



ATF

Safety and Security Information for Federal Firearms Licensees



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NOTICE: The contents of this document do not have the force and effect of law and are not meant to bind the public in any way. This document is intended only to provide clarity to the public regarding existing requirements under the law or Department policies.

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ATF WEBSITE (for updates, FAQs, and to download forms) www.atf.gov

ATF DISTRIBUTION CENTER 703-870-7526 or 703-870-7528
(for forms and publications) www.atf.gov/distribution-center-order-form

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ATF Stolen Firearms Program

History

The Bureau of Alcohol, Tobacco, Firearms and Explosives’ Stolen Firearms Program was formally established on September 13, 1994, with the passage of the Violent Crime Control and Law Enforcement Act of 1994. For more than 20 years before this Act, ATF had been accepting voluntary reports of firearms lost/stolen from interstate shipments. This law created a statutory requirement for Federal firearms licensees (FFLs) to report the theft/loss of firearms from their inventories or collections.

Pursuant to the 1994 legislation, federally-licensed firearms dealers are required to report the theft/loss of a firearm(s) from inventory or collection within 48 hours of the discovery of the theft or loss. In order to manage this new reporting, to support law enforcement efforts to recover these firearms, and to develop strategies to prevent future thefts/losses, the Stolen Firearms Program was created. ATF staff manage thousands of reports containing the records of more than 200,000 firearms reported lost or stolen since 1994.

Although the 1994 law did not address firearms lost/stolen from interstate shipments, ATF continued to maintain a program for the voluntary reporting of these theft/losses. Under the ATF Stolen Firearms Program, a new submodule to the existing database was also created specifically to manage the information from these incidents. Years later, in February 2016, the Department of Justice amended the ATF regulations concerning the statutory reporting requirement for firearms that have been stolen or lost. Specifically when an FFL discovers a firearm it shipped was stolen or lost in transit, the transferor/sender FFL must report the theft or loss.

In the years following, ATF has used the information generated by the program to identify, apprehend, and convict hundreds of firearms thieves. Thousands of stolen firearms have been taken from the hands of criminals and returned to their lawful owners. In addition, the program has highlighted the vital role that dealer security and sound inventory practices play in protecting licensed dealers and in keeping firearms out of the hands of criminals.

Statutory and Regulatory Provisions

The statutory requirement for reporting the theft or loss of a firearm is found in the Gun Control Act (GCA), Title 18, United States Code (U.S.C.), § 923(g)(6) which states: Each licensee shall report the theft or loss of a firearm from the licensee’s inventory or collection, within 48 hours after the theft or loss is discovered, to the Attorney General and to the appropriate local authorities.

The procedures for reporting the theft or loss of a firearm are set forth in Title 27, Code of Federal Regulations (CFR), Part 478—Commerce in Firearms and Ammunition, at 27 CFR § 478.39a, Reporting Theft or Loss of Firearms. An expansive source of information on Federal firearms laws and regulations is ATF Publication 5300.4, Federal Firearms Regulations Reference Guide, which is available on the ATF website at www.atf.gov.

The Department of Justice amended the ATF regulations concerning the statutory reporting requirement for firearms that have been stolen or lost. The final rule specifies that when an FFL discovers a firearm it shipped was stolen or lost in transit, the transferor/sender FFL must report the theft or loss to ATF and to the appropriate local authorities within 48 hours of discovery.

The ATF Stolen Firearms Program is limited to firearms as defined by 18 U.S.C. § 921(a)(3). Although property other than firearms, such as pellet and BB guns, black powder rifles, etc. may be lost or stolen from an FFL, the reporting requirements apply only to firearms as defined in the aforementioned statute.

The ATF Stolen Firearms Program helps protect our communities. ATF focuses on three distinct problem areas: the criminal taking of firearms from FFLs (theft); firearms in the inventories of FFLs whose disposition cannot be determined (loss); and, firearms lost/stolen in transit. Reporting requirements for each of these areas are explained in this publication.

A “theft” of a firearm occurs when one or more firearms are stolen from the inventory of an FFL. The term “stolen firearm” is used to refer to a firearm(s) taken in a theft from a licensee. Under ATF’s Stolen Firearms Program, theft is divided into three distinct categories: burglary, larceny, and robbery.

A “loss” of a firearm occurs when a licensee cannot determine the disposition of a firearm and cannot locate it. The licensee’s records will generally reflect an acquisition but no disposition. These “lost” firearms are distinct from stolen firearms because, although they are “missing from inventory,” there is no indication that they were stolen.

An in-transit, or interstate, “theft/loss” occurs when a firearm that was shipped through a common carrier, including shipping and moving companies and the United States Postal Service, is lost or stolen. The ATF Stolen Firearms Program fills a gap in law enforcement jurisdiction that is created by the interstate nature of these shipments. Because the movements of these shipments make the point of theft/loss difficult to determine, local law enforcement agencies often lack the jurisdiction or authority to investigate these interstate movements. This is most likely when the point of loss is undetermined.

Licensee Responsibility

Lost or Stolen Firearms Pose a Threat to Public Safety

Report Theft/Loss within 48 Hours

Pursuant to 18 U.S.C. § 923(g)(6) and 27 § CFR 478.39(a), FFLs who discover the theft or loss of a firearm(s) are required to report the incident to the local law enforcement authority and to ATF within 48 hours. The procedures to report a theft or loss are found in the “How to Report a Theft/Loss” section of this publication.

Protect Inventory

ATF recommends that FFLs take every precaution available to protect their firearms from theft or loss. This includes conducting periodic and thorough, physical inventories. At a minimum, an annual inventory or its equivalent is highly recommended. Physical security, including alarm systems, and safe business practices are also highly recommended and in some cases may be required by state or local law. This publication contains many tips and methods that licensees can utilize to enhance the safety of their inventory.

Report Firearms Violations

FFLs may not knowingly transport, ship, or receive firearms with serial numbers that have been altered, removed, or obliterated. (See 18 U.S.C. § 922(k).) Licensees also may not knowingly receive or sell stolen firearms. (See 18 U.S.C. § 922(i).) Firearms taken on pawn or for resale that are determined to be stolen must also be surrendered to the appropriate law enforcement authority. (See 18 U.S.C. 922(j).) In all circumstances, licensees should immediately report any violations of the GCA to ATF and the appropriate local law enforcement agency.

Trends

Thefts of firearms from federally licensed firearms manufacturers, importers, dealers, and collectors continue to be a significant concern for law enforcement and the general public. The ATF Stolen Firearms Program is at the center of efforts by licensees to protect their inventories and by law enforcement to apprehend and prosecute firearms thieves. These initiatives are greatly assisted when licensees fulfill their legal responsibility to maintain accurate inventories and records and provide timely and accurate notifications regarding any thefts or losses of firearms.

Accurate and reliable firearms inventories and recordkeeping are vital to ensure public safety. When a firearm theft occurs, the records maintained by FFLs and firearm owners are pivotal to the recovery of those firearms and the prosecution of the thieves. Failure to conduct periodic inventories and maintain accurate records lead to confusion regarding the true dispositions of firearms and can result in false arrests and/or seizures of firearms mistakenly reported stolen.

The full extent of all firearm thefts and losses, reported and unreported, in America is impossible to quantify. One key factor leading to this gap is the fact that non-licensees are not required under federal law or, largely, under state law to report stolen firearms. A second factor is that non-licensees who want to report firearm thefts and losses frequently are unable to accurately identify the firearms. Without accurate identification of these firearms, for instance by serial number, model, and manufacturer, law enforcement officials face considerable obstacles in investigating these firearms thefts.

ATF has reintroduced ATF Publication 3312.8, Personal Firearms Record, which is available for download on the ATF website (<https://www.atf.gov/file/4831/download>). The publication is designed to assist firearm owners and law enforcement in correctly documenting and identifying lost or stolen firearms. Whenever a firearm is sold to a non-licensee, ATF recommends that the FFL either provide the buyer with a copy of this publication or advise the buyer to download the publication from the ATF website. ATF also recommends that FFLs encourage firearm purchasers to keep a record in some form, including a full description of the firearm, separate from the firearm storage location.

Although only FFLs are required to report firearms thefts, the information law enforcement receives makes it clear that firearm thefts are a serious problem. This trend underscores the need for licensees and non-licensees to continue efforts to properly record firearm inventory and identification information, and to safeguard firearms from theft or loss.

Licensed firearms dealers are the first line in maintaining the security and lawful transfer of firearms. Because the security of your business operations, particularly your firearms inventory, is critical to ensuring the safety of licensees and the public, ATF has implemented fflAlert. ATF now notifies FFLs via telephone and email when a licensee in their geographic area has experienced a robbery or burglary.

A brief automated message is sent to FFLs' business telephone number and email address on record, alerting them to a robbery or burglary that has occurred within their county. The calls are made between 7am-8pm (all time zones), 7 days per week. No information is collected from FFLs during these calls, the victimized FFL is not identified, and there is no requirement to follow-up. Please visit www.atf.gov for more information on fflAlert.

Federal Firearms Laws

The Gun Control Act addresses stolen firearms. Some of the applicable violations and penalties include:

Unlawful to transport or ship stolen firearms. “It shall be unlawful for any person to transport or ship in interstate or foreign commerce, any stolen firearm or stolen ammunition, knowing or having reasonable cause to believe that the firearm or ammunition was stolen.” 18 U.S.C. § 922(i).

Unlawful to possess, store, sell or pawn stolen firearms. “It shall be unlawful for any person to receive, possess, conceal, store, barter, sell, or dispose of any stolen firearm or stolen ammunition, or pledge or accept as security for a loan any stolen firearm or stolen ammunition, which is moving as, which is a part of, which constitutes, or which has been shipped or transported in, interstate or foreign commerce, either before or after it was stolen, knowing or having reasonable cause to believe that the firearm or ammunition was stolen.” 18 U.S.C. § 922(j).

Unlawful to steal a firearm from a federally licensed firearms dealer. “It shall be unlawful for a person to steal or unlawfully take or carry away from the person or premises of a person who is licensed to engage in the business of importing, manufacturing or dealing in firearms, any firearm in the licensee’s business inventory that has been shipped or transported in interstate or foreign commerce.” 18 U.S.C. § 922(u).

Fines and imprisonment up to 10 years for stealing a firearm. “A person who steals any firearm which is moving as, or is a part of, or which has moved in, interstate or foreign commerce shall be imprisoned for not more than 10 years, fined under this title, or both.” 18 U.S.C. § 924(l).

Fines and imprisonment for stealing a firearm from a licensed dealer. “A person who steals any firearm from a licensed importer, licensed manufacturer, licensed dealer, or licensed collector shall be fined under this title, imprisoned not more than 10 years, or both.” 18 U.S.C. § 924(m).

Individual states and localities often have laws and ordinances that apply to the theft of firearms, possession of stolen firearms, and the sale of stolen firearms. Be sure you and your employees are familiar with those laws that apply in the state where your business is located.

Contact your local ATF office for more information on these and other laws and regulations that apply to the theft of firearms.

Definitions Used in This Publication

Although the following terms may have many definitions, their meanings as used by the Stolen Firearms Program are provided here, with most listed at 27 CFR § 478.11.

Appropriate local authorities. These authorities are either the local police department, sheriff’s office, or the state police agency having primary law enforcement responsibility for the licensee’s business premises.

Collection. Curio and relic firearms acquired by and in the inventory of a federally licensed collector of firearms. For more information on curio and relic firearms, see ATF Publication 5300.11, Firearms Curios and Relics List, and ATF Regulation 27 CFR § 478.93.

Common or contract carrier. The term “common or contract carrier” refers to any individual or organization engaged in the business of transporting passengers or goods.

Consignee. The term “consignee” means the business or individual to whom the firearm(s) was shipped, even if the firearm(s) is lost or stolen and never delivered to such business or individual.

Federal firearms licensee. A Federal firearms licensee (FFL) is any person, partnership, or business entity holding a valid license issued under the authority of 18 U.S.C. § 923, which allows them to “engage in the business” of dealing (manufacturing, importing, selling retail or wholesale, repairing, or pawn brokering) firearms. It also refers to collectors licensed under 18 U.S.C. § 923. By law, all FFLs must keep records of their firearms transactions. (See 18 U.S.C. § 921(a)(21) for a definition of “engaged in the business.”)

Firearm. As defined under Federal law, 18 U.S.C. § 921(a)(3), the term “firearm” refers to (A) any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; (B) the frame or receiver of any such weapon; (C) any firearm muffler or firearm silencer; or (D) any destructive device. Such term does not include an antique firearm.

Licensee. The term “licensee” refers to a Federal firearms licensee, also abbreviated “FFL.”

Loss. The term “loss” refers to firearms whose disposition is unknown but for which there is no evidence of theft.

Shipper. The term “shipper” refers to the business or individual who delivers the firearm(s) to the common or contract carrier.

Stolen firearm. A firearm that has been taken from its lawful owner by the act of burglary, larceny, or robbery.

Theft. The term “theft” refers to a specific criminal act or event in which a firearm, or firearms, are stolen.

Safety and Security

Steps for Reducing Vulnerability to Theft/Loss and Personal Injury

Each year ATF receives reports documenting thousands of firearms reported stolen or missing from federally licensed firearms dealers. In 2020, ATF received nearly 15,000 reports of firearms that were stolen or whose disposition is unknown to these businesses. It is clear that criminals target businesses that sell firearms. Experience has shown that in many instances, the thieves spend a considerable amount of time evaluating these businesses to determine and capitalize on the businesses' vulnerabilities.

Although it may be impossible to balance an impenetrable security system with the requirements of a business that receives and transfers property openly to the public, there are many steps that can be taken to reduce risk. Outlined below are six areas that FFLs should consider in order to proactively attempt to avoid firearms thefts or losses and prevent personal injury. Some of these methods can be implemented at no cost, while others may involve a considerable investment. Think about how the six areas may apply to your business and determine which steps are right for you.

Structural Security

Structural security is a combination of the physical characteristics of your business facility and its location. A thorough evaluation of your structural security should be done on a regular basis. Poor or absent structural security may make your establishment an attractive target, and consequently, the most likely victim of criminals or criminal opportunity. ATF Publication 5380.1, Loss Prevention for Firearms Retailers, available on the ATF website (<https://www.atf.gov/firearms/docs/guide/loss-prevention-firearms-retailers/download>) is a useful guide that will help you evaluate the security of your premises and develop a strategy for preventing losses. The following are recommended practices to enhance structural security.

- **Evaluate your business location.** Have property crimes been recurring or increasing in your area? Is your business in a rural area in which a crime is unlikely to be witnessed and in which police response time may be slow? Have you already been a victim of theft/loss? What is your business's position in relation to other businesses or buildings? Is there a vacant or unsecured business next door that can be used to gain entry into your business?
- **Evaluate your door and window locks.** Can any door or window be opened from the outside without keys? Do any former or non-employees have access to keys? Are keys stored or kept near the container or door for which they are used? Have any of your business keys been lost or stolen? If so, it is time to replace, re-key, improve locks, and improve procedures for storing and tracking keys.
- **Evaluate the front windows and entrance.** Can employees see persons approaching the store or vehicles parked outside? Can a passerby see into the store or are persons inside the store concealed from public view so that a robbery would be undetected while it was being committed?
- **Evaluate your windows and doorjamb.** Can any of these be opened or broken through from the outside with minimal force? Is it time to reinforce or replace windows and/or doors? It may be important to invest in burglar bars or roll-down security gates on windows, doors, and vents. Barriers

such as concrete filled posts or large cement planters may deter thieves who would use a vehicle to smash into the building to gain access. Consider replacing any exterior hollow core doors with solid metal or sheet metal-faced solid wood doors. Also consider steel doorframes, long throw dead bolts, and welding or preening any hinge pins to prevent their easy removal.

- **Evaluate any unsecured openings.** Does your premises have air conditioning units in open windows or any holes in exterior walls? These units are easily removed and could be an ideal place for theft entries. Are chimneys and other vents blocked or narrowed sufficiently to prevent entry?
- **Evaluate the walls and ceilings.** Criminals have cut through adjoining walls or the ceiling to gain access for theft. In some cases, the wall next to the doorway was simply pushed through. Poorly protected adjoining businesses also provide an easy entry point for criminals who choose to go through unreinforced walls and it may also avoid triggering the alarm system. A common precaution is the installation of floor to ceiling steel mesh in the gun vault and in exterior walls. If circumstances warrant it, consider moving to a more secure building.
- **Evaluate exterior lighting and surrounding structures, shrubs, and trees.** Is your business and the surrounding area well-lit at night? Are there areas in which criminals can conceal themselves to monitor your business and by which they could enter/leave the building unseen or under the cover of darkness? Are there structures or objects such as trash cans or dumpsters next to the building that may provide cover or easy access to the roof or windows?
- **Obtain an alarm system.** ATF recommends that firearms businesses have an alarm system. Most alarm companies will evaluate your needs and make recommendations at no cost. A simple system is far less expensive than the cost of replacing inventory. Many states require an alarm system on specific types of businesses, particularly firearms dealers. Are you in compliance with state and local laws regarding alarm systems and other security requirements?
- **Evaluate your existing alarm system.** Is it sufficient for the nature and size of your business? Are all points of entry protected? Do you have, or need, a panic button? Tamper alarm? Cellular backup? (Cellular backup is considered an industry standard to protect during power failures and/or if power/phone lines are cut.) Do you test the system on a regular basis? Who is on the emergency call list and are the phone numbers correct and current? Have you met with the local authorities to agree on protocols when the alarm is tripped? Have you had a series of apparent false alarms? If so, is the problem with the system or is your response procedure being studied by a savvy criminal?
- **Protect your alarm codes.** Have you limited the number of people who know the codes? Are your codes unrelated to family names, personally important dates, like a birthdate, and other easily recognizable names and number sequences? Do you change the codes on a regular basis and whenever there is employee turnover? Have you written the codes where they are easily accessible to thieves or unauthorized employees?
- **Evaluate the need for or condition of your video recording system.** The presence of video cameras can significantly deter crime. They can also be instrumental in solving thefts. Do your cameras face in a direction that will capture people's faces and features? Are you recording at all times? Is your recording system in plain view or protected from view, tampering, and/or theft? If you use a videocassette recorder (VCR), do you have fresh videotapes, or have they been used repeatedly? VCR tapes lose their integrity with repeated recording. If you use a VCR, consider switching to a digital recorder for enhanced picture quality that will not degrade over time. In some instances, insurance savings may offset updating obsolete or inferior equipment.

- **Evaluate the installation of a remotely activated electronic security entrance.** Would there be value in screening customers to prevent access to suspicious persons? This could be particularly helpful in businesses in or near high crime areas and those who have already been a victim of a crime.
- **Evaluate the business-hours and store layout.** Are unsecured firearms displayed within reach of customers? Does your business have blind spots in which customers can access inventory? Are display cases kept locked unless an employee is displaying a firearm or other item from that case? Are there times/situations where all employees have their backs to customers? Do any business activities require that employees enter the rear of the store/storage locations, leaving customers unattended?
- **Evaluate after-hours business layout.** Have firearms and ammunition been secured? If thieves break into the store, are firearms readily accessible or are secondary measures in place (e.g., firearms secured by locking cable)? The best business practice is to remove all firearms from display cases and racks and place them in a gun vault at night. As an alternative, some businesses use reinforced display cases with shatterproof glass.
- **Evaluate the level of security provided by an answering machine.** Avoid using the answering machine to announce weekends and other times when you will be out of town. When the message says you are closed so that you can attend a show, the underlying message is that your business is unprotected.

Inventory Security

Inventory security is the way in which business merchandise and equipment is accounted for from the date it is acquired (received) by the business, to the date of its disposition (e.g., sale, trade). At the core of inventory security is the practice of complete and consistent documentation. Accurately completed ATF Forms 4473 and a correct and complete acquisition and disposition record are required by law under 18 U.S.C. § 923(g). The following additional steps are recommended practices to help protect inventory.

- **Conduct periodic physical inventories.** Conducting complete book-to-gun and gun-to-book inventory reconciliations enables licensees to know which firearms have been transferred legally and which firearms may have been lost/stolen. This includes ensuring that all firearms in inventory are recorded in the acquisition and disposition record and there is a firearm in inventory for all open entries in the record. The frequency of inventories may be dictated by the nature of the business, but at a minimum, an annual “floor to ceiling” inventory is recommended. ATF Publication 5380.2, How to Conduct a Firearms Inventory, available on the ATF website (<https://www.atf.gov/firearms/docs/guide/how-conduct-firearms-inventory-atf-p-53802/download>) is a useful guide to help you conduct a firearms inventory.
- **Accurately record your physical inventory in your records.** Remove firearms from containers/boxes when recording their acquisition. An accurate inventory must include physical comparison of firearms with the acquisition description. Many times the firearms that are shipped do not match the firearms listed in shipping manifests. The markings on firearms boxes can bear markings that are different than those which appear on the firearms. Do not rely on packaging or labeling to record firearms acquisitions.

- **Protect your inventory records.** Thefts of firearms often include the theft of inventory records. Some criminals are aware that the records may be the only way to determine which firearms were stolen. Secure storage of records after hours in a location separate from the firearms inventory is advised.
- **Require two-party inventories.** Never allow one person to have singular oversight of any part of your business, including sales transactions, handling monies, and particularly the inventory process. Many internal thefts stem from situations in which a single person was in control of the physical firearms inventory and/or records. In addition to incorporating a second party in a regular review of the acquisition and disposition records, physical inventories should always be conducted by at least two persons.
- **Keep timely acquisition and disposition records.** Federal regulations generally require that acquisitions be recorded by the close of the next business day, and that dispositions be recorded within 7 days. However, it is advisable to record them at the time the firearms transaction occurs. If you are a victim of theft, having current “real time” records is essential.
- **Examine each shipment of firearms that you receive.** Federal law requires that common and contract carriers who deliver firearms in interstate commerce obtain written acknowledgement of receipt from the actual recipient. Before you sign, examine the shipment. Determine, at a minimum, that the number of firearms indicated on the carrier’s documents is the number you received. A best practice would be to open each package to verify that the shipment matches the order exactly.
- **Keep display cases locked at all times.** This is a standard practice in the jewelry trade, another industry that is prone to shoplifting and internal theft.
- **Ensure strong computer security systems are in place.** ATF authorizes licensed importers, licensed manufacturers, licensed dealers, and licensed collectors to maintain their firearms acquisition and disposition records electronically instead of in paper format (ATF Ruling 2016-1). ATF also authorizes licensees to use an electronic version of ATF Form 4473 (ATF Ruling 2016-2). Licensees are strongly encouraged to ensure that there are proper and robust security protection measures in place (e.g., encryption) to ensure all data is protected. Both aforementioned Rulings require licensees to back-up their computerized systems at least daily to protect the data from accidental deletion or system failure. In addition to backing up to an on-premises computer or storage device, consider backing up your data to an off-premises computer or storage device to maintain complete and accurate records in the event an on-premises computer or storage device is corrupted or destroyed. All electronic records should be secured to prevent identity theft, as some records contain customers’ personally identifiable information (PII), which, if stolen, must be reported in some states.

Employee Screening

The same care that is given to the safe handling and storage of firearms should be given to the selection of the people whom the licensee authorizes to do that work. It is neither lawful nor in the licensee’s interest to knowingly allow a prohibited person to possess firearms or engage in firearms sales. (See 18 U.S.C. § 922(g)-(h).) The importance of conscientiousness and trustworthiness of employees is underscored by the high level of responsibility placed upon persons who are in a position to transfer firearms.

- **Institute an employee screening process.** ATF recommends conducting background checks on all employees and applicants (even relatives). Many private companies are available to perform these checks on a fee basis. It is also advised that background checks be repeated after an established period of time has elapsed. Applicants/employees should also provide references. These references should be contacted, interviewed, and asked to provide the names of other potential references, not listed by the applicant/employee.
- **Require proof of identity.** Require that each applicant/employee produce a government-issued identification card – a driver’s license, for example – and a Social Security card.
- **Discuss questions with the local police or ATF.** If it appears an applicant or employee may not be eligible to possess or transfer firearms, contact the local police or local ATF field office for guidance. ATF field office information is found at <https://www.atf.gov/contact/atf-field-divisions>.

Safe Business Practices

Safe business practices are the least expensive and perhaps the most immediately beneficial steps that an FFL can take to limit the risks of becoming a victim of crime. As with all of the recommendations in this publication, the following methods and ideas have proven effective for many licensees. A structured training program is also recommended to implement and encourage safe business practices and procedures among employees.

- **Familiarize yourself with state laws and local ordinances.** Many jurisdictions have established security requirements for businesses, some specifically for businesses that sell firearms. Many jurisdictions require by law that a working alarm system be installed in your business.
- **Show only one firearm at a time to a customer.** If the customer requests to handle another firearm, secure the first firearm before displaying another. If the firearms are kept in a locking display case or other security device, ensure that only one firearm is unlocked or unsecured at a time.
- **Disable display firearms.** Use trigger locks or plastic ties to ensure that the firearms cannot be loaded or fired while being examined. In some situations, the best practice may be the removal of the firing pin. Another best practice to consider is placing display firearms in a safe at night.
- **Do not leave a customer who is handling a firearm unattended.** If an employee leaves a customer who is handling a firearm, control of that firearm has been relinquished to the customer. To prevent this, instruct your staff to return a firearm to its storage location before leaving the customer unattended.
- **Keep ammunition stored separately from the firearms and out of the reach of customers.** This practice can help eliminate shoplifting of ammunition and help ensure that firearms remain unloaded while on display.
- **Do not meet with customers after hours or off site.** This is particularly important if the customer asks that some firearms be brought to the meeting. Advise your local ATF office of any such requests and provide them with the identity of the requestor.
- **Wipe down all countertops and doors each night.** A clean surface makes it easier to capture and preserve fingerprints. Those fingerprints could be the difference between an unsolved crime and

capturing the criminals.

- **Do not keep large sums of cash on hand.** Keeping large sums of cash on premises during business hours or at night creates an opportunity for your business to experience a substantial financial loss. Limit the amount of cash on hand by making regular deposits, but do not follow a set pattern for dates and times of the deposits. Consider recording the serial numbers of paper money left in the cash register at night. Store this record away from the cash so that if the money is taken, it can be more easily tracked.
- **Do not leave counter and/or safe keys in the cash register at night.** Ready access to keys left in the cash register allow easy access to items you have attempted to secure. The cash register is one of the first targets in a burglary.
- **Ship firearms in a way that requires signatures or recording of transfers.** In many cases, the most inexpensive means of shipping provides little accountability. Using a shipping method that includes some form of tracking is strongly encouraged. Ask the carrier if and how each point of transfer will be documented. Detailed documentation makes it easier to track a lost or damaged shipment.
- **Provide safety and security training for your employees.** Ensure that employees know what to do if a crime is committed or discovered. Prepare a specific procedure for them to follow. Post important telephone numbers and keep procedures where they can be readily used. (This booklet contains a recommended series of steps to follow in the event of a theft or loss.) Explain the importance of protecting keys, combinations, codes, alarm system features, and any other security plans or procedures you have. Advise your employees not to reveal this information to non-employees, including family members.
- **Familiarize your employees with firearms laws.** Sales personnel must be shown, understand, and be able to explain the firearms laws that apply to them and to your customers. Ensure that they understand how to make a lawful transfer and what transactions to avoid. You can contact your local ATF office to inquire about ATF administered FFL seminars (<https://www.atf.gov/contact/atf-field-divisions>).
- **Record the description of suspicious persons and their vehicles.** If an individual or individuals raise your suspicions or specifically ask you to assist them in subverting the law, make a record of the encounter. If safe to do so, record the individual’s identification, physical description, and vehicle description and license plate. Many crimes have been solved through physical and vehicle descriptions recorded by employees and witnesses who grew suspicious of a person’s or a customer’s actions, questions, or activity.
- **Post the Theft Warning Notice in a conspicuous location.** This publication contains a theft warning notice that can be removed and placed in a window or other conspicuous location. A lunchroom or other area frequented by business staff is also a good location to post this warning.
- **Request the assistance of the local law enforcement authorities.** Contact your local police department and request a visit for safety and security advice. Ask if there have been any thefts in the area or patterns of theft to which you may be vulnerable. Develop a relationship with the law enforcement officers who work in the area where your business is located. Obtain the best telephone numbers to use in emergency and non-emergency situations.

- **Strictly control firearms at gun shows.** Prepare an inventory of all firearms removed from the store for display or sale at a gun show, and store the list separately. ATF recommends that you not take your acquisition/disposition record to the gun show if you will be returning to your premises in time to record your transactions as required by law. Thoroughly record all transfers and make those entries as soon as you return from the show. (See 27 CFR § 478.125(e) for guidance.)
- **Do not advertise that your business is unprotected.** Avoid leaving a sign in the window or a message on your answering machine announcing that you will be closed or are out of town. This only alerts people that your store may be unattended for several days.

Customer Safety

Purchasers of firearms are responsible for protecting themselves and the public from theft or loss of their firearms. FFLs have an opportunity to provide information and products that can help purchasers with this responsibility. The following recommended practices enhance customer safety.

- **Insist on complete firearms safety.** By demonstrating safe firearms handling, including clearing and unloading procedures, customers have the opportunity to learn these firearms safety procedures while in your store and to repeat them safely after they have left your store.
- **Recommend safe storage methods.** Federal law requires that firearms safety or locking devices be available for purchase and provided to anyone purchasing a firearm. (See 18 U.S.C. § 922(z).) We recommend that you advertise these to your customers for storing their firearms. Advise customers to take their firearms directly home rather than leave the firearms in their vehicle while taking care of other errands. Remind your customers that firearms should always be unloaded when stored.
- **Personal Firearms Record.** Provide customers with a free copy of ATF Publication 3312.8, Personal Firearms Record, available on the ATF website (<https://www.atf.gov/file/4831/download>). This pamphlet provides firearms owners an easy and complete way to maintain a record of their personal firearms. In the event of theft or loss, the firearm(s) can be fully identified to law enforcement and for insurance purposes.

Disaster Preparedness

Every business should have a disaster plan. A disaster plan provides FFLs with the benefit of a plan to safeguard their business to facilitate a quick recovery and protect the public from the risk of theft/loss of firearms and ammunition in the event of a disaster. The following suggestions are a guide to developing a disaster preparedness plan.

- Create and maintain a current set of records (and consider a second set maintained at a second, secure location) that includes: insurance policies; supplier and contact list; computer records backup; and a second set of business records.
- Create a list of employee phone numbers and establish a plan under which, in the event of a disaster, they have a phone number to call to report that they are safe.

- Secure your inventory. Use safes and cable locks that can retain and protect inventory.
- Perform a full inventory and take acquisition and disposition records to a safe location until the threat has passed.
- Make your disaster plan “multi-hazard” by taking into account each possibility: fire, tornado, hurricane, flooding, looting, etc.
- ATF can approve variances to move business operations in special circumstances, which can include impending natural disasters. The licensee should familiarize itself with the procedures to request this type of variance in the event of a disaster.
- For more information on disaster preparedness, request a copy of ATF Publication 3317.7, Disaster Preparedness for Federal Firearms Licensees, available on the ATF website (<https://www.atf.gov/file/58666/download>) and from the ATF Distribution Center. (See Index, page iv.)

Your Local ATF Office

The local ATF office (<https://www.atf.gov/contact/atf-field-divisions>) is an invaluable resource for information and assistance in the safe and compliant operation of your business. This office should be your first point of contact with questions regarding anything associated with your Federal firearms license. The local office can also assist you in the preparation of the theft/loss reports that must be submitted to the Stolen Firearms Program.

Private Party Firearms Sales

ATF recommends that FFLs who facilitate private party firearms sales review the educational resource Facilitating Private Sales: A Federal Firearms Licensee Guide, available on the ATF website (<https://www.atf.gov/file/110076/download>). Additionally, ATF Procedure 2020-2, available on the ATF website (<https://www.atf.gov/rules-and-regulations/docs/ruling/atf-proc-2020-2-%E2%80%93-recordkeeping-and-background-check-procedure>), sets forth the recordkeeping and National Instant Criminal Background Check System (NICS) procedures for FFLs to follow when facilitating the transfer of firearms between unlicensed persons. ATF encourages FFLs to facilitate the transfer of firearms between unlicensed individuals to enhance public safety and assist law enforcement. Unlicensed persons do not have the ability to use NICS to conduct background checks on prospective transferees (buyers) and consequently have no comprehensive way to confirm whether or not the transferee (buyer) is prohibited from receiving or possessing a firearm. In addition, several states have laws that prohibit the transfer of firearms between unlicensed individuals unless a NICS check is conducted on the transferee (buyer). As provided by 18 U.S.C. § 922(t)(1), an FFL may only conduct a NICS check in connection with a proposed firearm transfer by the licensee. For an FFL to lawfully complete the transfer of a firearm, the licensee must first take the firearm into inventory and record it as an acquisition in the acquisition and disposition record. Only then, can the FFL transfer the firearm as in the licensee’s normal course of business.

Identifying and Recording Firearms

In order to conduct business lawfully, FFLs rely on the accurate description of firearms and the timely recording of acquisitions and dispositions. Likewise, law enforcement agencies rely on this accurate information to investigate firearms thefts. Inaccurate and incomplete records impact the ability to determine ownership of recovered firearms and their return to the lawful owners.

With the passage of the Gun Control Act of 1968 (GCA), Congress required the marking of serial numbers on the frame or receiver of all firearms imported into or manufactured within the United States. (See 18 U.S.C. § 923(i).) The regulations at 27 CFR §§ 478.92(a)(1) and 478.112(d)(2) further establish unique marking requirements for serial numbers and manufacturer and importer markings for all firearms imported into or manufactured within the United States. Unfortunately, marking requirements that existed before 1968 did not apply to all firearms and, in particular, allowed for duplication of serial numbers. Many thousands of firearms manufactured and imported prior to 1968 bear no serial numbers or are marked with product codes, patent numbers, or other markings that appear to be serial numbers. Some of these pre-1968 firearms bear virtually no markings at all. Licensees who receive these firearms should note in each descriptive column in the acquisition record the physical markings that appear on the firearms. If no serial number was placed on the firearm, it should be specifically noted that “Firearm has no serial number.” Remember, however, it is illegal for any person to knowingly possess, transport, ship, or receive any firearm that has had the importer’s or manufacturer’s serial number removed, obliterated, or altered, and a licensee should report such a firearm to the nearest ATF office (<https://www.atf.gov/contact/atf-field-divisions>). (See 18 U.S.C. § 922(k).)

Under the GCA, manufacturers and importers may not duplicate serial numbers. Both must use or place a unique serial number on the firearm’s frame or receiver. The serial numbers themselves are generated by the licensee, and many are so unique that their appearance can readily identify the manufacturer or importer. (See 27 CFR § 478.92(a)(1)(i).)

To accurately identify a firearm, FFLs receiving firearms must record the **serial number** in their acquisition and disposition record. (See 27 CFR § 478.122-123.) Be careful to use the number on the frame or receiver. Parts of the firearm, such as the slide or barrel, may be marked with numbers other than the serial number, including, but not limited to, a part, model, or patent number.

A firearm frame or receiver that is not a component part of a complete weapon at the time it is sold, shipped, or otherwise disposed of must be marked with all of the required markings. (See 27 CFR § 478.92(a)(2).) The following additional information must be marked on the frame, receiver, or barrel of post-1968 firearms, and must be recorded in the acquisition and disposition record: **model** (if such designation has been made), **caliber**, or **gauge** (the model designation and caliber or gauge may be omitted without a variance if that information is unknown at the time the frames or receivers are marked (see ATF Ruling 2012-1)); name of the **manufacturer** (or recognized abbreviation); and **importer** (if applicable). (See 27 CFR § 478.92(a)(1)(ii).)

A licensed manufacturer’s or licensed importer’s city and state are not required to be recorded in the acquisition and disposition record. However, the manufacturer’s **city and state** (or recognized abbreviation) of the manufacturer’s place of business for domestically manufactured firearms, and the **country of manufacture** and the **city and state** (or recognized abbreviation) of the importer’s place of business must be marked on the frame, receiver, or barrel. (See 27 CFR § 478.92(a)(1)(ii).)

This description of the marking requirements is a general overview and may not be sufficient to guide you in the identification of each firearm you examine.

Basic Firearm Safety

Firearm Handling and Storage Recommendations

1. Treat every firearm as if it were loaded.
2. Always keep the firearm muzzle pointed in a safe direction.
3. Always keep your finger off the trigger and outside the trigger guard unless you intend to fire the weapon.
4. Wear appropriate ear and eye protection when discharging the firearm.
5. If you have children in your residence, use child safety locks or other commercially available locking mechanisms on your firearms and/or keep your firearms locked in a secure location accessible only to adults. Keep ammunition locked in a secure location away from the firearms.
6. Understand and comply with all Federal, state, and local laws regarding the purchase, possession, carrying, use, storage, and disposition/sale of firearms.

Clearing/Loading a Firearm

1. Always keep the muzzle pointed in a safe direction AND always keep your finger off the trigger and outside the trigger guard while cleaning or unloading a firearm. (Consider obtaining a commercially made firearm clearing barrel for safe clearing/unloading purposes.)
2. Remove the magazine or other source of ammunition.
3. Hold the weapon in a safe manner as described above, open the breech and visually as well as physically inspect the chamber to ensure the chamber is completely empty and free of ammunition. Repeat this step twice to be sure the firearm is rendered safe.

How to Report a Theft/Loss

Any licensee who has knowledge of the theft or loss of any firearms – this includes firearms taken in a crime (burglary, larceny, or robbery), missing inventory, and firearms stolen or lost in transit – from their inventory must report such theft or loss within 48 hours of discovery to ATF and to the local law enforcement agency. The GCA, at 18 U.S.C. § 923(g)(6), requires reporting within 48 hours of discovery, and regulations at 27 CFR § 478.39a require that the report of theft or loss be made to ATF within 48 hours of discovery. A firearm stolen or lost in transit on a common or contract carrier is considered stolen or lost from the transferor/sender licensee’s inventory for reporting purposes and such licensee shall report the theft or loss within 48 hours of discovery.

Reporting Requirements

Upon discovery of any theft or loss of any of your firearms:

- 1. Contact Local Law Enforcement.** Call your local law enforcement agency to report the theft or loss. Contacting local law enforcement is essential to the quick recovery of firearms taken in a crime. If the firearms are unaccounted for during inventory, you should make it clear to the authorities that there is no evidence of a crime and that the disposition of these firearms is unknown and may stem from a record keeping error.
- 2. Contact Your Local ATF Office.** The local ATF office will work with local law enforcement investigating the theft. ATF can also assist in the preparation of the Federal Firearms Licensee Firearms Inventory Theft/Loss Report for submission to the ATF Stolen Firearms Program.
- 3. Contact ATF’s Stolen Firearms Program.** Call ATF’s Stolen Firearms Program toll free at 1-888-930-9275 or email stolenfirearms@atf.gov. They can also assist in the preparation of the Federal Firearms Licensee Firearms Inventory Theft/Loss Report. ATF will work with the local law enforcement authorities investigating the theft.
- 4. Complete ATF Form 3310.11.** Complete the Federal Firearms Licensee Firearms Inventory Theft/Loss Report (ATF Form 3310.11) and, if necessary, any continuation sheets (ATF Form 3310.11A). These forms are available on the ATF website at <https://www.atf.gov/file/4996/download> and <https://www.atf.gov/file/11306/download>. A separate form is required for each theft/loss incident. Once completed, submit the form to ATF’s National Tracing Center, Stolen Firearms Program. Be sure to retain copies for your records.

Email: stolenfirearms@atf.gov

Fax: (304) 260-3676 or (304) 260-3671

Mailing Address:

Bureau of Alcohol, Tobacco, Firearms and Explosives
National Tracing Center
Attn: Stolen Firearms Program
244 Needy Road
Martinsburg, WV 25405

5. Notify ATF of Any Firearm Recoveries. It is extremely important to report any firearms discovered that were thought to have been missing to the Stolen Firearms Program. Stolen firearms are placed into the National Crime Information Center system so that law enforcement all over the country will know if a firearm they recover is stolen. If a firearm is inaccurately reported as stolen, a law enforcement officer may inadvertently seize a firearm or arrest an individual in lawful possession of that firearm.

6. Accuracy of Acquisition and Disposition Records. Ensure that acquisition and disposition records accurately reflect the disposition of any firearm not received by the person to whom shipped. Licensees must reflect the theft or loss of a firearm as a disposition entry. Theft/loss disposition entries must be made within 7 days of discovering the theft/loss.

ATF understands that there will be instances in which licensees must make corrections to the disposition information recorded in the acquisition and disposition record to reflect the theft or loss of a firearm. In those instances, the licensee should draw a single line through the disposition information. If there is room in the disposition block, the licensee should record the date of the theft or loss, the ATF incident number, and the local authority incident number. The licensee should then initial and date the changes. Alternatively, if there is no room in the disposition block to legibly record the required information, the licensee should line-out the disposition information and initial and date the change. The licensee should then make a new entry in the next available line in the current acquisition and disposition record. In that case, the licensee must enter a reference to the new book, page, and line number in the disposition side of the updated record, and use the new entry to record the date of the theft or loss, the ATF incident number, and the local authority incident number.



Special Reporting Considerations

In-Transit Theft/Loss

Firearms stolen or lost in transit including stolen from or lost by a contract carrier (which for purposes of this publication includes the United States Postal Service), are considered stolen or lost from the transferor/sender licensee's inventory for reporting purposes. Therefore, the transferor/sender of the stolen or lost firearm shall report the theft or loss of the firearm within 48 hours after the transferor/sender discovers the theft or loss. (See 18 U.S.C. § 923(g)(6) and 27 § CFR 478.39(a).) The transferor/sender must complete ATF Form 3310.11, Federal Firearms Licensee Firearms Inventory/Firearms in Transit Theft/Loss Report.

The report must be filed by the transferor/sender licensee regardless of whether a transferee/consignee and/or the carrier indicates that they have filed a theft/loss report with ATF. (See 27 CFR § 478.39(a) (2).) This requirement applies because only the transferor/sender specifically knows how and when the particular firearms were shipped. The transferee/consignee or the carrier most often does not have all of the information necessary to file a complete theft/loss report. The licensee must continue to comply with the reporting requirements in the licensee's disposition records to reflect the theft or loss of a firearm.

ATF encourages the voluntary reporting of the theft/loss of firearms in transit by non-licensees. A report may be filed by any person who lawfully ships a firearm and experiences a theft or loss. This includes contract carriers, who do not require a Federal firearms license to ship firearms. ATF provides ATF Form 3310.6, Interstate Firearms Shipment Theft/Loss Report, to assist non-licensees in reporting.

Questions and answers regarding firearm(s) stolen/lost in transit can be found on the ATF website (www.atf.gov/qa-category/theftloss-transit).

National Firearms Act Weapons

Pursuant to 27 CFR § 479.141, licensees reporting the theft or loss of registered National Firearms Act (NFA) weapons must provide additional notification to ATF. A licensee will satisfy its obligation to provide the required notification to the NFA Division by submitting ATF Form 3310.11 to the Stolen Firearms Program, and the Stolen Firearms Program will in turn notify the NFA Division. Submitting ATF Form 3310.11 will satisfy the requirements of both 27 CFR § 478.39a and 27 CFR § 479.141 with one notification. Licensees will no longer have to submit additional or separate notification regarding the theft/loss of NFA weapons to the NFA Division.

Burglary, Larceny or Robbery

Swift notification may be the key in identifying and capturing thieves and in preserving evidence. If there is any possibility that criminals may be present, do not enter a crime scene until law enforcement authorities indicate that it is safe. Do not disturb the crime scene until law enforcement authorities have completed evidence gathering. Unless you are asked to assist, avoid the temptation to assess damage/losses until law enforcement authorities finish their on-site work.

Lost/Stolen Firearms Investigations

Each year, thousands of firearms are reported lost or stolen. The owners' ability to adequately identify these firearms is central to law enforcement's ability to investigate these crimes and losses. Insurance claims and reacquisition of recovered firearms will also hinge on the ability to correctly identify these firearms.

By completing this record and maintaining it in a safe location, separate from your firearms, you will be not only protecting your own property, you will be taking an important first step in the effort to prevent thefts and to keep firearms out of the hands of criminals.

This is a personal record only. The information will not be collected or maintained by ATF or any other Federal Government agency.



Personal Firearms Record

Keep this list separate from your firearms to assist police in the event your firearms are ever lost or stolen.



"A stolen gun threatens everyone."

ATF P 3312.8 (Revised August 2013)

**ATF THEFT HOTLINE:
1-888-930-9275**

**24 HOUR ATF HOTLINE:
1-800-800-3855**

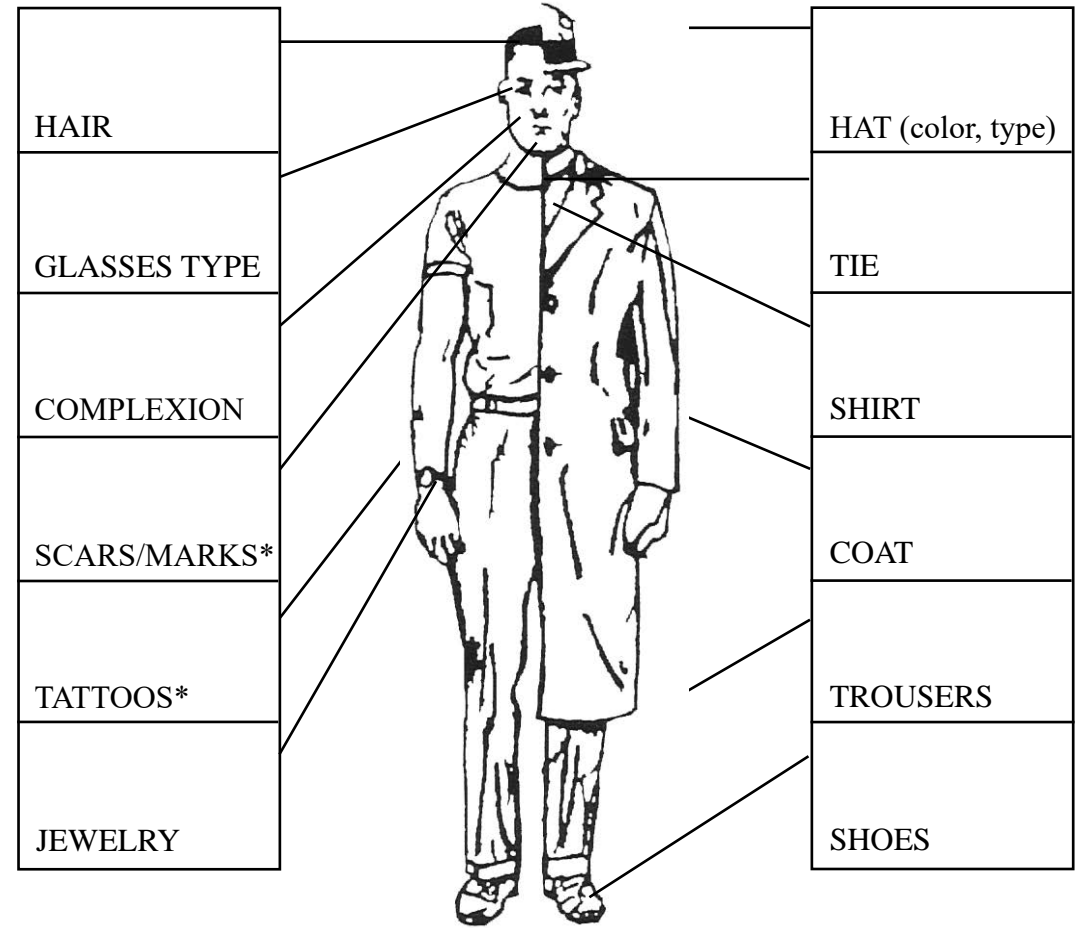
LOCAL POLICE:

LOCAL ATF OFFICE:

GUIDE TO RECORDING SUSPICIOUS PERSON DESCRIPTION

PLEASE RECORD AS MUCH INFORMATION AS POSSIBLE

SEX	RACE	AGE	HEIGHT	WEIGHT	WEAPON TYPE
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AUTO LICENSE, MAKE, COLOR	DIRECTION OF TRAVEL
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ADDITIONAL INFORMATION

**Be sure to describe appearance as well as location.*

Interstate Firearms Shipment Theft /Loss Report

Name and FFL#				Address				Telephone Number			
Shipper/Transferor											
Consignee/Transferee											
Carrier											
Shipment Tracking Number				Carrier Claim Number (if available)				Date Shipped			
Name of Reporting Company											

Full Name and Position of Person Making Report (Please print)						Telephone Number		Date	
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Email Address of Shipper or Person Making Report				Signature of Person Making Report			
--	--	--	--	-----------------------------------	--	--	--

Firearm(s) Description (Use ATF Form 3310.11A Continuation Sheet if additional space is needed)					
Type	Manufacturer	Model	Caliber	Serial Number	Date Acquired

Some or all of the stolen/missing inventory listed above falls within the purview of the National Firearms Act (NFA).

Shipment Description

Individual Parcel Shrink Wrapped Pallet

Pallet Other (Describe): _____

Brief Summary of Incident:

Shipper/Transferor FFL is required by law to submit a theft/loss report to ATF. Completed forms can be mailed, emailed or faxed. For more information, call toll free: 888-930-9275

MAIL THIS FORM TO: U.S. DEPARTMENT OF JUSTICE NTC - LESB - SFP 244 NEEDY RD. MARTINSBURG, WV 25405	E MAIL THIS FORM TO: STOLENFIREARMS@atf.gov FAX THIS FORM TO: 304-260-3676 or 304-260-3671
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Paperwork Reduction Act Notice

This request is in accordance with the Paperwork Reduction Act of 1995. The information collection documents reports of theft or loss of firearms experienced by common carriers in interstate shipment. ATF uses the information to investigate and perfect criminal cases. The information requested is voluntary.

The estimated average burden associated with this collection of information is 20 minutes per respondent or recordkeeper, depending on individual circumstances. Comments concerning the accuracy of this burden estimate and suggestions for reducing this burden should be addressed to Reports Management Officer, Document Services, 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.

Federal Firearms Licensee Firearms Inventory/ Firearms in Transit Theft/Loss Report

All entries must be in ink. Please read all notices and instructions carefully before completing this form.

Section A - Federal Firearms Licensee Theft/Loss Information

Federal Firearms License Number		Federal Firearms Licensee Telephone Number (include area code)	
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Trade/Corporate/Transferor/Sender Name

Street Address of Federal Firearms Licensee	City	State	Zip Code
---	------	-------	----------

Federal Firearms Licensee Email Address			
---	--	--	--

Full Name and Position of Person Making Report

DateTheft/Loss Discovered	Date	Time	Description of Incident		
			<input type="checkbox"/> Burglary	<input type="checkbox"/> Robbery	<input type="checkbox"/> In Transit
			<input type="checkbox"/> Larceny	<input type="checkbox"/> Missing Inventory	

Police Notification	ATF Issued Incident Number
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ATF Notification	
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Name/FFL#	Address	Telephone Number
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Buyer/Transferee		
------------------	--	--

Carrier		
---------	--	--

Shipment Tracking Number	Shipper/Carrier Claim Number	Date Shipped
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Shipment Description

Individual Parcel Pallet Shrink Wrapped Pallet Other (Describe): _____

Name of Local Authority to Whom Reported (for burglary, larceny or robbery, include the police report number and officer/detective name)

Street Address of Local Authority			Theft Location if Different from FFL Premises		
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City	State	Zip Code	City	State	Zip Code
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Name and Telephone Number of the ATF Representative Notified (if this report is the result of an ATF compliance inspection, provide the name and telephone number of the ATF Inspector)

Brief Description of Incident (e.g., how firearms were stolen)

U.S. Department of Justice

Bureau of Alcohol, Tobacco, Firearms and Explosives

99 New York Avenue, NE

Washington, DC 20226

For more information about ATF, visit:

www.atf.gov

