17-07 - Selling "Off Roster" Firearms for Profit

Los Angeles County Sheriff's Department

NEWSLETTER

Field Operations Support Services, (323) 890-5411

SELLING "OFF ROSTER" FIREARMS FOR PROFIT

Recently, the Los Angeles Field Division of the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) has discovered some law enforcement officers are engaging in the business of purchasing "off roster" firearms and selling those firearms to non-law enforcement entities for a profit.

Under state law, California has an approved roster of firearms that may be sold to the public. A Federal firearms licensee is required to make sure any firearm sold is on the approved roster. There is an exemption, however, for peace officers to purchase certain firearms known as "off roster" firearms. Peace officers who own "off roster" firearms may sell them in a private sale, as long as it is brokered by a Federal firearms licensee. They may not use these private sales to conduct a business whose principal objective is livelihood and profit through the repetitive purchase and resale of firearms.

Title 18, United States Code, Section 921(a)(21)(C) indicates a law enforcement official who regularly acquires firearms and sells or disposes of them for a profit is engaging in the business as a dealer of firearms and must be licensed.

In addition, Title 18, United States Code, Section 922(a)(6) and 924(a)(1)(A) makes it unlawful to knowingly misrepresent that you are the transferee-buyer of a firearm when you acquire a firearm with the intent to sell or otherwise dispose of that firearm to someone else, even if the subsequent transfer is processed through a Federal firearms licensee.

A person convicted of unlawfully engaging in the business of dealing in firearms without a license is subject to imprisonment for not more than five (5) years and/or a fine up to $250,000. Any person convicted of making a false statement to a Federal firearms licensee when acquiring a firearm may be imprisoned for up to ten (10) years for violating Section 922(a)(6), or five (5) years for violating Section 924(a)(1)(A) and/or a fine up to

$250,000.

ATF is requesting Department personnel become educated about the above issue to prevent the growing trend of law enforcement officials engaging in the business of unlicensed firearms dealings.

Questions regarding the content of this newsletter may be directed to Field Operations Support Services at (323) 890-5411.