checkbox"/> Proof attached
<b>Canadian Restricted Firearms Safety Course</b>			
20. b) Have you passed the Canadian <b>Restricted</b> Firearms Safety Course test?			
<input type="radio"/> No <input type="radio"/> Yes. If yes, please indicate the province where the course was passed, the date completed and attach proof.		Province	Year (yyyy) <input type="checkbox"/> Proof attached
<b>Safety Training</b>			
20. c) Have you been certified by the Chief Firearms Officer as meeting the safety training requirements or have you successfully completed a course approved by the Attorney General of Manitoba or Quebec prior to 1995?			<input type="checkbox"/> Proof attached
<input type="radio"/> No <input type="radio"/> Yes. If yes, specify and attach proof. Specify			
<b>H - References</b>			
A reference is anyone who has known you for at least three (3) years and is at least 18 years old. However, he or she <b>cannot be your current conjugal partner</b> .			
<b>First Reference</b>			
21. a) Reference's last name		21. b) Reference's first name	
21. c) Telephone number		Extension	When can he / she be reached at this number? <input type="checkbox"/> day <input type="checkbox"/> evening
21. d) Street / Rural route / PO Box number			21. e) Apt. / Unit
21. f) City	21. g) Province / Territory	21. h) Country	21. i) Postal code
<b>If you have any safety concerns about this application, please call 1 800 731-4000.</b>			
I declare that I have known the applicant for three (3) years or more. I have read the information supplied by the applicant on this application. To the best of my knowledge and belief, I find it to be accurate and I know of no reason why, in the interest of safety of the applicant or any other person, the applicant should not be given a licence to possess and acquire firearms.			
_____		_____	
First reference's signature		Date (yyyy-mm-dd)	



# Application for a Possession and Acquisition Licence Under the *Firearms Act* (for Individuals Aged 18 and Over)

For Administrative Use

<b>Second Reference</b>			
22. a) Reference's last name		22. b) First name	
22. c) Telephone number		Extension	When can he / she be reached at this number? <input type="checkbox"/> day <input type="checkbox"/> evening
22. d) Street / Rural route / PO Box number			22. e) Apt. / Unit
22. f) City	22. g) Province / Territory	22. h) Country	22. i) Postal code
<p>If you have any safety concerns about this application, please call 1 800 731-4000.</p> <p>I declare that I have known the applicant for three (3) years or more. I have read the information supplied by the applicant on this application. To the best of my knowledge and belief, I find it to be accurate and I know of no reason why, in the interest of safety of the applicant or any other person, the applicant should not be given a licence to possess and acquire firearms.</p> <p style="text-align: center;">_____ Date (yyyy-mm-dd)</p> <p style="text-align: center;">Second reference's signature</p>			
<b>I - Photo Guarantor</b> (Refer to Information Sheet)			
<p>A photo guarantor is a person who confirms that the photograph you supply accurately identifies you. Your photo guarantor must have known you for at least one (1) year and must be at least 18 years old. Your conjugal partner or one of your references may be your photo guarantor. Your photo guarantor must sign below and on the back of the photograph.</p>			
23. a) Guarantor's last name		23. b) Guarantor's first name	
23. c) Telephone number		Extension	When can he / she be reached at this number? <input type="checkbox"/> day <input type="checkbox"/> evening
<p>I declare that I have known the applicant for at least one (1) year. My name and signature on the back of the photograph confirm that the photograph accurately identifies the applicant.</p> <p style="text-align: center;">_____ Date (yyyy-mm-dd)</p> <p style="text-align: center;">Guarantor's signature</p>			
<b>J - Fees</b>			
<p>The fee for a licence depends on the class of firearm you possess or intend to acquire (refer to Information Sheet).</p> <p><input type="checkbox"/> Check this box if you hunt or trap to sustain yourself or your family (refer to Information Sheet).</p>			
24. Fee enclosed (amount)	25. Indicate method of payment. Do not send cash. Make cheque or money order payable to Receiver General for Canada.		
	<input type="radio"/> Cheque <input type="radio"/> Certified cheque <input type="radio"/> Money order <input type="radio"/> Visa <input type="radio"/> MasterCard <input type="radio"/> AMEX		
If paying by credit card, complete the credit card information.			
26. Credit card number	27. Expiry date (mm-yy)	28. Name appearing on credit card	
<p>I authorize the Canadian Firearms Program to charge to my credit card the amount shown in Box 24.</p> <p style="text-align: center;">_____ Date (yyyy-mm-dd)</p> <p style="text-align: center;">Cardholder's signature</p>			
<b>K - Applicant Declaration</b>			
<p>It is an offence under section 106 of the <i>Firearms Act</i> to knowingly make a false or misleading statement, either orally or in writing, or to knowingly fail to disclose relevant information, for the purpose of obtaining a licence.</p> <p>I declare that the information provided on this form and on any attachment(s) is true and correct to the best of my knowledge and that the photograph enclosed is of me.</p> <p style="text-align: center;">_____ Date (yyyy-mm-dd)</p> <p style="text-align: center;">Applicant's signature</p>			

Appendix D: United States Firearm Transfer Record Form

## Firearms Transaction Record Part I - Over-the-Counter

**WARNING:** You may not receive a firearm if prohibited by Federal or State law. The information you provide will be used to determine whether you are prohibited under law from receiving a firearm. Certain violations of the Gun Control Act, 18 U.S.C. §§ 921 *et seq.*, are punishable by up to 10 years imprisonment and/or up to a \$250,000 fine.

Transferor's Transaction  
Serial Number (If any)

Prepare in original only. All entries must be handwritten in ink. Read the Notices, Instructions, and Definitions on this form. **"PLEASE PRINT."**

### Section A - Must Be Completed Personally By Transferee (Buyer)

1. Transferee's Full Name		First Name		Middle Name (If no middle name, state "NMN")	
Last Name					
2. Current Residence Address (U.S. Postal abbreviations are acceptable. Cannot be a post office box.)					
Number and Street Address			City	County	State ZIP Code
3. Place of Birth		4. Height	5. Weight	6. Gender	7. Birth Date
U.S. City and State	-OR- Foreign Country	Ft. _____ In. _____	(Lbs.) _____	<input type="checkbox"/> Male <input type="checkbox"/> Female	Month _____ Day _____ Year _____
8. Social Security Number (Optional, but will help prevent misidentification)			9. Unique Personal Identification Number (UPIN) if applicable (See Instructions for Question 9.)		
10.a. Ethnicity		10.b. Race (Check one or more boxes.)			
<input type="checkbox"/> Hispanic or Latino		<input type="checkbox"/> American Indian or Alaska Native <input type="checkbox"/> Black or African American <input type="checkbox"/> White			
<input type="checkbox"/> Not Hispanic or Latino		<input type="checkbox"/> Asian <input type="checkbox"/> Native Hawaiian or Other Pacific Islander			
11. Answer questions 11.a. (see exceptions) through 11.i and 12 (if applicable) by checking or marking "yes" or "no" in the boxes to the right of the questions.					
a. Are you the actual transferee/buyer of the firearm(s) listed on this form? <b>Warning: You are not the actual buyer if you are acquiring the firearm(s) on behalf of another person. If you are not the actual buyer, the dealer cannot transfer the firearm(s) to you. (See Instructions for Question 11.a.) Exception: If you are picking up a repaired firearm(s) for another person, you are not required to answer 11.a. and may proceed to question 11.b.</b>					Yes <input type="checkbox"/> No <input type="checkbox"/>
b. 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 Instructions for Question 11.b.)					Yes <input type="checkbox"/> No <input type="checkbox"/>
c. Have you ever been convicted in any court of 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 Instructions for Question 11.c.)					Yes <input type="checkbox"/> No <input type="checkbox"/>
d. Are you a fugitive from justice?					Yes <input type="checkbox"/> No <input type="checkbox"/>
e. Are you an unlawful user of, or addicted to, marijuana or any depressant, stimulant, narcotic drug, or any other controlled substance?					Yes <input type="checkbox"/> No <input type="checkbox"/>
f. Have you ever been adjudicated mentally defective (which includes a determination by a court, board, commission, or other lawful authority that you are a danger to yourself or to others or are incompetent to manage your own affairs) OR have you ever been committed to a mental institution? (See Instructions for Question 11.f.)					Yes <input type="checkbox"/> No <input type="checkbox"/>
g. Have you been discharged from the Armed Forces under dishonorable conditions?					Yes <input type="checkbox"/> No <input type="checkbox"/>
h. 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 Instructions for Question 11.h.)					Yes <input type="checkbox"/> No <input type="checkbox"/>
i. Have you ever been convicted in any court of a misdemeanor crime of domestic violence? (See Instructions for Question 11.i.)					Yes <input type="checkbox"/> No <input type="checkbox"/>
j. Have you ever renounced your United States citizenship?					Yes <input type="checkbox"/> No <input type="checkbox"/>
k. Are you an alien illegally in the United States?					Yes <input type="checkbox"/> No <input type="checkbox"/>
l. Are you an alien admitted to the United States under a nonimmigrant visa? (See Instructions for Question 11.l.) If you answered "no" to this question, do NOT respond to question 12 and proceed to question 13.					Yes <input type="checkbox"/> No <input type="checkbox"/>
12. If you are an alien admitted to the United States under a nonimmigrant visa, do you fall within any of the exceptions set forth in the instructions? (If "yes," the licensee must complete question 20c.) (See Instructions for Question 12.) If question 11.l. is answered with a "no" response, then do NOT respond to question 12 and proceed to question 13.					Yes <input type="checkbox"/> No <input type="checkbox"/>
13. What is your State of residence (if any)? (See Instructions for Question 13.)		14. What is your country of citizenship? (List/check more than one, if applicable. If you are a citizen of the United States, proceed to question 16.)		15. If you are not a citizen of the United States, what is your U.S.-issued alien number or admission number?	
		<input type="checkbox"/> Other (Specify) _____			
		<input type="checkbox"/> United States of America			



**Section D - Must Be Completed By Transferor (Seller)**

26. Manufacturer and/or Importer <i>(If the manufacturer and importer are different, the FFL should include both.)</i>	27. Model	28. Serial Number	29. Type <i>(pistol, revolver, rifle, shotgun, receiver, frame, etc.) (See instructions for question 29)</i>	30. Caliber or Gauge

30a. Total Number of Firearms *(Please handwrite by printing e.g., one, two, three, etc. Do not use numerals.)*

30b. Is any part of this transaction a Pawn Redemption?  Yes  No

30c. For Use by FFL *(See Instructions for Question 30c.)*

**Complete ATF Form 3310.4 For Multiple Purchases of Handguns Within 5 Consecutive Business Days**

31. Trade/corporate name and address of transferor *(seller)* *(Hand stamp may be used.)*

32. Federal Firearms License Number *(Must contain at least first three and last five digits of FFL Number X-XX-XXXXX.) (Hand stamp may be used.)*

**The Person Transferring The Firearm(s) Must Complete Questions 33-36. For Denied/Cancelled Transactions, The Person Who Completed Section B Must Complete Questions 33-35.**

I certify that my answers in Sections B and D are true, correct, and complete. I have read and understand the Notices, Instructions, and Definitions on ATF Form 4473. On the basis of: (1) the statements in Section A (and Section C if the transfer does not occur on the day Section A was completed); (2) my verification of the identification noted in question 20a (and my reverification at the time of transfer *if the transfer does not occur on the day Section A was completed*); and (3) the information in the current State Laws and Published Ordinances, it is my belief that it is not unlawful for me to sell, deliver, transport, or otherwise dispose of the firearm(s) listed on this form to the person identified in Section A.

33. Transferor's/Seller's Name <i>(Please print)</i>	34. Transferor's/Seller's Signature	35. Transferor's/Seller's Title	36. Date Transferred
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**NOTICES, INSTRUCTIONS AND DEFINITIONS**

**Purpose of the Form:** The information and certification on this form are designed so that a person licensed under 18 U.S.C. § 923 may determine if he or she may lawfully sell or deliver a firearm to the person identified in Section A, and to alert the buyer of certain restrictions on the receipt and possession of firearms. This form should only be used for sales or transfers where the seller is licensed under 18 U.S.C. § 923. The seller of a firearm must determine the lawfulness of the transaction and maintain proper records of the transaction. Consequently, the seller must be familiar with the provisions of 18 U.S.C. §§ 921-931 and the regulations in 27 CFR Part 478. In determining the lawfulness of the sale or delivery of a long gun *(rifle or shotgun)* to a resident of another State, the seller is presumed to know the applicable State laws and published ordinances in both the seller's State and the buyer's State.

After the seller has completed the firearms transaction, he or she must make the completed, original ATF Form 4473 *(which includes the Notices, General Instructions, and Definitions)*, and any supporting documents, part of his or her permanent records. Such Forms 4473 must be retained for at least 20 years. Filing may be chronological *(by date)*, alphabetical *(by name)*, or numerical *(by transaction serial number)*, as long as all of the seller's completed Forms 4473 are filed in the same manner. **FORMS 4473 FOR DENIED/CANCELLED TRANSFERS MUST BE RETAINED:** If the transfer of a firearm is denied/cancelled by NICS, or if for any other reason the transfer is not complete after a NICS check is initiated, the licensee must retain the ATF Form 4473 in his or her records for at least 5 years. Forms 4473 with respect to which a sale, delivery, or transfer did not take place shall be separately retained in alphabetical *(by name)* or chronological *(by date of transferee's certification)* order.

If you or the buyer discover that an ATF Form 4473 is incomplete or improperly completed after the firearm has been transferred, and you or the buyer wish to make a record of your discovery, then photocopy the inaccurate form and make any necessary additions or revisions to the photocopy. You only should make changes to Sections B and D. The buyer should only make changes to Sections A and C. Whoever made the changes should initial and date the changes. The corrected photocopy should be attached to the original Form 4473 and retained as part of your permanent records.

**Over-the-Counter Transaction:** The sale or other disposition of a firearm by a seller to a buyer, at the seller's licensed premises. This includes the sale or other disposition of a rifle or shotgun to a nonresident buyer on such premises.

**State Laws and Published Ordinances:** The publication (ATF P 5300.5) of State firearms laws and local ordinances ATF distributes to licensees.

**Exportation of Firearms:** The State or Commerce Departments may require you to obtain a license prior to export.

**Section A**

**Question 1. Transferee's Full Name:** The buyer must personally complete Section A of this form and certify *(sign)* that the answers are true, correct, and complete. However, if the buyer is unable to read and/or write, the answers *(other than the signature)* may be completed by another person, excluding the seller. Two persons *(other than the seller)* must then sign as witnesses to the buyer's answers and signature.

When the buyer of a firearm is a corporation, company, association, partnership, or other such business entity, an officer authorized to act on behalf of the



business must complete Section A of the form with his or her personal information, sign Section A, and attach a written statement, executed under penalties of perjury, stating: (A) the firearm is being acquired for the use of and will be the property of that business entity and (B) the name and address of that business entity. If the buyer's name in question 1. is illegible, the seller must print the buyer's name above the name written by the buyer.

**Question 2. Current Residence Address:** U.S. Postal abbreviations are acceptable. (e.g., St., Rd., Dr., PA, NC, etc.). Address cannot be a post office box. County and Parish are one and the same.

If the buyer is a member of the Armed Forces on active duty acquiring a firearm in the State where his or her permanent duty station is located, but does not reside at his or her permanent duty station, the buyer must list both his or her permanent duty station address and his or her residence address in response to question 2. If you are a U.S. citizen with two States of residence, you should list your current residence address in response to question 2 (e.g., if you are buying a firearm while staying at your weekend home in State X, you should list your address in State X in response to question 2).

**Question 9. Unique Personal Identification Number (UPIN):** For purchasers approved to have information maintained about them in the FBI NICS Voluntary Appeal File, NICS will provide them with a Unique Personal Identification Number, which the buyer should record in question 9. The licensee may be asked to provide the UPIN to NICS or the State.

**Question 11.a. Actual Transferee/Buyer:** For purposes of this form, you are the actual transferee/buyer if you are purchasing the firearm for yourself or otherwise acquiring the firearm for yourself (e.g., redeeming the firearm from pawn/retrieving it from consignment, firearm raffle winner). You are also the actual transferee/buyer if you are legitimately purchasing the firearm as a gift for a third party. **ACTUAL TRANSFEREE/BUYER EXAMPLES:** Mr. Smith asks Mr. Jones to purchase a firearm for Mr. Smith. Mr. Smith gives Mr. Jones the money for the firearm. Mr. Jones is **NOT THE ACTUAL TRANSFEREE/BUYER** of the firearm and must answer "NO" to question 11.a. The licensee may not transfer the firearm to Mr. Jones. However, if Mr. Brown goes to buy a firearm with his own money to give to Mr. Black as a present, Mr. Brown is the actual transferee/buyer of the firearm and should answer "YES" to question 11.a. However, you may not transfer a firearm to any person you know or have reasonable cause to believe is prohibited under 18 U.S.C. § 922(g), (n), or (x). **Please note: EXCEPTION:** If you are picking up a repaired firearm(s) for another person, you are not required to answer 11.a. and may proceed to question 11.b.

**Question 11.b. - 11.l. Definition of Prohibited Person:** Generally, 18 U.S.C. § 922 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 mentally 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 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, or any other crime, punishable by imprisonment for a term exceeding one year.

**Question 11.b. Under Indictment or Information or Convicted in any Court:** An indictment, information, or conviction in any Federal, State, or local court. An information is a formal accusation of a crime verified by a prosecutor.

**EXCEPTION to 11.c. and 11.l.:** 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 answer "no" to 11.c. or 11.l., as applicable.

**Question 11.f. Adjudicated Mentally 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.

**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. Please also refer to Question 11.c. for the definition of a prohibited person.

**EXCEPTION to 11. f. NICS Improvement Amendments Act of 2007:** A person who has been adjudicated as a mental defective or committed to a mental institution is not prohibited if: (1) the person was adjudicated or committed by a department or agency of the Federal Government, such as the United States Department of Veteran's Affairs ("VA") (as opposed to a State court, State board, or other lawful State authority); and (2) either: (a) the person's adjudication or commitment for mental incompetency 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; or (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. **Persons who fit this exception should answer "no" to Item 11.f.** This exception 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.

**Question 11.h. Definition of 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 parent of a child of the person, or an individual who cohabitates or cohabitating with the person.

**Question 11.l. Definition of Misdemeanor Crime of Domestic Violence:** A Federal, State, local, or tribal offense that is a misdemeanor under 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 cohabitating with, or has cohabited with the victim as a spouse, parent, 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 to 11.c. and 11.l.) 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 answer "no" to 11.i.

**Question 11.I.** 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. The definition does NOT include permanent resident aliens nor does it apply to nonimmigrant aliens admitted to the United States pursuant to either the Visa Waiver Program or to regulations otherwise exempting them from visa requirements.

An alien admitted to the United States under a nonimmigrant visa who responds "yes" to question 11.I. must provide a response to question 12 indicating whether he/she qualifies under an exception.

**Question 12. Exceptions to the Nonimmigrant Alien Response:** An alien admitted to the United States 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 States for lawful hunting or sporting purposes; (3) has received a waiver from the prohibition from the Attorney General of the United States; (4) 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; (5) is en route to or from another country to which that alien is accredited; (6) is an official of a foreign government or a distinguished foreign visitor who has been so designated by the Department of State; or (7) is a foreign law enforcement officer of a friendly foreign government entering the United States on official law enforcement business.

Persons subject to one of these exceptions should answer "yes" to questions 11.I. and 12 and provide documentation such as a copy of the hunting license or letter granting the waiver, which must be recorded in 20.c. If the transferee (buyer) answered "yes" to this question, the licensee must complete 20.c.

The seller should verify supporting documentation provided by the purchaser and must attach a copy of the provided documentation to this ATF Form 4473, Firearms Transaction Record.

**Question 13. State of Residence:** The State in which an individual resides. An individual resides in a State if he or she is present in a State with the intention of making a home in that State. If an individual is a member of the Armed Forces on active duty, his or her State of residence also is the State in which his or her permanent duty station is located.

If you are a U.S. citizen with two States of residence, you should list your current residence address in response to question 2 (e.g., if you are buying a firearm while staying at your weekend home in State X, you should list your address in State X in response to question 2.)

**Question 16. Certification Definition of Engaged in the Business:** Under 18 U.S.C. § 922 (a)(1), it is unlawful for a person to engage in the business of dealing in firearms without a license. A person is engaged in the business of dealing in firearms if he or she devotes time, attention, and labor to dealing in firearms as a regular course of trade or business with the principal objective of livelihood and profit through the repetitive purchase and resale of firearms. A license is not required of a person who only makes occasional sales, exchanges, or purchases of firearms for the enhancement of a personal collection or for a hobby, or who sells all or part of his or her personal collection of firearms.

#### Section B

**Question 18. Type of Firearm(s):** Check all boxes that apply. "Other" refers to frames, receivers and other firearms that are not either handguns or long guns (rifles or shotguns), such as firearms having a pistol grip that expel a shotgun shell, or National Firearms Act (NFA) firearms.

If a frame or receiver can only be made into a long gun (rifle or shotgun), it is still a frame or receiver not a handgun or long gun. However, they still are "firearms" by definition, and subject to the same

GCA limitations as any other firearms. See Section 921(a)(3)(b). 18 U.S.C. Section 922(b)(1) makes it unlawful for a licensee to sell any firearm other than a shotgun or rifle to any person under the age of 21. Since a frame or receiver for a firearm, to include one that can only be made into a long gun, is a "firearm other than a shotgun or rifle," it cannot be transferred to anyone under the age of 21. Also, note that multiple sales forms are not required for frames or receivers of any firearms, or pistol grip shotguns, since they are not "pistols or revolvers" under Section 923(g)(3)(a).

**Question 19. Gun Shows:** If sale at gun show or other qualifying event sponsored by any national, State, or local organization, as authorized by 27 CFR § 478.100, the seller must record the name of event and the location (city and State) of the sale in question 19.

**Question 20a. Identification:** List issuing authority (e.g., State, County or Municipality) and type of identification presented (e.g., Virginia driver's license (VA DL), or other valid government-issued identification).

**Know Your Customer:** Before a licensee may sell or deliver a firearm to a nonlicensee, the licensee must establish the identity, place of residence, and age of the buyer. The buyer must provide a valid government-issued photo identification to the seller that contains the buyer's name, residence address, and date of birth. The licensee must record the type, identification number, and expiration date (if any) of the identification in question 20.a. A driver's license or an identification card issued by a State in place of a license is acceptable. Social Security cards are not acceptable because no address, date of birth, or photograph is shown on the cards. A combination of government-issued documents may be provided. For example, if a U.S. citizen has two States of residence and is trying to buy a handgun in State X, he may provide a driver's license (showing his name, date of birth, and photograph) issued by State Y and another government-issued document (such as a tax document) from State X showing his residence address. If the buyer is a member of the Armed Forces on active duty acquiring a firearm in the State where his or her permanent duty station is located, but he or she has a driver's license from another State, you should list the buyer's military identification card and official orders showing where his or her permanent duty station is located in response to question 20.a.

**Question 20.b. Alternate Documentation:** Licensees may accept a combination of valid government-issued documents to satisfy the identification document requirements of the law. The required valid government-issued photo identification document bearing the name, photograph, and date of birth of transferee may be supplemented by another valid, government-issued document showing the transferee's residence address. This alternate documentation should be recorded in question 20.b., with issuing authority and type of identification presented. A combination of government-issued documents may be provided. For example, if a U.S. citizen has two States of residence and is trying to buy a handgun in State X, he may provide a driver's license (showing his name, date of birth, and photograph) issued by State Y and another government-issued document (such as a tax document) from State X showing his residence address.

**Question 20c. Documentation for Aliens Admitted to the United States Under a Nonimmigrant Visa:** See instructions for Question 11.I. Types of acceptable documents would include a valid hunting license lawfully issued in the United States or a letter from the U.S. Attorney General granting a waiver.

**Question(s) 21, 22, 23. NICS BACKGROUND CHECKS:** 18 U.S.C. § 922(f) requires that prior to transferring any firearm to an unlicensed person, a licensed importer, manufacturer, or dealer must first contact the National Instant Criminal Background Check System (NICS). NICS will advise the licensee whether the system finds any information that the purchaser is prohibited by law from possessing or receiving a firearm. For purposes of this form, contacts to NICS include contacts to State agencies designated to conduct NICS checks for the Federal Government. **WARNING:** Any seller who transfers a firearm to any person they know or have reasonable cause to believe is prohibited from receiving or possessing a firearm violates the law, even if the seller has complied with the background check requirements of the Brady law.

After the buyer has completed Section A of the form and the licensee has completed questions 18-20, and before transferring the firearm, the licensee must contact NICS (read below for NICS check exceptions.) However, the licensee should NOT contact NICS and should stop the transaction if: the

buyer answers "no" to question 11.a.; the buyer answers "yes" to any question in 11.b.-11.l., unless the buyer only has answered "yes" to question 11.l. and also answers "yes" to question 12; or the buyer is unable to provide the documentation required by question 20.a, b, or c.

At the time that NICS is contacted, the licensee must record in question 21.a-c: the date of contact, the NICS (or State) transaction number, and the initial response provided by NICS or the State. The licensee may record the Missing Disposition Information (MDI) date in 21.c. that NICS provides for delayed transactions (States do not provide this number). If the licensee receives a "delayed" response, before transferring the firearm, the licensee must record in question 21.d. any response later provided by NICS or the State or that no resolution was provided within 3 business days. If the licensee receives a response from NICS or the State after the firearm has been transferred, he or she must record this information in question 21.e. Note: States acting as points of contact for NICS checks may use terms other than "proceed," "delayed," "cancelled," or "denied." In such cases, the licensee should check the box that corresponds to the State's response. Some States may not provide a transaction number for denials. However, if a firearm is transferred within the three business day period, a transaction number is required.

**NICS Responses:** If NICS provides a "proceed" response, the transaction may proceed. If NICS provides a "cancelled" response, the seller is prohibited from transferring the firearm to the buyer. If NICS provides a "denied" response, the seller is prohibited from transferring the firearm to the buyer. If NICS provides a "delayed" response, the seller is prohibited from transferring the firearm unless 3 business days have elapsed and, before the transfer, NICS or the State has not advised the seller that the buyer's receipt or possession of the firearm would be in violation of law. (See 27 CFR § 478.102(a) for an example of how to calculate 3 business days.) If NICS provides a "delayed" response, NICS also will provide a Missing Disposition Information (MDI) date that calculates the 3 business days and reflects when the firearm(s) can be transferred under Federal law. States may not provide an MDI date. Please note State law may impose a waiting period on transferring firearms.

**EXCEPTIONS TO NICS CHECK:** A NICS check is not required if the transfer qualifies for any of the exceptions in 27 CFR § 478.102(d). Generally these include: (a) transfers where the buyer has presented the licensee with a permit or license that allows the buyer to possess, acquire, or carry a firearm, and the permit has been recognized by ATF as a valid alternative to the NICS check requirement; (b) transfers of National Firearms Act weapons approved by ATF; or (c) transfers certified by ATF as exempt because compliance with the NICS check requirements is impracticable. See 27 CFR § 478.102(d) for a detailed explanation. If the transfer qualifies for one of these exceptions, the licensee must obtain the documentation required by 27 CFR § 478.131. A firearm must not be transferred to any buyer who fails to provide such documentation.

### Section C

**Question 24 and 25. Transfer on a Different Day and Recertification:** If the transfer takes place on a different day from the date that the buyer signed Section A, the licensee must again check the photo identification of the buyer at the time of transfer, and the buyer must complete the recertification in Section C at the time of transfer.

### Section D

Immediately prior to transferring the firearm, the seller must complete all of the questions in Section D. In addition to completing this form, the seller must report any multiple sale or other disposition of pistols or revolver on ATF Form 3310.4 (see 27 CFR § 478.126a).

**Question(s) 26, 27, 28, 29 and 30, Firearm(s) Description:** These blocks should be completed with the firearm(s) information. Firearms manufactured after 1968 should all be marked with a serial number. Should you acquire a firearm that is not marked with a serial number; you may answer question 28 with "NSN" (No Serial Number), "N/A" or "None."

If more than five firearms are involved in a transaction, the information required by Section D, questions 26-30, must be provided for the additional firearms on a separate sheet of paper, which must be attached to the ATF Form 4473 covering the transaction.

**Types of firearms include:** pistol, revolver, rifle, shotgun, receiver, frame and other firearms that are not either handguns or long guns (rifles or shotguns), such as firearms having a pistol grip that expel a shotgun shell or National Firearms Act (NFA) firearms.

Additional firearms purchases by the same buyer may not be added to the form after the seller has signed and dated it. A buyer who wishes to purchase additional firearms after the seller has signed and dated the form must complete a new ATF Form 4473. The seller must conduct a new NICS check.

**Question 30c.** This box is for the FFL's use in recording any information he or she finds necessary to conduct business.

**Question 32 Federal Firearms License Number:** Must contain at least the first three and last five digits of the FFL number, for instance X-XX-XXXXX.

**Question 33-35 Transferor/Sellers Information:** For "denied" and "cancelled" NICS transactions, the person who completed Section B must complete Section D, questions 33-35.

### Privacy Act Information

Solicitation of this information is authorized under 18 U.S.C. § 923(g). Disclosure of the individual's Social Security number is voluntary. The number may be used to verify the buyer's identity.

### Paperwork Reduction Act Notice

The information required on this form is in accordance with the Paperwork Reduction Act of 1995. The purpose of the information is to determine the eligibility of the transferee to receive firearms under Federal law. The information is subject to inspection by ATF officers and is required by 18 U.S.C. §§ 922 and 923.

The estimated average burden associated with this collection is 30 minutes per respondent or recordkeeper, depending on individual circumstances. Comments about the accuracy of this burden estimate and suggestions for reducing it should be directed to Reports Management Officer, Document Services Section, 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. Confidentiality is not assured.



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