



U.S. Department of Justice

Bureau of Alcohol, Tobacco,
Firearms and Explosives

Washington, DC 20226

May 28, 2010

Open Letter to All Wyoming Federal Firearms Licensees

The purpose of this letter is to provide guidance on your obligations as a Federal Firearms Licensee. The Bureau of Alcohol, Tobacco, Firearms and Explosives (“ATF”) is providing you with the following information, intended to assist you in complying with Title 18 United States Code, Chapter 44.

The enactment of the Wyoming Firearms Freedom Act, Wyoming House Enrolled Act No. 51, H.B. 0095, 60th Leg. (Wyo. 2010) (“Act”), effective March 11, 2010, has generated questions from industry members as to how this State law may affect them while engaged in a firearms business activity. The Act purports to exempt personal firearms, firearms accessories, and ammunition manufactured in the State, and that remain in the State, from Federal firearms laws and regulations. However, because the Act conflicts with Federal firearms laws and regulations, Federal law supersedes the Act, and all provisions of the Gun Control Act and the National Firearms Act, and their implementing regulations, continue to apply.

As you may know, Federal law requires a license to engage in the business of manufacturing firearms or ammunition, or to deal in firearms, even if the firearms or ammunition remain within Wyoming. All firearms manufactured by a licensee must be properly marked so they can be traced by law enforcement officers if later used in a crime. Additionally, licensees must record the type, model, caliber or gauge, and serial number of each firearm manufactured or otherwise acquired, and the date such manufacture or other acquisition was made. The required information must be recorded in the licensee’s records not later than the seventh day following the date such manufacture or other acquisition was made. Firearms Transaction Records (ATF Forms 4473) must be executed and NICS background checks must be conducted prior to transferring firearms to unlicensed persons. These requirements, as well as other Federal requirements and prohibitions, apply whether or not the firearms or ammunition have crossed State lines.

Congress and the Attorney General gave ATF the responsibility to enforce the Federal firearms laws and regulations. ATF Industry Operations Investigators and Special Agents will continue to execute their duty to enforce Federal law.

If you have any questions regarding the Federal firearms laws and regulations, please contact your local ATF office. ATF works closely with the firearms industry and appreciates the important role the industry plays in combating violent crime. A list of ATF office phone numbers can be found at <https://www.atf.gov/contact/atf-field-divisions>

A handwritten signature in black ink, appearing to read "Audrey Stucko". The signature is fluid and cursive, with the first name "Audrey" written in a larger, more prominent script than the last name "Stucko".

Audrey Stucko
Acting Assistant Director
Enforcement Programs and Services