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“GUN CONTROL”

Gateway to Tyranny



**Proof that U.S. Gun Law
Has Nazi Roots**

by Aaron Zelman

with contributions by attorney Richard Stevens

**The Nazi Weapons Law of 1938
compared side-by-side with the
U.S. Gun Control Act of 1968**



Jews for the Preservation of Firearms Ownership

America's Aggressive Civil Rights Organization

Back Cover Blurbs for *Gun Control – Gateway to Tyranny* book

““Gun Control” Gateway to Tyranny should be the gateway to political extinction for politicians pushing gun control. If more voters understand that gun control really means Nazi people control laws, we might expect to see gun control laws leaving the law books; not being added to the books.” – Larry Pratt, Gun Owners of America, website www.gunowners.org

“I can’t say it surprises me that the 1968 Gun Control Act by Senator Thomas Dodd was modeled on Nazi law. I do find it surprising that Senator Dodd made no attempt to conceal this fact.” – John Ross, author, “Unintended Consequences”

“Self-defense is a natural born and inalienable right. When the “People” lose the right to defend themselves, they move quickly from citizens to subjects! JPFO’s “Gun Control - Gateway to Tyranny” is a fascinating look at the history of gun control laws in the United States. You’ll learn startling facts you were never meant to know.
- Tim Schmidt, Executive Director & Founder, U.S. Concealed Carry Association, website www.usconcealedcarry.com

“When I learned (and then read the details) of the Gun Control Act of 1968 being an English translation of the 1938 Nazi Gun Laws I was surprized, shocked and disappointed. When I learned that senior management people at the Bureau of Alcohol, Tobacco, Firearms, and Explosives knew this and did not care, it hurt my heart.” - John Moore. John Moore has been a homicide detective and private investigator for over 30 years. A decorated Vietnam Vet, his website is: www.thelibertyman.com



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Part III

1938: The Nazis pass a “gun-control” law and regulations of their own

What you'll find in this section

Part III contains three elements:

- The original German text of the Nazi's 1938 "gun control" law (beginning on page 55)
- An English translation of that law, placed side-by-side with the corresponding sections of the U.S. Gun Control Act of 1968 (amended) (beginning on page 61)
- The implementing regulations for the 1938 Nazi "gun control" law in the original German, with English translation (beginning on page 86)

After taking power in 1933, the Nazis used the existing laws of the Weimar Republic to confiscate firearms. Then shortly before beginning the first mass roundups of Jews and other "undesirables," they wrote a “gun control” law of their own.

This law, among other things, invented the Nazi-style concept of “handgun control” later imported into the U.S. On the surface, some portions of the 1938 Nazi law appear to be less restrictive than the 1928 Weimar law. However, this is largely an illusion (as Richard W. Stevens shows in Part IV). In practice, the law made it easier for Nazi supporters to obtain firearms while still keeping the general populace and all political opponents disarmed.

The side-by-side comparison of the translated German law and portions of the U.S. Gun Control Act of 1968 is the key element of “Gateway to Tyranny.” Beginning on page 61, you’ll find the full text of the German law on the left-hand pages. On the facing right-hand pages, we’ve printed the corresponding sections of GCA 1968. Many sections are virtually identical in their provisions. Others are similar, but not identical. In other cases, there is no U.S. equivalent to a portion of the German law, and we have so noted.

Chief differences arise from the legal structure of the two countries. In Germany, for instance, permits to carry weapons were covered under national law. In the U.S. such permits are the province of the states. The German law is also more “people focused” and contains fewer avenues of appeal than the U.S. law. But overall, we believe you’ll agree that the similarities between the 1938 Nazi law and the 1968 U.S. law can hardly be coincidental – and the “smoking gun” that proves the case is that we know for certain that Sen. Thomas J. Dodd, chief author of the U.S. law, owned a personal copy of the Nazi law and had it translated while working on GCA 1968.

The Nazi "Weapons Law" (18 March 1938) and its regulations built upon the foundation of "gun control" inherited from the democratic regime. Only a few changes were needed, but some of those were very important:

- Jews were barred from the firearms business (§ 3, (5));
- Handguns were singled out for special controls (§ 11);
- Nazi Party organizations were exempted from "gun control" (§ 12);
- Anyone, "who it is feared may endanger public security," could be barred from owning any type of weapon (§ 23);
- It was prohibited to possess .22 caliber cartridges with hollow-point, hollow-cavity, or notched bullets (§ 25).

This new law and its regulations completed the fabric of gun control in Germany. The first test of the Nazi system took place in the Autumn of 1938.

On 11 November 1938 the Nazis prohibited Jews from owning any weapons (see p. 81). These new regulations were issued one day after a nation-wide attack on the Jewish community – *Kristallnacht*, the night of broken glass – by the *Schutzstaffel*, [the SS, or Storm troopers, were the Nazi party's fighting force]. The pretext for this attack was the shooting of a German diplomat in Paris by a gutsy Jew, whose parents had been victimized by the Nazis.

The attack focussed on Jewish property: many synagogues were burned. Jewish businesses were looted (hence the broken glass). Even so, hundreds of Jews were killed or wounded.

Perhaps some gutsy Jews had offered armed resistance. Under the new regulations, any Jews who still owned weapons were required to turn them over to the authorities at once, and without compensation. Violators faced a mandatory prison sentence and a fine. These new regulations were to be enforced by any available means (see § 5).

Decent Germans, already disarmed, were helpless. No foreign government much complained. Disarmed, Germany's Jews – and those throughout Europe – were left to their fate.

Reichsgesetzblatt

Teil I

Jahrgang 1938



Herausgegeben
vom
Reichsministerium des Innern

Berlin 1938 • Reichsverlagsamt

Reichsgesetzblatt

Teil I

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Waffengesetz

Vom 18. März 1938.

Die Reichsregierung hat das folgende Gesetz beschlossen, das hiermit verkündet wird:

Abschnitt I

Allgemeines

§ 1

(1) Schusswaffen im Sinne dieses Gesetzes sind Waffen, bei denen ein fester Körper durch Gas- oder Luftdruck durch einen Lauf getrieben werden kann.

(2) Als Munition im Sinne dieses Gesetzes gilt fertige Munition zu Schusswaffen sowie Schießpulver jeder Art.

(3) Fertige oder vorgearbeitete wesentliche Teile von Schusswaffen oder Munition stehen fertigen Schusswaffen oder fertiger Munition gleich.

§ 2

Hieb- oder Stoßwaffen im Sinne dieses Gesetzes sind Waffen, die ihrer Natur nach dazu bestimmt sind, durch Hieb, Stoß oder Stich Verletzungen beizubringen.

Abschnitt II

Herstellung von Schusswaffen und Munition

§ 3

(1) Wer gewerbsmäßig Schusswaffen oder Munition herstellen, bearbeiten oder instand setzen will, bedarf dazu der Erlaubnis. Als Herstellen von Munition gilt auch das Wiederladen von Patronenhülsen.

(2) Die Erlaubnis darf nur erteilt werden, wenn der Antragsteller die deutsche Staatsangehörigkeit besitzt und im Reichsgebiet einen festen Wohnsitz hat.

(3) Der Reichsminister des Innern kann im Einvernehmen mit den beteiligten Reichsministern Ausnahmen von den Vorschriften des Abs. 2 zulassen.

(4) Die Erlaubnis darf ferner nur erteilt werden, wenn der Antragsteller und die für die kaufmännische oder für die technische Leitung seines Betriebes in Aussicht genommenen Personen die für den Betrieb des Gewerbes erforderliche persönliche Zuverlässigkeit und wenn der Antragsteller oder die für die technische Leitung seines Betriebes in Aussicht genommene Person die für den Betrieb des Gewerbes erforderliche fachliche Eignung besitzen.

(5) Die Erlaubnis darf nicht erteilt werden, wenn der Antragsteller und die für die kaufmännische oder für die technische Leitung seines Betriebes in Aussicht genommenen Personen oder einer von ihnen Jude ist.

§ 4

(1) Bei der Erteilung der Erlaubnis kann eine Frist bis zur Dauer eines Jahres bestimmt werden, innerhalb deren das Gewerbe begonnen werden muß, widrigenfalls die Erlaubnis erlischt. Ist eine Frist nicht bestimmt, so erlischt die Erlaubnis, wenn das Gewerbe nicht innerhalb eines Jahres nach Erteilung der Erlaubnis begonnen wird. Die Fristen können verlängert werden, wenn ein wichtiger Grund vorliegt.

(2) Die Erlaubnis erlischt ferner, wenn der Gewerbetreibende das Gewerbe seit einem Jahr nicht mehr ausgeübt hat, ohne daß ihm darüber hinaus eine Frist gewährt worden ist, innerhalb deren das Gewerbe wieder aufgenommen werden muß. Diese Frist beträgt höchstens ein Jahr; sie kann verlängert werden, wenn ein wichtiger Grund vorliegt.

(3) Der Gewerbetreibende hat binnen einer Woche schriftlich anzuzeigen, daß er das Gewerbe begonnen hat oder nicht mehr ausübt.

§ 5

(1) Die Erlaubnis zur Ausübung des Gewerbes ist zurückzunehmen, wenn in der Person des Gewerbetreibenden oder des Leiters des Betriebes die Voraussetzungen nicht mehr vorliegen, die für die Erteilung der Erlaubnis erforderlich sind.

(2) Soll die Erlaubnis zurückgenommen werden, so kann die Weiterführung des Gewerbebetriebes mit sofortiger Wirkung vorläufig untersagt werden. Diese Maßnahme tritt außer Kraft, wenn nicht innerhalb einer Woche der Antrag auf Rücknahme der zuständigen Behörde vorgelegt wird, die über die vorläufige Untersagung vorab zu entscheiden hat; gegen diese Entscheidung ist eine Beschwerde nicht zulässig.

§ 6

Ist die Erlaubnis versagt oder zurückgenommen worden, so darf innerhalb zweier Jahre eine neue Erlaubnis nur erteilt werden, wenn besondere Umstände dies rechtfertigen.

Abschnitt III

Handel mit Waffen und Munition

§ 7

(1) Wer gewerbsmäßig Schusswaffen oder Munition erwerben, feilhalten oder anderen überlassen oder wer gewerbsmäßig den Erwerb oder das Überlassen solcher Gegenstände vermitteln oder sich gewerbsmäßig zu ihrem Erwerb oder Überlassen erboten will, bedarf dazu der Erlaubnis.

(2) Die Vorschriften des § 3 Abs. 2 bis 5 und der §§ 4 bis 6 gelten entsprechend.

(3) Eine nach § 3 Abs. 1 erteilte Erlaubnis umfaßt zugleich die Erlaubnis, Schusswaffen und Munition gewerbsmäßig zu erwerben, feilzuhalten oder anderen zu überlassen.

§ 8

Die Erlaubnis nach § 7 darf Trödlern nicht erteilt werden.

§ 9

(1) Verboten ist der Handel mit Schusswaffen oder Munition sowie mit Hieb- oder Stoßwaffen

1. im Umherziehen,
2. auf Jahrmärkten, Schützenfesten und Messen mit Ausnahme der Mustermessen.

(2) Nicht unter das Verbot des Abs. 1 Nr. 2 fällt das Feilhalten und Überlassen der bei einem Schützenfest auf dem Schießstande benötigten Munition.

§ 10

(1) Schusswaffen, die gewerbsmäßig feilgehalten oder anderen überlassen werden, müssen die Firma des Herstellers und eine fortlaufende Herstellungsnummer tragen.

(2) Schusswaffen, die nicht die Firma eines inländischen Herstellers tragen, müssen außer den nach Abs. 1 vorgeschriebenen Angaben die Firma oder das eingetragene Warenzeichen eines im Inlande wohnenden Händlers tragen.

Abschnitt IV

Erwerb, Führen, Besitz und Einfuhr von Waffen und Munition

§ 11

(1) Faustfeuerwaffen dürfen nur gegen Aushändigung eines Waffenerwerbsscheins überlassen oder erworben werden.

(2) Der Waffenerwerbsschein gilt für die Dauer eines Jahres, vom Tage der Ausstellung an gerechnet.

(3) Abs. 1 gilt nicht für:

- a) die Überlassung von Faustfeuerwaffen auf einem polizeilich genehmigten Schießstand zur Benutzung lediglich auf diesem Schießstand;
- b) die Versendung von Faustfeuerwaffen unmittelbar in das Ausland;
- c) die Übermittlung von Faustfeuerwaffen durch Personen, die gewerbsmäßig Güterversendungen besorgen oder ausführen, insbesondere durch Spediteure, Frachtführer, Verfrachter eines Seeschiffes, die Deutsche Reichspost oder die Deutsche Reichsbahn;
- d) den Erwerb von Todes wegen.

§ 12

Eines Waffenerwerbsscheins bedürfen nicht:

1. Behörden des Reichs oder der Länder, die Reichsbank und das Unternehmen „Reichsautobahnen“;
2. Gemeinden (Gemeindeverbände), denen die oberste Landesbehörde den Erwerb ohne Erwerbsschein gestattet hat;
3. die vom Stellvertreter des Führers bestimmten Dienststellen der Nationalsozialistischen Deutschen Arbeiterpartei und ihrer Gliederungen;
4. die vom Reichsminister der Luftfahrt bestimmten Dienststellen des Luftschutzes und des Nationalsozialistischen Fliegerkorps;
5. die vom Reichsminister des Innern bezeichneten Dienststellen der Technischen Nothilfe;
6. die in den §§ 3, 7 bezeichneten Gewerbetreibenden, die sich durch eine behördliche Bescheinigung ausweisen;
7. Inhaber von Waffenscheinen und Jahresjagdscheinen.

§ 13

(1) Jugendlichen unter 18 Jahren dürfen Schusswaffen und Munition sowie Hieb- oder Stoßwaffen nicht entgeltlich überlassen werden.

(2) Die zuständige Behörde kann Ausnahmen zu lassen.

§ 14

(1) Wer außerhalb seines Wohn-, Dienst- oder Geschäftsraumes oder seines befriedeten Besitztums eine Schusswaffe führt, muß einen Waffenschein bei sich tragen. Als Führen einer Schusswaffe gilt nicht ihr Gebrauch auf polizeilich genehmigten Schießständen.

(2) Der Waffenschein ist, sofern seine Geltung nicht ausdrücklich auf einen bestimmten engeren Bezirk beschränkt wird, für das ganze Reichsgebiet gültig. Seine Geltung kann auf bestimmte, ausdrücklich bezeichnete Gelegenheiten oder Ortschaften beschränkt werden.

(3) Der Waffenschein gilt für die Dauer von drei Jahren vom Tage der Ausstellung an gerechnet, soweit nicht eine kürzere Geltungsdauer auf ihm vermerkt ist.

§ 15

(1) Waffenerwerbsscheine oder Waffenscheine dürfen nur an Personen, gegen deren Zuverlässigkeit keine Bedenken bestehen, und nur bei Nachweis eines Bedürfnisses ausgestellt werden.

(2) Die Ausstellung hat insbesondere zu unterbleiben:

1. an Personen unter 18 Jahren;
2. an Entmündigte und geistig Minderwertige;
3. an Zigeuner oder nach Zigeunerart umherziehende Personen;
4. an Personen, gegen die auf Zulässigkeit von Polizeiaufsicht oder auf Verlust der bürgerlichen Ehrenrechte erkannt worden ist, für die Dauer der Zulässigkeit der Polizeiaufsicht oder des Verlustes der bürgerlichen Ehrenrechte;
5. an Personen, die wegen Landesverrats oder Hochverrats verurteilt sind, oder gegen die Tatsachen vorliegen, die die Annahme rechtfertigen, daß sie sich staatsfeindlich betätigen;
6. an Personen, die wegen vorsätzlichen Angriffs auf das Leben oder die Gesundheit, wegen Land- oder Hausfriedensbruchs, wegen Widerstandes gegen die Staatsgewalt, wegen eines gemeingefährlichen Verbrechens oder Vergehens, wegen einer strafbaren Handlung gegen das Eigentum, wegen eines Jagdvergehens oder wegen eines Fischereivergehens zu einer Freiheitsstrafe von mehr als zwei Wochen rechtskräftig verurteilt worden sind, wenn seit Verbüßung der Strafe drei Jahre noch nicht verfloßen sind. Der Verbüßung der Freiheitsstrafe steht ihre Verjährung, ihr Erlass oder ihre Umwandlung in eine Geldstrafe gleich; in diesem Falle beginnt die dreijährige Frist mit dem Tage, an dem die Freiheitsstrafe verjährt oder erlassen oder in eine Geldstrafe umgewandelt worden ist. Ist die Strafe nach einer Probezeit ganz oder teilweise erlassen, so wird die Probezeit auf die Frist angerechnet.

(3) Ausnahmen von Abs. 2 Nr. 1 und 6 können auf Antrag bewilligt werden.

§ 16

Für die Ausstellung eines Waffenerwerbsscheins oder eines Waffenscheins werden nach näherer Bestimmung in der Durchführungsverordnung Gebühren erhoben.

§ 17

Der Waffenerwerbsschein oder der Waffenschein ist zu widerrufen und einzuziehen, wenn die Voraussetzungen für die Erteilung des Scheines nicht gegeben waren oder nicht mehr vorliegen.

§ 18

Eines Waffenerwerbsscheins oder eines Waffenscheins bedürfen hinsichtlich der ihnen dienlich gelieferten Schusswaffen nicht:

1. die Angehörigen der Wehrmacht;
2. die Polizeibeamten einschließlich der Bahnpolizeibeamten, die Bahnschutzangehörigen im Bahnschutzdienst und die Postschutzangehörigen im Postschutzdienst;
3. die Angehörigen der H -Verfügungstruppe und der H -Totenkopfverbände;
4. die Beamten der Vollzugsanstalten der Reichsjustizverwaltung;
5. die im Grenzaufsichts-, Grenzabfertigungs- und Zollfahndungsdienst verwendeten Amtsträger der Reichsfinanzverwaltung;
6. die Bediensteten des Unternehmens „Reichsautobahnen“, zu deren Aufgabekreis die Überwachung der Kraftfahrbahnen gehört;
7. die im Forst-, Feld- und Jagdschutz verwendeten Beamten und Angestellten, die entweder einen Diensteid geleistet haben oder auf Grund der gesetzlichen Vorschriften als Forst-, Feld- oder Jagdschutzberechtigte eidlich verpflichtet oder amtlich bestätigt sind, sowie die Fischereibeamten und die amtlich verpflichteten Fischereiaufseher.

§ 19

(1) Eines Waffenerwerbsscheins oder eines Waffenscheins bedürfen hinsichtlich der ihnen dienlich gelieferten Schusswaffen ferner nicht:

1. im Dienste des Reichs, der Länder, der Reichsbank oder des Unternehmens „Reichsautobahnen“ verwendete Personen, denen von der zuständigen Reichs- oder Landesbehörde, der Reichsbank oder dem Unternehmen „Reichsautobahnen“ das Recht zum Führen von Schusswaffen verliehen ist;
2. Unterführer der Nationalsozialistischen Deutschen Arbeiterpartei vom Ortsgruppenleiter aufwärts, der SA, der H und des Nationalsozialistischen Kraftfahrkorps vom Sturmführer aufwärts sowie der Hitlerjugend vom Bannführer aufwärts, denen von dem Stellvertreter des Führers oder der von diesem bestimmten Stelle das Recht zum Führen von Schusswaffen verliehen ist; ferner die Angehörigen der SA-Wachstandarte Feldherrnhalle in den Fällen, in denen es der Führer bestimmt;
3. Führer der Technischen Nothilfe, denen vom Reichsminister des Innern das Recht zum Führen von Schusswaffen verliehen ist;
4. Personen im Luftschutzdienst, denen vom Reichsminister der Luftfahrt oder der von diesem bestimmten Stelle das Recht zum Führen von Schusswaffen verliehen ist; der Reichsminister der Luftfahrt bestimmt im Einvernehmen mit dem Reichsminister des Innern, welche Gruppen von Personen hierfür in Frage kommen;
5. Führer im Nationalsozialistischen Fliegerkorps vom Sturmführer und selbständigen Truppführer aufwärts und selbständige Leiter von

Schulen, denen vom Reichsminister der Luftfahrt oder der von diesem bestimmten Stelle das Recht zum Führen von Schusswaffen verliehen ist.

(2) An die Stelle des Waffenscheins tritt bei ihnen eine entsprechende Bescheinigung, die für die im Abs. 1 Nr. 1, 3 bis 5 bezeichneten Personen von der vorgesetzten Dienst- oder der Aufsichtsstelle, für die im Abs. 1 Nr. 2 bezeichneten Personen von dem Stellvertreter des Führers oder der von diesem bestimmten Stelle ausgestellt wird.

§ 20

Werden den in den §§ 18, 19 bezeichneten Personen Schusswaffen dienstlich nicht geliefert oder ist das Führen anderer als der dienstlich gelieferten Waffen geboten, so ist die vorgesetzte Dienst- oder die Aufsichtsstelle, bei den im § 19 Abs. 1 Nr. 2 bezeichneten Personen der Stellvertreter des Führers oder die von diesem bestimmte Stelle befugt, ihnen eine Bescheinigung auszustellen, aus der das Recht zum Erwerb oder zum Führen einer Schusswaffe ersichtlich ist.

§ 21

Der Jagdschein berechtigt den Inhaber zum Führen von Jagd- und Faustfeuerwaffen.

§ 22

(1) Der Erwerb von Kriegsgerät ist nur mit Erlaubnis des Oberkommandos der Wehrmacht oder der von ihm bestimmten Stellen zulässig.

(2) Der Begriff des Kriegsgeräts bestimmt sich nach den Vorschriften des Gesetzes über Aus- und Einfuhr von Kriegsgerät vom 6. November 1935 (Reichsgesetzbl. I S. 1337).

§ 23

(1) Im Einzelfalle kann einer Person, die sich staatsfeindlich betätigt hat oder durch die eine Gefährdung der öffentlichen Sicherheit zu befürchten ist, Erwerb, Besitz und Führen von Schusswaffen und Munition sowie von Hieb- oder Stoßwaffen verboten werden.

(2) Waffen und Munition, die sich im Besitz der Person befinden, gegen die das Verbot ausgesprochen ist, sind entschädigungslos einzuziehen.

§ 24

(1) Die Einfuhr von Schusswaffen und Munition über die Zollgrenze bedarf der Erlaubnis. Die Erlaubnis ist zu versagen, wenn gegen die Zuverlässigkeit des Einführenden Bedenken bestehen. Für die Erteilung und den Widerruf der Erlaubnis gelten fernergemäß die Vorschriften des § 15 Abs. 2, 3 und des § 17.

(2) Abs. 1 findet keine Anwendung auf die Einfuhr durch Behörden des Reichs oder der Länder sowie durch die in den §§ 3, 7 bezeichneten Gewerbetreibenden, die sich durch eine behördliche Bescheinigung ausweisen.

(3) Die Vorschriften des Gesetzes über Aus- und Einfuhr von Kriegsgerät vom 6. November 1935 (Reichsgesetzbl. I S. 1337) bleiben unberührt.

(4) In den Zollausschlüssen und Freibeirten werden Schusswaffen und Munition nach Maßgabe der vom Reichsminister der Finanzen im Einvernehmen mit dem Reichsminister des Innern zu erlassenden Vorschriften überwacht.

§ 25

(1) Verboten sind Herstellung, Handel, Führen, Besitz und Einfuhr

1. von Schusswaffen, die zum Zusammenklappen, Zusammenschieben, Verkürzen oder zum schnellen Zerlegen über den für Jagd- und Sportzwecke allgemein üblichen Umfang hinaus besonders eingerichtet oder die in Stöcken, Schirmen, Röhren oder in ähnlicher Weise verborgen sind;

2. von Schusswaffen, die mit einer Vorrichtung zur Dämpfung des Schußknalles oder mit Gewehrscheinwerfern versehen sind; das Verbot erstreckt sich auch auf die bezeichneten Vorrichtungen allein;

3. von Patronen Kaliber · 22 (= 5,6 mm) kurz, lang oder lang für Büchsen (Kleinkaliberpatronen) mit Hohlspitzgeschöß (Voch- oder Kerbgeschöß).

(2) Für die Ausfuhr können Herstellung, Handel und Besitz der im Abs. 1 bezeichneten Schusswaffen, Vorrichtungen und Patronen gestattet werden.

Abschnitt V

Strafbestimmungen

§ 26

(1) Mit Gefängnis bis zu drei Jahren und mit Geldstrafe oder mit einer dieser Strafen wird bestraft, wer vorsätzlich oder fahrlässig den Bestimmungen dieses Gesetzes zuwider

1. Waffen, Munition oder die im § 25 Abs. 1 Nr. 2 bezeichneten Vorrichtungen herstellt, bearbeitet, instand setzt, erwirbt, feilhält, anderen überläßt, besitzt oder einführt, den Erwerb oder das Überlassen solcher Gegenstände vermittelt oder sich zu ihrem Erwerb oder Überlassen erbietet,

2. Schusswaffen führt.

(2) Neben der Strafe können die Waffen, die Munition oder die Vorrichtungen, auf die sich die strafbare Handlung bezieht, ohne Rücksicht darauf, ob sie dem Täter gehören, eingezogen werden. Kann keine bestimmte Person verfolgt oder verurteilt werden, so kann auf die Einziehung selbständig erkannt werden, wenn im übrigen die Voraussetzungen hierfür vorliegen.

§ 27

(1) Mit Geldstrafe bis zu einhundertfünfzig Reichsmark oder mit Haft wird bestraft,

1. wer die nach § 4 Abs. 3 erforderliche Anzeige vorsätzlich oder fahrlässig nicht oder nicht rechtzeitig erstattet,

2. wer den zur Durchführung oder Ergänzung dieses Gesetzes erlassenen Rechtsvorschriften (§ 24 Abs. 1, § 31) vorsätzlich oder fahrlässig zuwiderhandelt.

(2) Wer den im Abs. 1 Nr. 2 bezeichneten Vorschriften vorsätzlich zuwiderhandelt, nachdem er wegen ihrer vorsächlichen oder fahrlässigen Übertretung zweimal rechtskräftig verurteilt ist, wird mit Gefängnis bis zu einem Jahre und mit Geldstrafe oder mit einer dieser Strafen bestraft. Diese Vorschrift findet keine Anwendung, wenn seit der Rechtskraft der letzten Verurteilung bis zur Begehung der neuen Tat mehr als drei Jahre verfloßen sind.

Abschnitt VI

Schluß- und Übergangsbestimmungen

§ 28

Auf die in den §§ 3, 7 bezeichneten Gewerbebetriebe finden die Vorschriften der Gewerbeordnung insoweit Anwendung, als nicht in diesem Gesetz besondere Bestimmungen getroffen sind.

§ 29

(1) Wer beim Inkrafttreten dieses Gesetzes zum Betrieb eines der in den §§ 3, 7 bezeichneten Gewerbebetriebe berechtigt ist, bedarf keiner neuen Erlaubnis auf Grund dieses Gesetzes. Die nach den Vorschriften des Gesetzes über Schusswaffen und Munition vom 12. April 1928 (Reichsgesetzbl. I S. 143) erteilte Genehmigung ist jedoch bis zum 31. März 1939 zu widerrufen, wenn zu diesem Zeitpunkt die im § 3 Abs. 2 bis 5 bestimmten Voraussetzungen nicht vorliegen. Für Waffenhersteller bedarf es dabei eines Nachweises der fachlichen Eignung dann nicht, wenn sie beim Inkrafttreten dieses Gesetzes ihr Gewerbe ununterbrochen mindestens fünf Jahre lang ausgeübt haben. Die auf Grund des § 5 des Gesetzes über Schusswaffen und Munition erteilte Genehmigung zum Handel mit Schusswaffen oder Munition kann bis zum 31. März 1939 ferner widerrufen werden, wenn ein Bedürfnis für die Aufrechterhaltung dieser Genehmigung örtlich besteht.

(2) Bedürfte der Gewerbetreibende bisher keiner Genehmigung, weil es sich um Schusswaffen oder um Munition handelte, die den Vorschriften des Gesetzes über Schusswaffen und Munition vom 12. April 1928 (Reichsgesetzbl. I S. 143) nicht unterlagen, so ist, wenn die Schusswaffen oder die Munition den Vorschriften dieses Gesetzes unterliegen, die Erlaubnis nach §§ 3, 7 binnen eines Monats nach dem Inkrafttreten dieses Gesetzes zu beantragen.

(3) Im Falle des Abs. 2 tritt die Strafbarkeit nach § 26 Abs. 1 Nr. 1 erst mit dem Ablauf eines Monats nach dem Inkrafttreten dieses Gesetzes oder, falls der Antrag innerhalb dieser Frist gestellt ist, mit Ablauf eines Monats nach seiner endgültigen Ablehnung ein.

§ 30

(1) Schusswaffen, die nicht die im § 10 vorgeschriebene Kennzeichnung tragen, dürfen noch bis zum Ablauf eines Jahres nach dem Inkrafttreten dieses Gesetzes gewerbsmäßig feilgehalten oder anderen überlassen

werden, wenn ihre Kennzeichnung den Vorschriften des § 9 des Gesetzes über Schusswaffen und Munition vom 12. April 1928 (Reichsgesetzbl. I S. 143) entspricht oder wenn sie diesen Vorschriften nicht unterlagen.

(2) Bei Schusswaffen, die nicht den Vorschriften des § 9 des Gesetzes über Schusswaffen und Munition vom 12. April 1928 (Reichsgesetzbl. I S. 143) unterlagen und bei denen die Firma des Herstellers nicht mehr festzustellen ist, erloschen ist oder bis zum Ablauf eines Jahres nach dem Inkrafttreten dieses Gesetzes erlischt, genügt statt der im § 10 dieses Gesetzes vorgeschriebenen Kennzeichnung die Angabe der Firma oder des eingetragenen Warenzeichens eines im Inlande wohnenden Händlers auf der Schusswaffe.

§ 31

Der Reichsminister des Innern erläßt die zur Durchführung und Ergänzung dieses Gesetzes erforderlichen Rechts- und Verwaltungsvorschriften. Er kann für bestimmte Arten von Waffen oder Munition Ausnahmen von den Vorschriften dieses Gesetzes zulassen.

§ 32

Weitergehende landesrechtliche Beschränkungen der Herstellung, des Handels, des Erwerbs, des Führens oder des Besitzes von Hieb- oder Stoßwaffen, mit Ausnahme der für Zigeuner oder nach Zigeunerart umherziehende Personen geltenden Vorschriften, treten spätestens sechs Monate nach Inkrafttreten dieses Gesetzes außer Kraft.

§ 33

(1) Dieses Gesetz tritt am 1. April 1938 in Kraft.

(2) Gleichzeitig treten außer Kraft:

1. das Gesetz über Schusswaffen und Munition vom 12. April 1928 (Reichsgesetzbl. I S. 143);
2. die Ausführungsverordnung zu dem Gesetz über Schusswaffen und Munition vom 13. Juli 1928 (Reichsgesetzbl. I S. 198) in der Fassung der Verordnung vom 2. Juni 1932 (Reichsgesetzbl. I S. 253);
3. das Gesetz gegen Waffenmißbrauch vom 28. März 1931 (Reichsgesetzbl. I S. 77) in der Fassung des § 10 der Verordnung des Reichspräsidenten zur Erhaltung des inneren Friedens vom 19. Dezember 1932 (Reichsgesetzbl. I S. 518);
4. Kapitel I (Maßnahmen gegen Waffenmißbrauch) des 8. Teils der Vierten Verordnung des Reichspräsidenten zur Sicherung von Wirtschaft und Finanzen und zum Schutze des inneren Friedens vom 8. Dezember 1931 (Reichsgesetzbl. I S. 699, 742);
5. § 56 Abs. 2 Ziffer 8 der Gewerbeordnung.

(3) Die Inkraftsetzung dieses Gesetzes für das Land Österreich bleibt vorbehalten.

Berlin, den 18. März 1938.

Der Führer und Reichskanzler

Adolf Hitler

Der Reichsminister des Innern

Frick

The following pages contain the translated text of the 1938 Nazi "gun control" law on the left side and the corresponding section of the United States Gun Control Act of 1968 (amended) on the right.

The Nazi Law of 1938

WEAPONS LAW
18 March 1938

The German Government has adopted the following law, which is herewith announced:

SECTION I. General Points

§ 1

- (1) Firearms, as defined in this law, are weapons from which a solid object may be driven through a barrel, by gas or air pressure.
- (2) Ammunition, as defined in this law, is ready-made firearms ammunition, as well as gun powder of any type.
- (3) Finished – or almost-finished – major components of firearms or ammunition are the same as ready-made firearms or ammunition.

§ 2

Truncheons or stabbing weapons, as defined in this law, are weapons which by their nature are definitely intended to produce wounds through beating, stabbing, or puncturing.

SECTION II. Manufacture of Firearms and Ammunition

§ 3

- (1) Whoever desires professionally to manufacture, modify, or repair firearms or ammunition requires a license. The re-loading of cartridge cases is considered to be the same as the manufacture or ammunition.
- (2) The license will only be granted if the applicant is a German citizen and has a permanent residence in Germany territory.
- (3) The Minister of the Interior is permitted to make exceptions to the requirements of Section II, with the consent of other concerned government ministries.
- (4) The license will also only be granted if the applicant – and the persons proposed for the commercial or technical management of the business – have the requisite trustworthiness, and if the applicant – or the persons proposed for the technical management of the business – have the requisite technical qualifications.
- (5) The license must not be issued if the applicant – or if one of the persons proposed for the commercial or technical management of the business – is a Jew.

§ 4

- (1) With the granting of a license a grace period of up to one year can be allotted, during which the business must be started, failing which the license expires. If a grace period is not specified, then the license expires if the business is not begun within a year of the granting of the license. The one-year grace period may be extended for a valid reason.
- (2) Furthermore, the license expires if the entrepreneur is inactive in this trade for a year, unless he has been granted an extension which is not to exceed one year - within which he shall have resumed his trade. This grace period can be extended for a valid reason.
- (3) An entrepreneur has one week to give written notice that he has begun his business or that he has ceased to be active.

CHAPTER 44—FIREARMS

Sec.

- 921. Definitions.
- 922. Unlawful acts.
- 923. Licensing.
- 924. Penalties.
- 925. Exceptions: Relief from disabilities.
- 926. Rules and regulations.
- 926A. Interstate transportation of firearms.
- 927. Effect on State law.
- 928. Separability clause.
- 929. Use of restricted ammunition.

§ 921. Definitions

(a) As used in this chapter—

§ 1

(3) The term "**firearm**" means

(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;

(17)(A) The term "ammunition" means ammunition or cartridge cases, primers, bullets, or propellant powder designed for use in any firearm.

§ 2

The U.S. Gun Control Act of 1968, as amended, does not cover truncheons or stabbing weapons. State and/or local laws may apply.

§ 3

(10) The term "**manufacturer**" means any person engaged in the business of manufacturing firearms or ammunition for purposes of sale or distribution; and the term "**licensed manufacturer**" means any such person licensed under the provisions of this chapter.

(11) The term "**dealer**" means

(A) any person engaged in the business of selling firearms at wholesale or retail,

(B) any person engaged in the business of repairing firearms or of making or fitting special barrels, stocks, or trigger mechanisms to firearms,

(21) The term "**engaged in the business**" means—

(A) As applied to a manufacturer of firearms, a person who devotes time, attention, and labor to manufacture firearms as a regular course of trade or business with the principal objective of livelihood and profit through the sale or distribution of the firearms manufactured.

(B) as applied to a manufacturer of ammunition, a person who devotes time, attention, and labor to manufacturing ammunition as a regular course of trade or business with the principal objective of livelihood and profit through the sale or

distribution of the ammunition manufactured:

(C) as applied to a dealer in firearms, as defined in section 921 (a)(11)(A), a person who 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, but such term shall not include a person who 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 personal collection of firearms;

(D) as applied to a dealer in firearms, as defined in section 921 (a)(11)(B), a person who devotes time, attention, and labor to engaging in such activity as a regular course of trade or business with the principal objective of livelihood and profit, but such term shall not include a person who makes occasional repairs of firearms, or who occasionally fits special barrels, stocks, or trigger mechanisms to firearms;

§ 923. Licensing

(a) No person shall engage in the business of importing, manufacturing, or dealing in firearms, or importing or manufacturing ammunition, until he has filed an application with and received a license to do so from the Secretary. The application shall be in such form and contain only that information necessary to determine eligibility for licensing as the Secretary shall by regulation prescribe.

(b) Any person desiring to be licensed as a collector shall file an application for such license with the Secretary. The application shall be in such form and contain only that information necessary to determine eligibility as the Secretary shall by regulation prescribe. The fee for such license shall be \$10 per year. Any license granted under this subsection shall only apply to transactions in curios and relics.

(c) Upon the filing of a proper application and payment of the prescribed fee, the Secretary shall issue to a qualified applicant the appropriate license which, subject to the provisions of this chapter and other applicable provisions of law, shall entitle the licensee to transport, ship, and receive firearms and ammunition covered by such license in interstate or foreign commerce during the period stated in the license.

(d)(1) Any application submitted under subsection (a) or (b) of this section shall be approved if—

(A) the applicant is twenty-one years of age or over;

(B) the applicant (including, in the case of a corporation, partnership, or association, any individual possessing, directly or indirectly, the power to direct or cause the direction of the management and policies of the corporation, partnership, or association) is not prohibited from transporting, shipping, or receiving firearms or ammunition in interstate or foreign commerce under section 922(g) and (h) of this chapter;

(C) the applicant has not willfully violated any of the provisions of this chapter or regulations

issued thereunder;

(D) the applicant has not willfully failed to disclose any material information required, or has not made any false statement as to any material fact, in connection with his application; and

(E) the applicant has in a State (i) premises from which he conducts business subject to license under this chapter or from which he intends to conduct such business within a reasonable period of time, or (ii) in the case of a collector, premises from which he conducts his collecting subject to license under this chapter or from which he intends to conduct such collecting within a reasonable period of time.

(2) The Secretary must approve or deny an application for a license within the forty-five-day period beginning on the date it is received. If the Secretary fails to act within such period, the applicant may file an action under section 1361 of title 28 to compel the Secretary to act. If the Secretary approves an applicant's application, such applicant shall be issued a license upon the payment of the prescribed fee.

§ 4

The U.S. Gun Control Act of 1968, as amended, imposes no such deadlines.

The Nazi Law of 1938

§5

- (1) The license to do business is revoked if either the entrepreneur himself or the management of the business, no longer satisfy the prerequisites required for the granting of the license.
- (2) If the license is revoked, the conduct of the business may at once be temporarily prohibited. This measure may be rescinded if in no more than a week – an application for re-acceptance is made to the competent authorities, who have first of all to decide on the temporary prohibition; against this decision no complaint is permissible.

§6

If the license is denied or revoked, a new license may only be granted within two years, if special conditions justify it.

SECTION III. Dealing in Weapons and Ammunition

§7

- (1) A license is required by anyone who professionally acquires, has for sale or otherwise transfers; or who professionally acquires or transfers such items; or who professionally wants to offer to acquire or to transfer, firearms or ammunition.
- (2) The provisions of § 3 (2) through (5) and of §§ 4 through 6 apply accordingly.
- (3) A license granted under § 3, (1), includes the license to acquire, to sell, or otherwise to dispose of firearms and ammunition.

§8

The license under § 7 will not be granted to dealers in second-hand goods.

§9

- (1) It is forbidden to trade in firearms or ammunition – as well as truncheons or stabbing weapons:
 1. as an itinerant
 2. at yearly fairs, shooting matches, and trade fairs with the exception of sample fairs
- (2) The prohibition of (1), No. 2. does not apply to the sale or to the receiving of ammunition necessary at a shooting match on a rifle range.

§10

- (1) Firearms, professionally sold or otherwise transferred, must bear the manufacturer's name and a consecutive manufacturer's number (serial number -trans.).
- (2) Firearms which do not have the name of a domestic manufacturer, must bear – besides the prescribed information in (1) – the company name or the registered trade mark of a domestic dealer.

SECTION IV. Acquisition, Carrying, Possession, and Importation of Firearms and Ammunition

§11

- (1) handguns may only be received or transferred in exchange for a firearms acquisition permit.
- (2) The firearms acquisition permit is valid for a year, counting from the date of issue.
- (3) (1) does not apply to:
 - a) The transfer of handguns to a police-approved shooting range for use only at the shooting range;
 - b) the direct exportation of handguns abroad
 - c) the delivery of handguns through professional exporters, specifically shipping agents, freight forwarders, ship charterers, the German postal system, or German railways;
 - d) acquisition in consequence of a death.

§12

A firearms acquisition permit is not needed by:

1. Officials of the central government the states, the German Central Bank, and the German Super-highways (Autobahnen) Company
2. Communities (united communities) whom the highest government authority has permitted acquisition without an acquisition permit
3. Departments of the National Socialist German Workers' Party and their offices as specified by the Fuhrer's deputy;
4. Air Defense Departments and the National Socialist Aviator's Corps, as specified by the Minister for Air Travel;
5. Departments of the Technical Emergency Services as designated by the Minister of the Interior;
6. the business owners designated in §§ 3, 7 who can produce an official certificate.
7. Holders of firearms carry permits and annual hunting permits.

§13

- (1) Juveniles under 18 years of age are not permitted to buy firearms, ammunition, as well as truncheons or stabbing weapons.
- (2) The competent authority may make exceptions.

§14

- (1) Whoever carries a firearm outside of his home, office, or place of business, or his fenced property, must have on him a firearms carry permit. A permit is not needed to carry a firearm on a police-approved firing range.
- (2) The firearms carry permit is valid for ail of Germany, as long as its validity is not expressly confined to a definitely restricted area. its validity may be restricted to specified, expressly-designated occasions or places.
- (3) A firearms carry permit has a validity of three years from the date of issue, unless a shorter period of validity is marked on it.

§ 5 - 6

(e) The Secretary may, after notice and opportunity for hearing, revoke any license issued under this section if the holder of such license has willfully violated any provision of this chapter or any rule or regulation prescribed by the Secretary under this chapter. The Secretary may, after notice and opportunity for hearing, revoke the license of a dealer who willfully transfers armor piercing ammunition. The Secretary's action under this subsection may be reviewed only as provided in subsection (f) of this section.

(f)(1) Any person whose application for a license is denied and any holder of a license which is revoked shall receive a written notice from the Secretary stating specifically the grounds upon which the application was denied or upon which the license was revoked. Any notice of a revocation of a license shall be given to the holder of such license before the effective date of the revocation.

(2) If the Secretary denies an application for, or revokes, a license, he shall, upon request by the aggrieved party, promptly hold a hearing to review his denial or revocation. In the case of a revocation of a license, the Secretary shall upon the request of the holder of the license stay the effective date of the revocation. A hearing held under this paragraph shall be held at a location convenient to the aggrieved party.

(3) If after a hearing held under paragraph (2) the Secretary decides not to reverse his decision to deny an application or revoke a license, the Secretary shall give notice of his decision to the aggrieved party. The aggrieved party may at any time within sixty days after the date notice was given under this paragraph file a petition with the United States district court for the district in which he resides or has his principal place of business for a de novo judicial review of such denial or revocation. In a proceeding conducted under this subsection, the court may consider any evidence submitted by the parties to the proceeding whether or not such evidence was considered at the hearing held under paragraph (2). If the court decides that the Secretary was not authorized to deny the application or to revoke the license, the court shall order the Secretary to take such action as may be necessary to comply with the judgment of the court.

(4) If criminal proceedings are instituted against a licensee alleging any violation of this chapter or of rules or regulations prescribed under this chapter, and the licensee is acquitted of such charges, or such proceedings are terminated, other than upon motion of the Government before trial upon such charges, the Secretary shall be absolutely barred from denying or revoking any license granted under this chapter where such denial or revocation is based in whole or in part on the facts which form the basis of such criminal charges. No proceedings for the revocation of a license shall be instituted by the Secretary more than one year after the filing of the indictment or information.

§ 7

See §3, above

§ 8

The U.S. Gun Control Act of 1968, as amended,

does not impose such a restriction. State and/or local laws may apply.

§9

§ 923. Licensing

(i) A licensed importer, licensed manufacturer, or licensed dealer may, under rules or regulations prescribed by the Secretary, conduct business temporarily at a location other than the location specified on the license if such temporary location is the location for a gun show or event sponsored by any national, State, or local organization, or any affiliate of any such organization devoted to the collection, competitive use, or other sporting use of firearms in the community, and such location is in the State which is specified on the license. Records of receipt and disposition of firearms transactions conducted at such temporary location shall include the location of the sale or other disposition and shall be entered in the permanent records of the licensee and retained on the location specified on the license. Nothing in this subsection shall authorize any licensee to conduct business in or from any motorized or towed vehicle. Notwithstanding the provisions of subsection (a) of this section, a separate fee shall not be required of a licensee with respect to business conducted under this subsection. Any inspection or examination of inventory or records under this chapter by the Secretary at such temporary location shall be limited to inventory consisting of, or records relating to, firearms held or disposed at such temporary location. Nothing in this subsection shall be construed to authorize the Secretary to inspect or examine the inventory or records of a licensed importer, licensed manufacturer, or licensed dealer at any location other than the location specified on the license. Nothing in this subsection shall be construed to diminish in any manner any right to display, sell, or otherwise dispose of firearms or ammunition, which is in effect before the date of the enactment of the Firearms Owners' Protection Act.

§ 10

(i) Licensed importers and, licensed manufacturers shall identify, by means of a serial number engraved or cast on the receiver or frame of the weapon, in such manner as the Secretary shall by regulations prescribe, each firearm imported or manufactured by such importer or manufacturer.

§ 11

The U.S. Gun Control Act of 1968, as amended, does not now impose such restrictions. State and/or local laws may apply.

§ 12

§ 925. Exceptions: Relief from disabilities

(a)(1) The provisions of this chapter shall not apply with respect to the transportation, shipment, receipt, or importation of any [firearms] or ammunition imported for, sold or shipped to, or issued for the use of, the United States or any department or agency thereof or any State or any department, agency, or political subdivision thereof.

(2) The provisions of this chapter shall not apply with respect to

(A) the shipment or receipt of firearms or ammu-

nition when sold or issued by the Secretary of the Army pursuant to section 430B of Title 10, and

(B) the transportation of any such firearm or ammunition carried out to enable a person, who lawfully received such firearm or ammunition from the Secretary of the Army, to engage in military training or in competitions.

(3) Unless otherwise prohibited by this chapter or any other Federal law, a licensed importer, licensed manufacturer, or licensed dealer may ship to a member of the United States Armed Forces on active duty outside the United States or to clubs, recognized by the Department of Defense, whose entire membership is composed of such members, and such members or clubs may receive a firearm or ammunition determined by the Secretary of the Treasury to be generally recognized as particularly suitable for sporting purposes and intended for the personal use of such member or club.

(4) was established to the satisfaction of the Secretary to be consistent with the provisions of this chapter and other applicable Federal and State laws and published ordinances, the Secretary may authorize the transportation, shipment, receipt, or importation into the United States to the place of residence of any member of the United States Armed Forces who is on active duty outside the United States (or who has been on active duty outside the United States within the sixty day period immediately preceding the transportation, shipment, receipt, or importation), of any firearm or ammunition which is

(A) determined by the Secretary to be generally recognized as particularly suitable for sporting purposes, or determined by the Department of Defense to be a type of firearm normally classified as a war souvenir, and

(B) intended for the personal use of such member.

(5) For the purpose of paragraphs (3) and (4) of this subsection, the term "United States" means each of the several States and the District of Columbia.

§ 13

§ 922. Unlawful acts

(b) It shall be unlawful for any licensed importer, licensed manufacturer, licensed dealer, or licensed collector to sell or deliver—

(1) any firearm or ammunition to any individual who the licensee knows or has reasonable cause to believe is less than eighteen years of age, and, if the firearm, or ammunition is other than a shotgun or rifle, or ammunition for a shotgun or rifle, to any individual who the licensee knows or has reasonable cause to believe is less than twenty-one years of age:

§ 14

The U.S. Gun Control Act of 1968, as amended, makes no provision for the personal carrying of firearms, concealed or otherwise. State and/or local laws apply.

The Nazi Law of 1938

§15

- (1) Firearms acquisition permits or firearms carry permits are only to be granted to persons of undoubted reliability, and only if a demonstration of need is set forth.
- (2) Issuance should not take place:
 1. to persons under 18 years of age
 2. to persons under trusteeship and the mentally retarded;
 3. to Gypsies, or to persons who are itinerant like Gypsies;
 4. to persons under police supervision or known to have lost their civil rights, for the duration of police supervision or the loss of their civil rights.
 5. to persons convicted of high treason, or against whom facts are presented which give reason to suppose that they are actively subversive;
 6. to persons, who, on account of: deliberate attacks on life or health; public disorderly conduct or trespassing; resistance to government authority; an offense dangerous to the public or misdemeanors; for a punishable offense against property; a hunting or fishing offense legally punishable by more than two weeks imprisonment if three years have not elapsed since the sentence was served. The punishment of imprisonment may stand as prescribed, be reduced, or commuted into a fine; in these cases the three-year period begins with the day on which imprisonment ends, or is reduced, or is converted into a fine. If this punishment is wholly or partly imposed after probation, the probation period should be added to the time period.
- (3) Exceptions to (2) Nos. 1 and 6 may be permitted upon application.

§16

The fees to be charged for the issuance of a firearms acquisition permit or a firearms carry permit will be defined in the implementing regulations.

§17

The firearms acquisition permit or the firearms carry permit is to be cancelled and confiscated if the conditions under which the permit was granted were not met or no longer obtain.

§18

A firearms acquisition permit or a firearms carry permit is not needed for service-related firearms for:

1. Members of the Armed Forces;
2. Police officials including the Railway Police; Railway Protective Service employees; and employees of the Postal Protection Service;
3. Members of the SS-Reserves and the SS Death'shead units (the SS, or *Schutzstaffel* [literally "protection detachment"] was the elite Nazi Party militia and also battlefield combat force -trans.);
4. Officials of the Executive Office of the German Justice Administration
5. Nazi Party officials employed in the German Finance Ministry in frontier surveillance, customs clearances, or customs inspection services.
6. Employees of the German Super-highways (Autobahnen) Company, in whose field of endeavor belongs the supervision of highways.
7. Officials and employees in Forest-, Field, and Hunting-protection service, who have either sworn an official oath or who are authorized by reason of a legal regulation as Forest-, Field-, or Hunting-protection authorities as bound by legal oaths, as well as Fisheries officials, and officially sworn Fisheries supervisors.

§19

- (1) Those to whom a firearm is supplied for official purposes do not require a firearms acquisition permit or a firearms carry permit:
 1. Those in service of the central government, the states, the Central Bank, the German Superhighways (*Autobahnen*) Company;
 2. Deputy-leaders of the Nazi Party from Ortsgruppenführer (Head of Local Nazi Party Organization trans.) upwards, the S.A. (Nazi para-military group -trans.), the SS, and the National Socialist Motor Corps from *Sturmführer* (Captain -trans.) upwards as well as Hitler Youth from *Bannführer* (Regiment Leader -trans.) upwards, to whom the Führer's deputy – or to those in specified positions to whom the Law – gives the right to carry firearms, further the members of the S.A. Guard Regiment at the S.A. Memorial (the *Feldherrnhalle*, burial site of S.A. members who died in Hitler's failed coup of 1923 – trans.), and in cases authorized by the Führer.
 3. Leaders of the Technical Emergency Services, to whom the Minister of the Interior has granted the right to carry firearms.
 4. Persons in the Air Defense Service, to whom the Minister of Air Transport – or his designee – has granted the right to carry firearms; the Minister for Air Transport should concur with the Interior Ministry as to which groups of persons are involved
 5. Leaders in the National Socialist Aviator Corps from Captain upwards, and independent company leaders, and independent leaders of schools, to whom the Minister for Air Transport – or his designee has granted the right to carry firearms.
- (2) In place of the firearms carry permit, the ministries should agree on an appropriate certificate which will be issued to the designated persons of the listed Services or Surveillance offices, as in (1) Nos. 1, 3-5, and to the persons designated in (1) No. 2, which will be issued by the Führer's deputy or by whomever that authority shall specify.

§20

Should a person designated in §§ 18, 19 not be officially furnished with a firearm, or if the carrying of a weapon other than the one officially furnished is required, the Service or Surveillance office – by the persons designated in § 19, (1), No. 2, of the Führer's deputy, or by whomever that authority shall authorize – shall issue a permit, from which the right to acquire or to carry a firearm is evident.

§21

A hunting license entitles the holder to carry firearms and handguns.

§ 15

§ 922. Unlawful acts

(d) It shall be unlawful for any person to sell or otherwise dispose of any firearm or ammunition to any person knowing or having reasonable cause to believe that such person—

(1) is under indictment for, or has been convicted in any court of, a crime punishable by imprisonment for a term exceeding one year;

(2) is a fugitive from justice;

(3) is an unlawful user of or addicted to any controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802));

(4) has been adjudicated as a mental defective or has been committed to any mental institution;

(5) who, being an alien, is illegally or unlawfully in the United States;

(6) who has been discharged from the Armed Forces under dishonorable conditions; or

(7) who, having been a citizen of the United States, has renounced his citizenship.

This subsection shall not apply with respect to the sale or disposition of a firearm or ammunition to a licensed importer, licensed manufacturer, licensed dealer, or licensed collector who pursuant to subsection (b) of section 925 of this chapter is not precluded from dealing in firearms or ammunition, or to a person who has been granted relief from disabilities pursuant to subsection (c) of section 925 of this chapter.

(g) It shall be unlawful for any person—

(1) who has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year;

(2) who is a fugitive from justice;

(3) [who] is an unlawful user of or addicted to any controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802));

(4) who has been adjudicated as a mental defective or who has been committed to a mental institution;

(5) who, being an alien, is illegally or unlawfully in the United States;

(6) who has been discharged from the Armed Forces under dishonorable conditions; or

(7) who, having been a citizen of the United States, has renounced his citizenship; to ship or transport in interstate or foreign commerce, or possess in or affecting commerce, any firearm or ammunition; or to receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce.

§ 16

As the U.S. Gun Control Act of 1968, as amended, makes no provision for the personal carrying of firearms, concealed or otherwise, the matter of Federal fees cannot arise. State and/or local laws apply.

§ 17

State and/or local laws apply.

§ 18 - 19

§ 925. Exceptions: Relief from disabilities

(a)(1) The provisions of this chapter shall not apply with respect to the transportation, shipment, receipt, or importation of any firearm or ammunition imported for, sold or shipped to, or issued for the use of, the United States or any department or agency thereof or any State or any department, agency, or political subdivision thereof.

(2) The provisions of this chapter shall not apply with respect to

(A) the shipment or receipt of firearms or ammunition when sold or issued by the Secretary of the Army pursuant to section 4308 of title 10, and

(B) the transportation of any such firearm or ammunition carried out to enable a person, who lawfully received such firearm or ammunition from the Secretary of the Army, to engage in military training or in competitions.

(3) Unless otherwise prohibited by this chapter or any other Federal law, a licensed importer, licensed manufacturer, or licensed dealer may ship to a member of the United States Armed Forces on active duty outside the United States or to clubs, recognized by the Department of Defense, whose entire membership is composed of such members, and such members or clubs may receive a firearm or ammunition determined by the Secretary of the Treasury to be generally recognized as particularly suitable for sporting purposes and intended for the personal use of such member or club.

(4) was established to the satisfaction of the Secretary to be consistent with the provisions of this chapter and other applicable Federal and State laws and published ordinances, the Secretary may authorize the transportation, shipment, receipt, or importation into the United States to the place of residence of any member of the United States Armed Forces who is on active duty outside the United States (or who has been on active duty outside the United States within the sixty day period immediately preceding the transportation, shipment, receipt, or importation), of any firearm or ammunition which is

(A) determined by the Secretary to be generally recognized as particularly suitable for sporting purposes, or determined by the Department of Defense to be a type of firearm normally classified as a war souvenir, and

(B) intended for the personal use of such member.

(5) For the purpose of paragraphs (3) and (4) of this subsection, the term "United States" means each of the several States and the District of Columbia.

§ 20 - 21

This is not covered by the U.S. Gun Control Act of 1968, as amended; other federal laws may apply.

The Nazi Law of 1938

§22

- (1) Dealing in war material is only permissible with a permit from the Army High Command or the authority designated by him.
- (2) The term "war materiel" is defined in the provisions of the law on Export and Import of War Material of 6 November 1935 (*Reichsgesetzblatt*, Volume 1, p. 1337).

§23

- (1) In particular cases, a person hostile to the government – or who it is feared may endanger public security – will be prohibited from acquiring, possessing, and carrying firearms and ammunition, as well as truncheons or stabbing weapons.
- (2) Weapons and ammunition found in the possession of such a person against whom a Prohibition has been issued, are to be confiscated without compensation.

§24

- (1) A permit is required for the import of firearms or ammunition across customs frontiers. The permit is to be denied if any doubts exist as to the trustworthiness of the importer. For the granting and revocation of the permit, the provisions of § 15, (2),(3), and (2) (1) does not apply to imports by the central government or the states, as well as to the businesses designated in §§ 3 and 7 who possess an official permit.
- (3) The provisions of the Law on the Export and Import of War Material of 6 November 1935 (*Reichsgesetzblatt*, Volume 1, p. 1337) are not affected.
- (4) In customs duty-exempt areas and free zones, the Minister of Finance in accord with the Minister of the Interior shall take measures to supervise firearms and ammunition, according to the regulations issued.

§25

- (1) It is forbidden to manufacture, to deal in, to carry, to possess, and to import:
 1. Firearms which fold-down, break-down, are collapsible. or are speedily dismantled – beyond the common limits of hunting and sporting activities – or which may, in similar ways, be concealed in canes, umbrellas, or pipes.
 2. Firearms equipped with a sound-suppressing device, or with a searchlight; the prohibition also extends to the specified devices themselves
 3. Cartridges of .22 caliber (= 5.6mm), short, long, or long-for-rifles (small-caliber cartridges) with hollow-point bullets (hollow cavity or notched bullets).
- (2) The manufacture, dealing in, and possession of firearms, devices, and cartridges designated in (1) may be permitted for exportation.

SECTION V. Penalties §26

- (1) With imprisonment up to three years and a fine – or with one of these sanctions – will be punished anyone who – willfully or negligently – violates the provisions of this Law and who:
 1. manufactures, processes, assembles, acquires, sells, otherwise turns over, possesses, imports, facilitates the acquisition or the turning over of such devices, or offers to acquire or to turn over, the weapons, ammunition or the devices specified in § 25, (1), No. 2.
 2. carries firearms.
- (2) Besides the punishment, the weapons, the ammunition, or the devices involved in the punishable dealings will be confiscated, without regard to whether or not they belong to the violator. The confiscation will take place even if no specific person is prosecuted or convicted, if, however, the provisions of the law are satisfied.

§ 22

§ 921. Definitions

(4) The term "destructive device" means—

- (A) any explosive, incendiary, or poison gas—
 - (i) bomb,
 - (ii) grenade,
 - (iii) rocket having a propellant charge of more than four ounces,
 - (iv) missile having an explosive or incendiary charge of more than one-quarter ounce,
 - (v) mine, or
 - (vi) device similar to any of the devices described in the preceding clauses;

(B) any type of weapon (other than a shotgun or a shotgun shell which the Secretary finds is generally recognized as particularly suitable for sporting purposes) by whatever name known which will, or which may be readily converted to, expel a projectile by the action of an explosive or other propellant, and which has any barrel with a bore of more than one-half inch in diameter; and

(C) any combination of parts either designed or intended for use in converting any device into any destructive device described in subparagraph (A) or (B) and from which a destructive device may be readily assembled.

The term "destructive device" shall not include any device which is neither designed nor redesigned for use as a weapon; any device, although originally designed for use as a weapon, which is redesigned for use as a signaling, pyrotechnic, line throwing, safety, or similar device; surplus ordnance sold, loaned, or given by the Secretary of the Army pursuant to the provisions of section 4684(2), 4685, or 4686 of title 10; or any other device which the Secretary of the Treasury finds is not likely to be used as a weapon, is an antique, or is a rifle which the owner intends to use solely for sporting, recreational or cultural purposes.

§ 922. Unlawful acts

(a) It shall be unlawful—

(4) for any person, other than a licensed importer, licensed manufacturer, licensed dealer, or licensed collector, to transport in interstate or foreign commerce any destructive device, machinegun (as defined in section 5845 of the Internal Revenue Code of 1954), short-barreled shotgun, or shortbarreled rifle, except as specifically authorized by the Secretary consistent with public safety and necessity;

§ 23

§ 925. Exceptions: Relief from disabilities

(c) A person who is prohibited from possessing, shipping, transporting, or receiving firearms or ammunition may make application to the Secretary for relief from the disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, transportation, or possession of firearms, and the Secretary may grant such relief if it is established to his satisfaction that the circumstances regarding the conviction, and the applicant's record

and reputation, are such that the applicant will not be likely to act in a manner dangerous to public safety and that the granting of the relief would not be contrary to the public interest. Any person whose application for relief from disabilities is denied by the Secretary may file a petition with the United States district court for the district in which he resides for a judicial review of such denial. The court may in its discretion admit additional evidence where failure to do so would result in a miscarriage of justice.

§ 24

See § 923, page 85.

§ 25

See National Firearms Act of 1934, as amended, which permits possession of sound suppressors and short-barreled firearms. Possession of sound suppressors and/or short-barreled firearms is banned under some state and/or local laws.

§ 922. Unlawful acts

(7) for any person to manufacture or import armor piercing ammunition, except that this paragraph shall not apply to—

(A) the manufacture or importation of such ammunition for the use of the United States or any department or agency thereof or any State or any department, agency, or political subdivision thereof;

(B) the manufacture of such ammunition for the purpose of exportation; and

(C) any manufacture or importation for the purposes of testing or experimentation authorized by the Secretary; and

(8) for any manufacturer or importer to sell or deliver armor piercing ammunition, except that this paragraph shall not apply to—

(A) the sale or delivery by a manufacturer or importer of such ammunition for use of the United States or any department or agency thereof or any State or any department, agency, or political subdivision thereof;

(B) the sale or delivery by a manufacturer or importer of such ammunition for the purpose of exportation;

(C) the sale or delivery by a manufacturer or importer of such ammunition for the purposes of testing or experimenting authorized by the Secretary.

§ 26

§ 924. Penalties

(a)(1) Except as otherwise provided in paragraph (2) of this subsection, subsection (b) or (c) of this section, or in section 929, whoever—

(A) knowingly makes any false statement or representation with respect to the information required by this chapter to be kept in the records of a person licensed under this chapter or in applying for any license or exemption or relief from disability under the provisions of this chapter;

(B) knowingly violates subsection (a)(4), (a)(6), (f), (g), (i), (j), or (k) of section 922;

(C) knowingly imports or brings into the United States or any possession thereof any firearm or ammunition in violation of section 922(1); or

(D) willfully violates any other provision of this chapter, shall be fined not more than \$5,000, imprisoned not more than five years, or both, and shall become eligible for parole as the Parole Commission shall determine.

(2) Any licensed dealer, licensed importer, licensed manufacturer, or licensed collector who knowingly—

(A) makes any false statement or representation with respect to the information required by the provisions of this chapter to be kept in the records of a person licensed under this chapter, or

(B) violates subsection (m) of section 922, shall be fined not more than \$1,000, imprisoned not more than one year, or both, and shall become eligible for parole as the Parole Commission shall determine.

(b) Whoever, with intent to commit therewith an offense punishable by imprisonment for a term exceeding one year, or with knowledge or reasonable cause to believe that an offense punishable by imprisonment for a term exceeding one year is to be committed therewith, ships, transports, or receives a firearm or any ammunition in interstate or foreign commerce shall be fined not more than \$10,000, or imprisoned not more than ten years, or both.

(c)(1) Whoever, during and in relation to any crime of violence or drug trafficking crime, including a crime of violence or drug trafficking crime, which provides for an enhanced punishment if committed by the use of a deadly or dangerous weapon or device, for which he may be prosecuted in a court of the United States, uses or carries a firearm, shall, in addition to the punishment provided for such crime of violence or drug trafficking crime, be sentenced to imprisonment for five years, and if the firearm is a machinegun, or is equipped with a firearm silencer or firearm muffler, to imprisonment for ten years. In the case of his second or subsequent conviction under this subsection, such person shall be sentenced to imprisonment for ten years, and if the firearm is a machinegun, or is equipped with a firearm silencer or firearm muffler, to imprisonment for twenty years. Notwithstanding any other provision of law, the court shall not place on probation or suspend the sentence of any person convicted of a violation of this subsection, nor shall the term of imprisonment imposed under this subsection run concurrently with any other term of imprisonment including that imposed for the crime of violence or drug trafficking crime, or drug trafficking crime in which the firearm was used or carried. No person sentenced under this subsection shall be eligible for parole during the term of imprisonment imposed.

(2) For purposes of this subsection, the term "drug trafficking crime" means any felony violation of Federal law involving the distribution, manufacture, or importation of any controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)).

The Nazi Law of 1938

SECTION V. Penalties

§26

- (1) With imprisonment up to three years and a fine – or with one of these sanctions – will be punished anyone who – wilfully or negligently – violates the provisions of this Law and who:
1. manufactures, processes, assembles, acquires, sells, otherwise turns over, possesses, imports, facilitates the acquisition or the turning over of such devices, or offers to acquire or to turn over, the weapons, ammunition or the devices specified in § 25, (1), No. 2.
 2. carries firearms.
- (2) besides the punishment, the weapons, the ammunition, or the devices involved in the punishable dealings will be confiscated, without regard to whether or not they belong to the violator. The confiscation will take place even if no specific person is prosecuted or convicted, if, however, the provisions of the law are satisfied.

§27

- (1) With a fine of up to 150 Marks or with imprisonment will be punished:
1. whoever, wilfully or negligently, does not deliver – at all or in a timely fashion – the report required under §4, (3).
 2. whoever, wilfully or negligently, infringes the provisions of this Law (§ 24, (4); § 31) in order to oppose the execution or completion of this Law.
- (2) whoever deliberately violates the specific regulations of (1), No. 2 – after having twice been legally convicted of deliberate or negligent violation – will be punished with up to one year's imprisonment and with a fine – or with one of these punishments. This provision will not be used, if more than three years have elapsed since the conviction for the last violation and the commission of the new act.

SECTION VI. Concluding and Transitional Provisions

§28

The specified business regulations – in so far as they are not specially defined in this Law – will be found in §§ 3, 7.

§29

- (1) Whoever on the effective date of this Law is authorized to carry on a business as specified in §§ 3,7, requires no new permit as a result of this Law. However, authorization granted under the provisions of the Law on Firearms and Ammunition of 12 April 1928, (*Reichsgesetzblatt I*, p. 143), may be revoked up to 31 March 1939, if by this time the specific prerequisites of § 3, (2) through (5), are not met. A firearms manufacturer is not required to provide proof of actual qualification, if on the effective date of this Law he has continuously been in business for at least five years. However, authorization to deal in firearms or ammunition granted under § 5 of the Law on Firearms and Ammunition may be revoked up to 31 March 1939, if the need for the maintenance of this authorization does not exist.
- (2) If the owner of a business previously needed no authorization because the business concerned firearms and ammunition, which were not subject to the provisions of the Law on Firearms and Ammunition of 12 April 1928 (*Reichsgesetzblatt I*, p. 143), the permit under §§ 3,7 should be requested within a month of the effective date of this Law.
- (3) In the case of Section 2, the liability for punishment according to §26, (1), begins one month after the effective date of this Law, or, in the case when an application is filed within this time, it begins one month after its definite rejection.

§30

- (1) Firearms which do not bear the mark described in § 10, may be professionally sold or otherwise transferred within one year after the effective date of this Law, if the mark conforms to the requirements of § 9 of the Law on Firearms and Ammunition of 12 April 1928 (*Reichsgesetzblatt I*, p. 143), or if it is not subject to these requirements.
- (2) Firearms which are not subject to the requirements of § 9 of the Law on Firearms and Ammunition of 12 April 1928 (*Reichsgesetzblatt I*, p. 143), and on which the manufacturer's name cannot be confirmed or is obliterated, or expires in the year after the effective date of this Law, must bear the manufacturer's name or the registered trade mark of a German-based firearms dealer, as required by § 10 of this Law.

§31

The Minister of the Interior issues the necessary legal and administrative regulations for the implementation and fulfillment of this Law. He is permitted to exempt from the terms of this Law specified types of weapons or ammunition.

§32

Provincial limitations on the manufacture, trade, acquisition, and carrying or possession of truncheons or stabbing weapons – with valid provisions for exceptions for Gypsies or persons itinerant like Gypsies – will become invalid no more than six months from the effective date of this Law.

§33

- (1) This Law takes effect on 1 April 1938.
- (2) At the same time the following become ineffective:
1. The Law on Firearms and Ammunition of 12 April 1928 (*Reichsgesetzblatt I*, p. 143),
 2. The implementing regulations of The Law on Firearms and Ammunition of 13 July 1928 (*Reichsgesetzblatt I*, p. 198), in the form of the Regulations of 2 June 1932 (*Reichsgesetzblatt I*, p. 253).
 3. The Law against Weapons Abuse of 28 March 1931 (*Reichsgesetzblatt I*, p. 77) in the form of § 10 of the Regulations of the President for the Maintenance of Domestic Peace of 19 December 1932 (*Reichsgesetzblatt I*, p. 548).
 4. Chapter I (Measures Against Weapons Abuse) of the 8th Part of the President's Fourth Regulations for the Security of the Economy and Finance and for the Protection of Domestic Peace of 8 December 1931 (*Reichsgesetzblatt I*, p. 699, 742).
 5. § 56 (2), No. 8 of the Trade Regulations.
- (3) The effective date of this law for Austria is withheld.

§ 26 – 27

(3) For purposes of this subsection the term “**crime of violence**” means an offense that is a felony and—

(A) has as an element the use, attempted use, or threatened use of physical force against the person or property of another, or

(B) that by its nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense.

(d)(1) Any firearm or ammunition involved in or used in any knowing violation of subsection (a)(4), (a)(6), (f), (9), (h), (i), (j), or (k) of section 922, or knowing importation or bringing into the United States or any possession thereof any firearm or ammunition in violation of section 922(1), or knowing violation of section 924, or willful violation of any other provision of this chapter or any rule or regulation promulgated thereunder, or any violation of any other criminal law of the United States, or any firearm or ammunition intended to be used in any offense referred to in paragraph (3) of this subsection, where such intent is demonstrated by clear and convincing evidence, shall be subject to seizure and forfeiture, and all provisions of the Internal Revenue Code of 1954 relating to the seizure, forfeiture, and disposition of firearms, as defined in section 5845(a) of that Code, shall, so far as applicable, extend to seizures and forfeitures under the provisions of this chapter:

Provided, That upon acquittal of the owner or possessor, or dismissal of the charges against him other than upon motion of the Government prior to trial, the seized firearms or ammunition shall be returned forthwith to the owner or possessor or to a person delegated by the owner or possessor unless the return of the firearms or ammunition would place the owner or possessor or his delegate in violation of law. Any action or proceeding for the forfeiture of firearms or ammunition shall be commenced within one hundred and twenty days of such seizure.

§ 28

This is not covered by the U.S. Gun Control Act of 1968, as amended; other federal laws – as well as state and/or local laws – may apply.

§ 29 – § 30

All firearms sold in the United States must have a serial number.

§ 31

§ 926. Rules and regulations

(a) The Secretary may prescribe only such rules and regulations as are necessary to carry out the provisions of this chapter, including—

(1) regulations providing that a person licensed under this chapter, when dealing with another person so licensed, shall provide such other licensed person a certified copy of this license; and

(2) regulations providing for the issuance, at a reasonable cost, to a person licensed under this chapter, of certified copies of his license for use as provided under regulations issued under paragraph (1) of this subsection. No such rule or regulation prescribed after the date of the enactment of the Firearms Owners' Protection Act may require that records required to be maintained under this chapter or any portion of the contents of such records, be recorded at or transferred to a facility owned, managed, or controlled by the United States or any State or any political subdivision thereof, nor that any system of registration of firearms, firearms owners, or firearms transactions or dispositions be established. Nothing in this section expands or restricts the Secretary's authority to inquire into the disposition of any firearm in the course of a criminal investigation.

(b) The Secretary shall give not less than ninety days public notice, and shall afford interested parties opportunity for hearing, before prescribing such rules and regulations.

(c) The Secretary shall not prescribe rules or regulations that require purchasers of black powder under the exemption provided in section 845(a)(5) of this title to complete affidavits or forms attesting to that exemption.

(Added Pub.L. 90--351, Title IV, § 902, June 19, 1968, 82 Stat. 234, and amended Pub.L. 90-618, Title I, § 102 Oct. 22, 1968, 82 Stat. 1226; Pub.L. 99-08, § 106, May 19, 1986, 100 Stat. 459.)

§32

§ 927. Effect on State law

No provision of this chapter shall be construed as indicating an intent on the part of the Congress to occupy the field in which such provision operates to the exclusion of the law of any State on the same subject matter, unless there is a direct and positive conflict between such provision and the law of the State so that the two cannot be reconciled or consistently stand together.

(Added Pub.L. 90--351, Title IV, § 902, June 19, 1968, 82 Stat. 234, and amended Pub. L. 90-618, Title 1, § 102, Oct. 22, 1968, 82 Stat. 1226.)

The Nazi Law of 1938

IMPLEMENTING REGULATIONS OF THE WEAPONS LAW, 19 MARCH 1938

With a basis in § 31 of the Weapons Law of 18 March 1938 (*Reichsgesetzblatt* I, p. 265) are the following ordered:

SECTION I. General Points

§1

- (1) Higher government authority – in the meaning of these regulations – is the President of the Government in Prussia and Bavaria (in Berlin, the Police President), in Saxony the District Captain, in Saarland the Commissar for the Saarland, and in general the highest state-level authority.
- (2) District police authority in the meaning of these regulations, generally is the police authority with state police power, in general:
in urban districts . . . the Mayor
in rural districts . . . in Prussia the State Council, in the states the equivalent authorities.

§2

- (1) A complaint against the orders of government officials with a basis in the Weapons Law and these regulations is permissible within two weeks to the specified government officials. These officials' decisions are final.
- (2) A protest is permissible in place of a complaint against the orders of the Police President in Berlin as the local or district police authority. The decision on the protest may be made by the Police President himself, or his general representative, or a section chief of the Police President's office in Berlin.

§3

- (1) A major component in the sense of § 1 (3) of the Law is considered to be: a) for firearms: barrel, action, and cylinder b) for ammunition: cartridge cases, bullets.
- (2) Partially-finished major components in the meaning of §1, (3) of the Law are considered to be only those items designated in (1), which are found to be in such a prescribed manufacturing condition that without special mechanical apparatus, they can be made ready and assembled into usable firearms, or are able to be made into usable ammunition.

§4

Air guns of 7mm or less do not fall under the provisions of the Law with the exceptions of §§ 9, 24, and 25.

SECTION II. Manufacture of Firearms and Ammunition and Dealing in These Items §5

The higher government authority in whose district the entrepreneur has established – or wants to establish – his place of business is authorized to grant and to revoke the Manufacturing License (§ 3 of the Law).

§6

The district police authority in whose district the dealer has established – or wants to establish – his place of business is authorized to grant and to revoke the Dealer's License (§ 3 of the Law).

§7

The Manufacturing and Dealer's Licenses can be restricted to specific types of firearms and ammunition.

§ 178.1 Scope of regulations.

(a) General. The regulations contained in this part relate to commerce in firearms and ammunition and are promulgated to implement Title I, State Firearms Control Assistance (18 U.S.C. Chapter 44), of the Gun Control Act of 1968 (82 Stat. 1213) as amended by Public Law 99-308 (100 Stat. 449), Public Law 99-360 (100 Stat. 766), and Public Law 99-408 (100 Stat. 920).

§ 1

Subpart B- Definitions

§ 178.11 Meaning of terms.

Director. The Director, Bureau of Alcohol, Tobacco and Firearms, the Department of the Treasury, Washington, D.C. [20226]

Regional director (compliance). The principal ATF regional official responsible for administering regulations in this part:

ATF officer. An officer or employee of the Bureau of Alcohol, Tobacco and Firearms (ATF) authorized to perform any function relating to the administration or enforcement of this part.

§ 2

Subpart E—License Proceedings

[18 U.S.C. §923(e), (f)]

§ 178.71 Denial of an application for license.

Whenever the regional director (compliance) has reason to believe that an applicant is not qualified to receive a license under the provisions of § 178.47, he may issue a notice of denial, on Form 4498, to the applicant. The notice shall set forth the matters of fact and law relied upon in determining that the application should be denied, and shall afford the applicant 15 days from the date of receipt of the notice in which to request a hearing to review the denial. If no request for a hearing is filed within such time, the application shall be disapproved and a copy, so marked, shall be returned to the applicant.

§ 3

§ 178.11 Meaning of terms.

Firearm. 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; the frame or receiver of any such weapon; any firearm muffler or firearm silencer; or any destructive device; but the term shall not include an antique firearm. In the case of a licensed collector, the term shall mean only curios and relics. [See, also, **ATFR 80-20, Taser Models TF76 and TF76A classified as "firearms."**]

Firearm frame or receiver. That part of a firearm which provides housing for the hammer, bolt or breechblock, and firing mechanism, and which is usually threaded at its forward portion to receive the barrel.

Ammunition. Ammunition or cartridge cases, primers, bullets, or propellant powder designed for use in any firearm other than an antique firearm. The term shall not include:

(a) Any shotgun shot or pellet not designed for use as the single, complete projectile load for one shotgun hull or casing; nor

(b) Any unloaded, non-metallic shotgun hull or casing not having a primer.

§ 4

The U.S. Gun Control Act of 1968, as amended, does not cover air guns. State and/or local laws may apply.

§ 5 - 6

Subpart D-Licenses

§ 178.41 General.

(a) Each person intending to engage in business as an importer or manufacturer of firearms or ammunition, or a dealer in firearms, shall, before commencing such business, obtain the license required by this subpart for the business to be operated. Each person who desires to obtain a license as a collector of curios or relics may obtain such a license under the provisions of this subpart.

(b) Each person intending to engage in business as a firearms or ammunition importer or manufacturer, or dealer in firearms shall file an application, with the required fee (see § 178.42), with ATF in accordance with the instructions on the form (see §178.44), and, pursuant to § 178.47, receive the license required for such business from the regional director (compliance).

Except as provided in §178.50, a license must be obtained for each business and each place at which the applicant is to do business. [Also, see § 178.100.]

A license as an importer or manufacturer of firearms or ammunition, or a dealer in firearms shall, subject to the provisions of the Act and other applicable provisions of law, entitle the licensee to transport, ship, and receive firearms and ammunition covered by such license in interstate or foreign commerce and to engage in the business specified by the license, at the location described on the license, and for the period stated on the license.

However, it shall not be necessary for a licensed importer or a licensed manufacturer to also obtain a dealer's license in order to engage in business on the licensed premises as a dealer in the same type of firearms authorized by the license to be imported or manufactured.

Payment of the license fee as an importer or manufacturer of destructive devices, ammunition for destructive devices or armor piercing ammunition or as a dealer in destructive devices includes the privilege of importing or manufacturing firearms other than destructive devices and ammunition other than armor piercing ammunition, or dealing in firearms other than destructive devices, as the case may be, by such a licensee at the licensed premises. [§923(a),(c).

§ 178.47 Issuance of license

(a) Upon receipt of a properly executed application for a license on ATF Form 7, or ATF Form 8 Part II, the regional director (compliance) shall, upon finding through further inquiry or investigation, or otherwise, that the applicant is qualified, issue the appropriate license. Each license shall bear a serial number and such number may be assigned to the licensee to whom issued for so long as the licensee maintains continuity of renewal in the same location (State).

(b) The regional director (compliance) shall approve a properly executed application for license on ATF Form 7, or ATF Form 8 Part II, if:

(1) The applicant is 21 years of age or over;

(2) The applicant (including, in the case of a corporation, partnership, or association, any individual possessing, directly or indirectly, the power to direct or cause the direction of the management and policies of the corporation, partnership, or association) is not prohibited under the provisions of the Act from shipping or transporting in interstate or foreign commerce, or possessing in or affecting commerce, any firearm or ammunition, or from receiving any firearm or ammunition which has been shipped or transported in interstate or foreign commerce;

(3) The applicant has not willfully violated any of the provisions of the Act or this part;

(4) The applicant has not willfully failed to disclose any material information required, or has not made any false statement as to any material fact, in connection with his application;

(5) The applicant has in a State:

(i) Premises from which he conducts business subject to license under the Act or from which he intends to conduct business within a reasonable period of time; or

(ii) In the case of a collector, premises from which he conducts his collecting subject to license under the Act or from which he intends to conduct such collecting within a reasonable period of time. [§923(d)(1)]

(c) The regional director (compliance) shall approve or deny an application for license within the 45day period beginning on the date the application was received:

Provided, That when an applicant for license renewal is a person who is, pursuant to the provisions of § 178.78, §178.143, or § 178. 144, conducting business or collecting activity under a previously issued license, action regarding the application will be held in abeyance pending the completion of the proceedings against the applicants existing license application, final determination of the applicant's criminal case, or final action by the Director on an application for relief submitted pursuant to § 178.144, as the case may be.

§ 7

The U.S. Gun Control Act of 1968, as amended, provides for different classes of licenses, see §§ 5-6.

The Nazi Law of 1938

§8

- (1) Whether the entrepreneur in a Manufacturing or a Retail business exhibits the requisite personal reliability (§ 3, (4); § 7, (2) of the Law), is to be taken into consideration, and the entire personal record of the applicant and the business managers is to be investigated.
- (2) Personal reliability especially is not to be found among persons:
 1. who are incompetent to do business or who have diminished competence to do business;
 2. who are under police supervision or known to have lost their civil rights, for the duration of police supervision or the loss of their civil rights;
 3. convicted of high treason, or against whom facts are presented which give reason to suppose that they are actively subversive;
 4. who, on account of: deliberate attacks on life or health- public disorderly conduct or trespassing, resistance to government authority; an offense dangerous to the public or misdemeanors for a punishable offense against property, a hunting or fishing offense legally punishable by more than two weeks imprisonment, if three years have not elapsed since the sentence was served. The punishment of imprisonment may stand as prescribed, be reduced, or commuted into a fine; in these cases the three-year period begins with the day on which imprisonment ends, or is reduced, or is converted into a fine. If this punishment is wholly or partly imposed after probation, the probation period should be added to the time period.

§9

- (1) The professional qualification for the manufacturing business (§ 3 (4) of the Law) is possessed only by a person who has passed either the Master's Examination for the business or for a related trade, or whoever has the license to supervise apprentices in one of these trades. The Master's Examination is the same as the examination recognized in §133, (10) of the Trade Regulations. The German Trade- and Business Chamber defines which trades are related in the meaning of this regulation.
- (2) The professional qualification for the manufacturing license is possessed only by a person who proves he has experience at a specific place, through successful attendance at a high school or an officially-recognized trade school, or before a Chamber of Industry and Trade. The Minister of the Economy – in consultation with the Minister of the Interior – may issue more specific rules for professional requirements and the Examination process.

§10

Foreign legal persons and legal persons whose capital is predominantly in foreign hands, must not be granted a business license for manufacturing or dealing.

§ 11

The professional qualification for a dealership (§ 7, (2) of the Law) is possessed only by a person who either has been at least three years in a business, in which firearms and ammunition have been sold, or who has been active at least for three years in such a business as a salesman, assistant, or apprentice, or who proves he has experience before a Chamber of Industry and Trade. The Minister of the Economy – in consultation with the Minister of the Interior – may issue more specific rules for professional requirements and the Examination process.

§ 12

Upon the commencement or the cessation of business (§ 4, (3) of the Law) a manufacturer must notify the higher state authority and a dealer must notify the district police authority – in which the business-owner has his business establishment.

§ 13

The manufacturer- or dealer business license is always to be revoked (§§ 5, 7 (2) of the Law) if – when the license was granted – it was not known to the competent authority that one of the reasons for denial specified in § 3 (2-5) of the Law or in § 8 (2) of these regulations, actually applied, or if one of these cases subsequently applied. In the case of a loss or a reduction of business competence (§ 8, (2), No. 1 of these regulations) the license is only to be revoked if no suitable substitute – according to § 45 of the Trade Regulations – is presented.

§ 14

The district police authority in which a place of business is located is authorized temporarily to suspend the conduct of business by a manufacturer; the local police authority may temporarily suspend the conduct of business by a dealer whose place of business is in their jurisdiction (§ 5, (2) of the Law).

§ 15

- (1) Whoever professionally manufactures firearms must maintain a "Firearms Book", from which the disposal of firearms must occur. The "Firearms Book" is to be laid out according to the following example:

Seq. No.	Date	Quantity	Type	Stamped Signature	Manuf's Number	Name & Address of Acquirer
1	2	3	4	5	6	7

- (2) War materiel will be registered in a special "Weapons Book".

§ 8

§178.32 Prohibited shipment, transportation, possession, or receipt of firearms and ammunition by certain persons.

(a) No person may ship or transport any firearm or ammunition in interstate or foreign commerce, or receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce, or possess any firearm or ammunition in or affecting commerce, who:

(1) Has been convicted in any court of a crime punishable by imprisonment for a term exceeding 1 year;

(2) Is a fugitive from justice;

(3) Is an unlawful user of or addicted to any controlled substance (as defined in section 102 of the Controlled Substance Act, 21 U.S.C. 802);

(4) Has been adjudicated as a mental defective or has been committed to a mental institution;

(5) Is an alien illegally or unlawfully in the United States;

(6) Has been discharged from the Armed Forces under dishonorable conditions; or

(7) Having been a citizen of the United States, has renounced citizenship. [§922(9)]

(b) No person who is under indictment for a crime punishable by imprisonment for a term exceeding one year may ship or transport any firearm or ammunition in interstate or foreign commerce or receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce. [§922(n)]

(c) Any individual, who to that individual's knowledge and while being employed by any person described in paragraph (a) of this section, may not, in the course of such employment receive, possess, or transport any firearm or ammunition in commerce or affecting commerce or receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce. [§922(h)]

§ 9

Not yet part of Federal "gun control" law.

§ 10

See §178.32 (a)(5), above, under §8.

§ 11

Not yet part of Federal "gun control" law

§ 12

§ 178.41 General.

(a) Each person intending to engage in business as an importer or manufacturer of firearms or ammunition, or a dealer in firearms, shall, before commencing such business, obtain the license required by this subpart for the business to be operated. Each person who desires to obtain a license as a collector of curios or relics may obtain such a license under the provisions of this subpart.

(b) Each person intending to engage in business as a firearms or ammunition importer or manufacturer, or dealer in firearms shall file an application, with the required fee (see § 178.42), with ATF in accordance with the instructions on the form (see § 178.44), and, pursuant to § 178.47, receive the license required for such business from the regional director (compliance).

§ 178.127 Discontinuance of business.

Where a firearms or ammunition business is discontinued and succeeded by a new licensee, the records prescribed by this subpart shall appropriately reflect such facts and shall be delivered to the successor. Where discontinuance of the business is absolute, the records prescribed by this subpart shall be delivered within 30 days following the business discontinuance to the regional director (compliance) for the region in which the business was located, any other ATF office located in that region, or the ATF Firearms Out-of-Business Records Center, 3361F 75th Avenue, Landover, Maryland 20785:

Provided, however, Where State law or local ordinance requires the delivery of records to other responsible authority, the regional director (compliance) may arrange for the delivery of the records required by this subpart to such authority. [§923(9)(4)]

§ 13

§ 178.73 Notice of revocation.

Whenever the regional director (compliance) has reason to believe that a licensee has willfully violated any provision of the Act or this part, a notice of revocation of the license, ATF Form 4500, may be issued. The notice shall set forth the matters of fact constituting the violations specified, dates, places, and the sections of law and regulations violated. The regional director (compliance) shall afford the licensee 15 days from the date of receipt of the notice in which to request a hearing prior to revocation of the license. If the licensee does not file a timely request for a hearing, the regional director (compliance) shall issue a final notice of revocation, ATF Form 4501, as provided in § 178.74.

[T.D. ATF-241' 51 FR 39619, Oct. 29, 1986]

§ 178.74 Request for hearing after notice of revocation.

If a licensee desires a hearing after receipt of a notice of revocation of a license, the licensee shall file a request, in duplicate, with the regional director (compliance) within 15 days after receipt of the notice of revocation. On receipt of such request, the regional director (compliance) shall, as expeditiously as possible, make necessary arrangements for the

hearing and advise the licensee of the date, time, location and the name of the officer before whom the hearing will be held. Such notification shall be made not less than 10 days in advance of the date set for hearing. On conclusion of the hearing and consideration of all the relevant presentations made by the licensee or the licensee's representative, the regional director (compliance) shall render a decision and shall prepare a brief summary of the findings and conclusions on which the decision is based. If the decision is that the license should be revoked, a certified copy of the summary shall be furnished to the licensee with the final notice of revocation on ATF Form 4501. If the decision is that the license should not be revoked, the licensee shall be notified in writing.

§ 14

See § 13, above.

§ 15

§ 178.123 Records maintained by manufacturers.

(a) Each licensed manufacturer shall record the type, model, caliber or gauge, and serial number of each complete firearm manufactured or otherwise acquired, and the date such manufacture or other acquisition was made. The information required by this paragraph shall be recorded not later than the seventh day following the date such manufacture or other acquisition was made.

(b) A record of firearms disposed of by a manufacturer to another licensee and a separate record of armor piercing ammunition dispositions to governmental entities, for exportation, or for testing or experimentation authorized under the provision of §178.149 shall be maintained by the licensed manufacturer on the licensed premises.

For firearms, the record shall show the quantity, type, model, manufacturer, caliber or gauge, serial number of the firearms so transferred, the name and license number of the licensee to whom the firearms were transferred, and the date of the transaction [see FIGURE 1].

[FIGURE 1] Importer's Firearms Disposition Record

Quantity	Type	Manufacturer	Country of manufacture
	Caliber or gauge	Model	Serial number
Name and license number of licensee to whom transferred		Date of the transaction	

The information required by this paragraph shall be entered in the proper record book not later than the seventh day following the date of the transaction, and such information shall be recorded under the format prescribed by § 178. 122, except that the name of the manufacturer of a firearm or armor piercing ammunition need not be recorded if the firearm or armor piercing ammunition is of the manufacturer's own manufacture.

The Nazi Law of 1938

§ 16

- (1) Whoever professionally acquires, sells, or otherwise disposes of handguns – or whoever professionally offers to acquire or to dispose of such items – must maintain a “Firearms Dealer’s Book”, in which the origin and disposal of handguns must occur. The “Firearms Dealer’s Book” is to be laid out according to the following example:

(left side)							
RECEIPTS							
Seq. No.	Date	Quantity	Type	Stamped Signature or Trademark	Manuf’s Number	Name & Address of Seller	
1	2	3	4	5	6	7	
(right side)							
DELIVERIES							
Seq. No.	Date	Quantity	Type	Stamped Signature or Trademark	Manuf’s Number	Name & Address of Acquirer	Proof of Authority to Acquire
8	9	10	11	12	13	14	15

- (2) The seller has to satisfy himself that the acquirer is entitled to the acquisition of firearms. To this end, the firearms acquisition permit, the firearms carry permit, or the annual hunting permit must be submitted to him, and in Column 15 of the “Firearms Dealer’s Book”, he is to record the date and number of the permit, as well as the issuing authority. If the acquirer is entitled to acquire handguns without a firearms acquisition permit, this is to be noted in Column 15 (for example, government officials, firearms dealers).

§ 17

For the professional facilitation of acquisition or disposal of handguns, the “Firearms Dealer’s Book” (§ 16) is to be laid out according to the following example:

Seq. No.	Date	Quantity	Type	Name, Place of Residence, and Address of Seller of Acquirer	
1	2	3	4	5	6

§ 18

- (1) The “Firearm- and Firearms Dealer’s Book” (§§ 15-17) must be durably bound and provided with consecutive page numbers. Before it can be put into use, the local police authority is to certify the page numbering by stamping. Erasures will not be acceptable in the Book, nor will unreadable entries be made. All entries must be in German and be made with ink or indelible pencil. The Book is to be closed out on 31 December of each year – as well as on a change in or a closure of the business – by the addition of the date and signature, such that no more entries may be made. Within a month after the start of the next calendar year, or after a change in ownership, the Book is to be delivered to the local police authority for verification of the closure. At the time the book is closed, any inventory remaining is to be carried forward, before new entries will be undertaken. The Book is always to be kept current, and is to be produced with the required documents on demand by the police authority or their agents.
- (2) The business-owner is required to keep the book until ten years have elapsed after the date of the last entry. If the business owner ceases to do business, he must turn over the Book he has maintained to the local police authority for safe-keeping.
- (3) The provisions of (1) and (2) also apply to the “Weapons Book for War Materiel”, with the stipulation, that in place of the local police authorities, a department specified by the Armed Forces High Command is concerned.

§ 178.125 Record of receipt and disposition.

(e) Firearms receipt and disposition by licensed dealers. Except as provided in § 178.1 24a with respect to alternate records for the receipt and disposition of firearms by dealers, each licensed dealer shall enter into a record each receipt and disposition of firearms. In addition, before commencing or continuing firearms business, each licensed dealer shall inventory the firearms possessed for such business and shall record same in the record required by this paragraph.

The record required by this paragraph shall be maintained in bound form under the format prescribed below.

The purchase or other acquisition of a firearm by a licensed dealer shall, except as provided in paragraph (9) of this section, be recorded not later than the close of the next business day following the date of such purchase or acquisition.

The record shall show the date of receipt, the name and address or the name and license number of the person from whom received, the name of the manufacturer and importer (if any), the model, serial number, type, and the caliber or gauge of the firearm.

The sale or other disposition of a firearm shall be recorded by the licensed dealer not later than 7 days following the date of such transaction.

When such disposition is made to a nonlicensee, the firearms transaction record, Form 4473, obtained by the licensed dealer, shall be retained until the transaction is recorded, separate from the licensee's Form 4473 file, and be readily available for inspection.

When such disposition is made to a licensee, the commercial record of the transaction shall be retained, until the transaction is recorded, separate from other commercial documents maintained by the licensed dealer, and be readily available for inspection.

The record shall show the date of the sale or other disposition of each firearm, the name and address of the person to whom the firearm is transferred, or the name and license number of the person to whom transferred if such person is a licensee, or the firearms transaction record Form 4473 serial number, if the licensed dealer transferring the firearm serially numbers the Forms 4473 and files them numerically.

The format required for the record of receipt and disposition of firearms is as follows [FIGURE 41:

§ 17

See §1 78. 125, above, under §16.

§ 18

§ 178.124 Firearms transaction record.

(a) General. A licensed importer, licensed manufacturer, or licensed dealer shall not sell or otherwise dispose, temporarily or permanently, of any firearm to any person, other than another licensee, unless the licensee records the transaction on a firearms transaction record, Form 4473:

Provided, That a firearms transaction record, Form 4473, shall not be required to record the disposition made of a firearm delivered to a licensee for the sole purpose of repair or customizing when such firearm or a replacement firearm is returned to the person from whom received.

(b) Form 4473 retention. A licensed manufacturer, licensed importer, or licensed dealer shall retain in alphabetical (by name of purchaser), chronological (by date of disposition), or numerical (by transaction serial number) order, and as a part of the required records, each Form 4473 obtained in the course of transferring custody of the firearms. [For the period of record retention, see § 178.129.]

(c) Over-the-counter sale to nonlicensee resident of same State as licensee's premises. Prior to making an over-the-counter transfer of a firearm to a nonlicensee who is a resident of the State in which the licensee's business premises is located, the licensed importer, licensed manufacturer, or licensed dealer so transferring the firearm shall obtain a Form 4473 from the transferee showing the name, address (including county or similar political subdivision), date and place of birth, height, weight, and race of the transferee, and certification by the transferee that the transferee is not prohibited by the Act from transporting or shipping a firearm in interstate or foreign commerce or receiving a firearm which has been shipped or transported in interstate or foreign commerce or possessing a firearm in or affecting commerce.

The licensee shall identify the firearm to be transferred by listing in the Form 4473 the name of the manufacturer, the name of the importer (if any), the type, model, caliber or gauge, and the serial number of the firearm.

Before transferring the firearm described in the Form 4473, the licensee:

(1) Shall cause the transferee to be identified in any manner customarily used in commercial transactions (e.g., a driver's license), and shall note on the form the method used; and

(2) If the licensee does not know or have reasonable cause to believe that the transferee is disquali-

fied by law from receiving the firearm, shall sign and date the form.

§ 178.129 Record retention.

(a) Records prior to Act. Licensed importers and licensed manufacturers may dispose of records of sale or other disposition of firearms prior to December 16, 1968. Licensed dealers and licensed collectors may dispose of all records of firearms transactions that occurred prior to December 16, 1968.

(b) Firearms transaction record. Licensees shall retain each Form 4473 or Form 4478(LV) for a period of not less than 20 years after the date of sale or disposition.

(c) Records of Importation and manufacture. Licensed importers and licensed manufacturers shall maintain permanent records of the importation, manufacture or other acquisition of firearms. Licensed importers' records and licensed manufacturers' records of the sale or other disposition of firearms after December 15, 1968, shall be retained through December 15, 1988, after which records of transactions over 20 years of age may be discarded.

(d) Records of dealers and collectors under the Act. The records prepared by licensed dealers and licensed collectors under the Act of the sale or other disposition of firearms and the corresponding record of receipt of such firearms shall be retained through December 15, 1988, after which records of transactions over 20 years of age may be discarded.

§ 178.127 Discontinuance of business.

Where a firearms or ammunition business is discontinued and succeeded by a new licensee, the records prescribed by this subpart shall appropriately reflect such facts and shall be delivered to the successor. Where discontinuance of the business is absolute, the records prescribed by this subpart shall be delivered within 30 days following the business discontinuance to the regional director (compliance) for the region in which the business was located, any other ATF office located in that region, or the ATF Firearms Out-of-Business Records Center, 3361 F 75th Avenue, Landover, Maryland 20785:

Provided, however, Where State law or local ordinance requires the delivery of records to other responsible authority, the regional director (compliance) may arrange for the delivery of the records required by this subpart to such authority. [§923(g)(4)]

[FIGURE 4] Firearms Acquisition and Disposition Record

Description of Firearm				Receipt		Disposition			
Manufacturer and/or importer	Model	Serial number	Type	Caliber or gauge	Date	Name and address or name and license number	Date	Name	Address or license number if licensee or Form 4473 serial number if Forms 4473 filed numerically

The Nazi Law of 1938

§ 18

- (1) The "Firearm- and Firearms Dealer's Book" (§§ 15-17) must be durably bound and provided with consecutive page numbers. Before it can be put into use, the local police authority is to certify the page numbering by stamping. Erasures will not be acceptable in the Book, nor will unreadable entries be made. All entries must be in German and be made with ink or indelible pencil. The Book is to be closed out on 31 December of each year – as well as on a change in or a closure of the business – by the addition of the date and signature, such that no more entries may be made. Within a month after the start of the next calendar year, or after a change in ownership, the Book is to be delivered to the local police authority for verification of the closure. At the time the book is closed, any inventory remaining is to be carried forward, before new entries will be undertaken. The Book is always to be kept current, and is to be produced with the required documents on demand by the police authority or their agents.
- (2) The business-owner is required to keep the book until ten years have elapsed after the date of the last entry. If the business owner ceases to do business, he must turn over the Book he has maintained to the local police authority for safe-keeping.
- (3) The provisions of (1) and (2) also apply to the "Weapons Book for War Materiel", with the stipulation, that in place of the local police authorities, a department specified by the Armed Forces High Command is concerned.

§ 19

- (1) A manufacturer, in the meaning of §10 of the Law, is also one who in his business professionally assembles firearms from parts which are prepared by other domestic businesses.
- (2) If firearms are assembled domestically from foreign-made parts, they must bear the name and the manufacturer's number of whichever foreign manufacturer made the barrel.
- (3) The provisions of § 10 of the Law do not apply to:
 1. Muzzle-loading weapons.
 2. Rifles manufactured before and including 1870.
 3. Firearms which use only noise-making rounds.
 4. Gas, anaesthetic-, and knock-out gas weapons (weapons designed for gas, anaesthetic, or knock-out gas cartridges) with a caliber of 12mm or smaller, if – by means of special devices – the effective use of a ball or of buckshot has been made impossible. 5. Self-protection devices. 6. Cattle-stunning devices.

§20

A firearms acquisition permit is not needed for the disposal or acquisition of the following handguns:

1. Muzzle-loading weapons.
2. Firearms which use only noise-making rounds.
3. Gas, anaesthetic- and knock-out gas weapons (weapons designed for gas, anaesthetic, or knock-out gas cartridges) with a caliber of 12mm or smaller, if – by means of special devices – the effective use of a ball or of buckshot has been made impossible.

§ 21

According to §11, (3), Subpara b., of the Law, a firearms acquisition permit is not needed for the direct exportation abroad of handguns. "Abroad" in the meaning of these regulations is:

1. Duty-free zones, with the exceptions of Heligoland and the Bavarian duty-free zone;
2. Free districts and Free zones.

§22

- (1) A firearms carry permit is not needed to carry the following firearms:
 1. Muzzle-loading weapons.
 2. Breech-loading weapons:
 - a. Rifles manufactured before and including 1870.
 - b. "Zimmerstutzen" (single-shot, lever-action rifles, using percussion caps and lead balls of a caliber of 4mm and under, not suitable for hunting use -trans.)
 - c. Flobert rifles (low-cost, light-weight, single-shot, bolt action or rolling-block, rifles -trans.) with rifled barrels of 6mm or less, as well as Flobert rifles with un-rifled barrels of 9mm or less;
 3. Weapons of the type designated in § 20, Nos. 2 and 3 of these regulations.
- (2) Furthermore, a firearms carry permit is not required to carry self-protection and cattle-stunning devices.

§23

- (1) The firearms acquisition permit and the firearms carry permit will be issued by the district police authority of the district in which the applicant has his permanent domicile or long-term residence. In urgent cases, the district police authority may issue the permit to an applicant living temporarily in the district, they must notify the district police authority of the district in which the applicant has his permanent domicile or long-term residence.
- (2) If the applicant does not have a permanent domicile or long-term residence in Germany, the competent district police authority is that in whose district the temporary residence or place of entry is located.
- (3) In the cases cited in (1), Clause 2; and (2), the duration of the permit may not be more than three months.

§24

The firearms acquisition permit and the firearms carry permit are to take the form set forth in Appendices I and 11.

§25

- (1) Whoever disposes of a handgun to another based on a firearms acquisition permit, must note on the permit – with ink or indelible pencil – the quantity, type, stamped signature or trademark, and manufacturer's number, as well as the date of the transfer
- (2) The acquisition permit is to be returned to the acquirer if the quantity stated on it has not yet been reached. Otherwise, the transferor – within two weeks – has to submit the acquisition permit to the district police authority in whose district he has his residence. If he belongs to the businesses designated in §§ 3, 7 of the Law, at the end of each calendar month, he has to submit all acquisition permits to the district police authority, in which he has his place of business.
- (3) Nonetheless, certificates are to be used – as set forth in § 20 of the Law – to authorize the acquisition of a handgun.

§26

The certificates – under § 12, No. 6 and § 24 (2) of the Law – are set forth for the businesses designated in § 3 of the Law, the higher government authorities (§ 5 of these regulations), and for the designated businesses, the district police authority (§ 6 of these regulations).

§ 18

§ 178.23 Right of entry and examination.

(b) Any ATF officer, without having reasonable cause to believe a violation of the Act has occurred or that evidence of the violation may be found and without demonstrating such cause before a Federal magistrate or obtaining from the magistrate a warrant authorizing entry, may enter during business hours the premises, including places of storage, of any licensed manufacturer, licensed importer, or licensed dealer for the purpose of inspecting or examining the records, documents, ammunition and firearms referred to in paragraph (a) of this section:

(1) In the course of a reasonable inquiry during the course of a criminal investigation of a person or persons other than the licensee;

(2) For insuring compliance with the record-keeping requirements of this part not more than once during any 12-month period; or

(3) When such inspection or examination may be required for determining the disposition of one or more particular firearms in the course of a bona fide criminal investigation.

§ 19

§ 178.11 Meaning of terms.

Manufacture. This term and the various derivatives thereof shall include making, putting together, altering, any combination of these, or otherwise producing a firearm.

Manufacturer. Any person engaged in the business of manufacturing firearms or ammunition. The term shall include any person who engages in such business on a parttime basis.

Antique firearm.

(a) Any firearm (including any firearm with a matchlock, flintlock, percussion cap, or similar type of ignition system) manufactured in or before 1898; and

(b) Any replica of any firearm described in paragraph (a) of this definition if such replica:

(1) Is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition; or

(2) Uses rimfire or conventional centerfire fixed ammunition which is no longer manufactured in the United States and which is not readily available in the ordinary channels of commercial trade. ~

Curios or relics. Firearms which are of special interest to collectors by reason of some quality other than is associated with firearms intended for sporting use or as offensive or defensive weapons. To be recognized as curios or relics, firearms must fall within one of the following categories:

(a) Firearms which were manufactured at least 50 years prior to the current date, but not including replicas thereof;

(b) Firearms which are certified by the curator of a municipal, State, or Federal museum which exhibits firearms to be curios or relics of museum interest; and

(c) Any other firearms which derive a substantial part of their monetary value from the fact that they

are novel, rare, bizarre, or because of their association with some historical figure, period, or event. Proof of qualification of a particular firearm under this category may be established by evidence of present value and evidence that like firearms are not available except as collector's items, or that the value of like firearms available in ordinary commercial channels is substantially less. [ATF Publication 5300.11, **Firearms Curios and Relics List, consists of lists of those firearms determined to be curios or relics from 1972 to the present.**]

27 CFR 178.11: MEANING OF TERMS

(Also 179.11)

A small caliber weapon ostensibly designed to expel only tear gas, similar substances, or pyrotechnic signals, which may readily be converted to expel a projectile by means of an explosive, classified as a firearm.

ATF Rul. 75-7

The term "firearm" as used in 18 U.S.C. 921(a)(3) includes "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."

A small caliber weapon ostensibly designed to expel only tear gas, similar substances or pyrotechnic signals by the action of an explosive, which may readily be converted to expel a projectile by means of an explosive, constitutes, a "firearm" within the purview of 18 U.S.C. 921(a)(3)(A).

Tests performed on these weapons have established that they may readily be converted to expel a projectile by the action of an explosive, normally by means of a minor alteration of the expended Helix cartridge and/or the simple attachment of a barrel/chamber to the firing mechanism.

Such weapons manufactured within the United States on or after June 1, 1975, will be subject to all of the provisions of Chapter 44 and 27 CFR Part 178. Such weapons manufactured before June 1, 1975, will not be treated as subject to the provisions of Chapter 44 and 27 CFR Part 178 in order to allow persons manufacturing and dealing in such weapons to comply with the provisions of Chapter 44 and 27 CFR Part 178.

Since such weapons are not generally recognized as particularly suitable for or readily adaptable to sporting purposes (18 U.S.C. 925(d)(3)), the importation of such weapons is prohibited unless such importation comes within one of the statutory exceptions provided in 18 U.S.C. 925.

[75 CB 551]

§ 20

The U.S. Gun Control Act of 1968, as amended, does not now require special permits to buy handguns. State and or local laws apply.

§ 21

§ 178.117 Function outside a customs territory.

In the insular possessions of the United States outside customs territory, the functions performed by U.S. Customs officers under this subpart within a customs territory may be performed by the appropriate authorities of a territorial government or other officers of the United States who have been designated to perform such functions. For the purpose of this subpart, the term customs territory means the United States, the District of Columbia, and the Commonwealth of Puerto Rico.

§ 178.171 Exportation.

Firearms and ammunition shall be exported in accordance with the applicable provisions of section 38 of the Arms Export Control Act (22 U.S.C. 2778 and regulations thereunder. However, licensed manufacturers, licensed importers, and licensed dealers

exporting firearms shall maintain records showing the manufacture or acquisition of the firearms as required by this part and records showing the name and address of the foreign consignee of the firearms and the date the firearms were exported.

Licensed manufacturers and licensed importers exporting armor piercing ammunition shall maintain records showing the name and address of the foreign consignee and the date the armor piercing ammunition was exported.

§ 22

See notes to §§ 16-17, of the Gun Control Act of 1968, as amended.

§ 23

The U.S. Gun Control Act of 1968, as amended makes no provision for the personal carrying of firearms, concealed or otherwise. State and/or local laws apply.

§ 24

See Pages 74 - 75.

§ 25

The U.S. Gun Control Act of 1968, as amended does not now require special permits to buy handguns. State and/or local laws apply.

§ 26

See Note to § 25.

The Nazi Law of 1938

§27

Exceptions may be granted by the district police authority under § 13, (2) of the Law, in whose district the juvenile has his permanent domicile or long-term residence. If the person is only temporarily in Germany, the exception may be granted by the district police authority in whose district he is staying.

§28

Exceptions under § 15, (3) of the Law may be granted by the higher government authority in whose district the applicant has his domicile or long-term residence. If the person is only temporarily in Germany, the exception may be granted by the district government authority in whose district he is staying.

§29

- (1) According to provincial law, the fee for the issuance of a firearms acquisition permit and firearms carry permit must not exceed 3 Marks for the permit.
- (2) For a duplicate only the document tax should be collected.

§30

The district police authority is competent to revoke – or to issue – the firearms acquisition permit and the firearms carry permit of a holder who has his domicile or long-term residence in the district. If the person is only temporarily in Germany, the exception may be granted by the district police authority in whose district he is staying.

§31

Certificates under § 20 of the Law are separate: 1. for the carrying of a single firearm; 2. for the acquisition of a single handgun.

§32

Hunting weapons in the meaning of § 21 of the Law are firearms, designed for – and usually used for – the hunting of fair game.

§33

The issuance of a Prohibition under § 23, (1) of the Law as well as the confiscation of weapons and ammunition under § 23, (2) of the law, is in the competence of the police authority in whose district the person – against whom the prohibition is aimed – has his domicile or permanent residence.

§ 27

§ 178.99 Certain prohibited sales or deliveries.

(b) Sales or deliveries to underaged persons. A licensed importer, licensed manufacturer, licensed dealer, or licensed collector shall not sell or deliver:

(1) Any firearm or ammunition to any individual who the importer, manufacturer, dealer, or collector knows or has reasonable cause to believe is less than 18 years of age, and, if the firearm, or ammunition, is other than a shotgun or rifle, or ammunition for a shotgun or rifle, to any individual who the importer, manufacturer, dealer, or collector knows or has reasonable cause to believe is less than 21 years of age; or

(2) Any firearm to any person in any State where the purchase or possession by such person of such firearm would be in violation of any State law or any published ordinance applicable at the place of sale, delivery or other disposition, unless the importer, manufacturer, dealer or collector knows or has reasonable cause to believe that the purchase or possession would not be in violation of such State law or such published ordinance. [§992(b)(1), (2)]

§ 28

§ 178.144 Relief from disabilities under the Act.

(a) Any person may make application for relief from the disabilities under section 922(9) and (n) of the Act (see § 178.32).

(b) An application for such relief shall be filed, in triplicate, with the Director. It shall include the information required by this section and such other supporting data as the Director and the applicant deem appropriate.

(c) Any record or document of a court or other government entity or official required by this paragraph to be furnished by an applicant in support of an application for relief shall be certified by the court or other government entity or official as a true copy. An application shall include:

(1) In the case of an applicant who is an individual, a written statement from each of 3 references, who are not related to the applicant by blood or marriage and have known the applicant for at least 3 years, recommending the granting of relief;

(2) Written consent to examine and obtain copies of records and to receive statements and information regarding the applicant's background, including records, statements and other information concerning employment, medical history, military service, and criminal record; indictment, a copy of the indictment or information;

(4) In the case of an applicant having been convicted of a crime punishable by imprisonment for a term exceeding 1 year, a copy of the indictment or information on which the applicant was convicted, the judgment of conviction or record of any plea of *nolo contendere* or plea of guilty or finding of guilt by the court, and any pardon, expunction, setting aside or other record purporting to show that the conviction was rendered nugatory or that civil rights were

restored;

(5) In the case of an applicant who has been adjudicated a mental defective or committed to a mental institution, a copy of the order of a court, board, commission, or other lawful authority that made the adjudication or ordered the commitment, any petition that sought to have the applicant so adjudicated or committed, any medical records reflecting the reasons for commitment and diagnoses of the applicant, and any court order or finding of a court, board, commission, or other lawful authority showing the applicant's discharge from commitment, restoration of mental competency and the restoration of rights;

(6) In the case of an applicant who has been discharged from the Armed Forces under dishonorable conditions, a copy of the applicant's summary of service record (Department of Defense Form 214), charge sheet (Department of Defense Form 458), and final court martial order; and

(7) In the case of an applicant who, having been a citizen of the United States, has renounced his or her citizenship, a copy of the formal renunciation of nationality before a diplomatic or consular officer of the United States in a foreign State or before an officer designated by the Attorney General when the United States was in a state of war (see 8 U.S.C. 1481(a)(5) and (6)).

(d) The Director may grant relief to an applicant if it is established to the satisfaction of the Director that the circumstances regarding the disability, and the applicant's record and reputation, are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

The Director will not ordinarily grant relief if the applicant has not been discharged from parole or probation for a period of at least 2 years. Relief will not be granted to an applicant who is prohibited from possessing all types of firearms by the law of the State where such applicant resides.

(e) In addition to meeting the requirements of paragraph (d) of this section, an applicant who has been adjudicated a mental defective or committed to a mental institution will not be granted relief unless the applicant was subsequently determined by a court, board, commission, or other lawful authority to have been restored to mental competency, to be no longer suffering from a mental disorder, and to have had all rights restored.

(f) Upon receipt of an incomplete or improperly executed application for relief, the applicant shall be notified of the deficiency in the application. If the application is not corrected and returned within 30 days following the date of notification, the application shall be considered as having been abandoned.

(g) Whenever the Director grants relief to any person pursuant to this section, a notice of such action shall be promptly published in the FEDERAL REGISTER, together with the reasons therefor.

(h) A person who has been granted relief under this section shall be relieved of any disabilities imposed by the Act with respect to the acquisition, receipt, transfer, shipment, transportation, or posses-

sion of firearms or ammunition and incurred by reason of such disability.

§§ 29 - 31

The U.S. Gun Control Act of 1968, as amended, makes no provision for the personal carrying of firearms, concealed or otherwise. State and/or local laws apply.

§ 32

This term is not defined in U.S. law or regulation, although "sporting purposes" is widely used (See §921 (a)(4) of the Gun Control Act of 1968, as amended).

§ 33

§ 178.150 Seizure and forfeiture.

(a) Any firearm or ammunition involved in or used in any knowing violation of subsections (a)(4), (a)(6), (f), (9), (h), (i), (j), or (k) of section 922 of the Act, or knowing importation or bringing into the United States or any possession thereof of any firearm or ammunition in violation of section 922(1) of the Act, or knowing violation of section 924 of the Act, or willful violation of any other provision of the Act or of this part, or any violation of any other criminal law of the United States, or any firearm or ammunition intended to be used in any offense referred to in paragraph (c) of this section, where such intent is demonstrated by clear and convincing evidence, shall be subject to seizure and forfeiture, and all provisions of the Internal Revenue Code of 1986 relating to the seizure, forfeiture, and disposition of firearms, as defined in section 5854(a) of that Code, shall, so far as applicable, extend to seizures and forfeitures under the provisions of the Act:

Provided, That upon acquittal of the owner or possessor, or dismissal of the charges against such person other than upon motion of the Government prior to trial, the seized firearms or ammunition shall be returned forthwith to the owner or possessor or to a person delegated by the owner or possessor unless the return of the firearms or ammunition would place the owner or possessor or the delegate of the owner or possessor in violation of law. Any action or proceeding for the forfeiture of firearms or ammunition shall be commenced within 120 days of such seizure.

(b) Only those firearms or quantities of ammunition particularly named and individually identified as involved in or used in any violation of the provisions of the Act or this part, or any other criminal law of the United States or as intended to be used in any offense referred to in paragraph (c) of this section, where such intent is demonstrated by clear and convincing evidence, shall be subject to seizure, forfeiture and disposition.

(c) The offenses referred to in paragraphs (a) and (b) of this section for which firearms and ammunition intended to be used in such offenses are subject to seizure and forfeiture are:

(1) Any crime of violence, as that term is defined in section 924(c)(3) of the Act;

(2) Any offense punishable under the Controlled Substances Act (21 U.S.C. 801 et seq.) or the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.);

The Nazi Law of 1938

§33

The issuance of a Prohibition under § 23, (1) of the Law as well as the confiscation of weapons and ammunition under § 23, (2) of the law, is in the competence of the police authority in whose district the person - against whom the prohibition is aimed - has his domicile or permanent residence.

§34

- (1) The import license in conformity with § 24 of the Law is granted by the district police authority in whose district the importer has his domicile or permanent residence, or in whose district has his place of entry.
- (2) The customs authority must note the importation on the certificate, through which the license is granted. and afterwards return the certificate to the police authority which issued it.
- (3) The import license under §24 of the Law is not required in the cases specified in § 24, (2) of the Law:
 1. for German government employees, regarding such firearms and ammunition, that they want to bring into the country from abroad;
 2. for members of foreign shooting clubs – entering the country for shooting sports events of the German Union for Physical Exercise or of the German Protection Association – regarding such firearms and ammunition brought with them for the purpose of taking part in these events.
 3. for persons who do not have residences in Germany – for hunting weapons and ammunition brought with them – whose import is from a German diplomatic post abroad (embassy, legation, or consulate) and is to be permitted without hesitation.

§ 33

(3) Any offense described in section 922(a)(1), 922(a)(3), 922(a)(5), or 922(b)(3) of the Act, where the firearm or ammunition intended to be used in such offense is involved in a pattern of activities which includes a violation of any offense described in section 922(a)(1), 922(a)(3), 922(a)(5), or 922(b)(3) of the Act;

(4) Any offense described in section 922(d) of the Act where the firearm or ammunition is intended to be used in such offense by the transferor of such firearm or ammunition;

(5) Any offense described in section 922(i), 922(j), 922(k), 922(l), 922(m), or 922(n) of the Act; and

(6) Any offense which may be prosecuted in a court of the United States which involves the exportation of firearms or ammunition.

[T.D. ATF 241, 51 FR 39629, Oct. 29, 1986; T.D. ATF-247, 52 FR 2052, Jan. 16, 1987]

§ 34**Subpart G—Importation****§ 178.111 General.**

(a) Section 922(a)(3) of the Act makes it unlawful, with certain exceptions not pertinent here, for any person other than a licensee to transport into or receive in the State where the person resides any firearm purchased or otherwise obtained by the person outside of that State.

However, section 925(a)(4) provides a limited exception for the transportation, shipment, receipt or importation of certain firearms and ammunition by certain members of the United States Armed Forces.

Section 922(1) of the Act makes it unlawful for any person knowingly to import or bring into the United States or any possession thereof any firearm or ammunition except as provided by section 925(d) of the Act, which section provides standards for importing or bringing firearms or ammunition into the United States. Section 925(d) also provides standards for importing or bringing firearm barrels into the United States.

Accordingly, no firearm, firearm barrel, or ammunition may be imported or brought into the United States except as provided by this part.

(b) Where a firearm, firearm barrel, or ammunition is imported and the authorization for importation required by this subpart has not been obtained by the person importing same, such person shall:

(1) Store, at the person's expense, such firearm, firearm barrel, or ammunition at a facility designated by U.S. Customs or the regional director (compliance) to await the issuance of the required authorization or other disposition; or

(2) Abandon such firearm, firearm barrel, or ammunition to the U.S. Government; or

(3) Export such firearm, firearm barrel, or ammunition.

(c) Any inquiry relative to the provisions or procedures under this subpart, other than that pertaining to the payment of customs duties or the release from Customs custody of firearms, firearm barrels, or ammunition authorized by the Director to be imported, shall be directed to the regional director (compliance) for reply. **[See, also, ATFR 813, Returning non-resident citizens and lawfully immigrating aliens may obtain permit to import firearms]**

[T.D. ATF 241, 51 FR 39621, Oct. 29, 1986]

§ 178.112 Importation by a licensed importer.

(a) No firearm, firearm barrel, or ammunition shall be imported or brought to the United States by a licensed importer (as defined in § 178.111) unless the Director has authorized the importation of the firearm, firearm barrel, or ammunition.

(b) An application for a permit, ATF Form 6, to import or bring a firearm, firearm barrel, or ammunition into the United States or a possession thereof under this section shall be filed, in triplicate, with the Director. The application shall contain:

(1) The name, address, and license number of the importer;

(2) A description of the firearm, firearm barrel, or ammunition to be imported, including type (e.g., rifle, shotgun, pistol, revolver; and in the case of ammunition only, ball, wadcutter), model, caliber, size or gauge, barrel length (if a firearm or firearm barrel), country of manufacture, and name of the manufacturer;

(3) The unit cost of the firearm, firearm barrel, or ammunition to be imported;

(4) The country from which to be imported;

(5) The name and address of the foreign seller and the foreign shipper;

(6) Verification that if a firearm, it will be identified as required by this part; and

(7)(i) If a firearm or ammunition imported or brought in for scientific or research purposes, a statement describing such purposes; or

(ii) If a firearm or ammunition for use in connection with competition or training pursuant to Chapter 401 of Title 10, U.S.C., a statement describing such intended use; or

(iii) If an unserviceable firearm (other than a machinegun) being imported as a curio or museum piece, a description of how it was rendered unserviceable and an explanation of why it is a curio or museum piece; or

(iv) If a firearm other than a surplus military firearm, of a type that does not fall within the definition of a firearm under section 5845(a) of the Internal Revenue Code of 1986, and is for sporting purposes, an explanation of why the firearm is generally recognized as particularly suitable for or readily adaptable to sporting purposes; or

(v) If ammunition being imported for sporting purposes, a statement why the ammunition is particularly suitable for or readily adaptable to sporting purposes; or

(vi) If a firearm barrel, and is for a handgun, an explanation why the handgun is generally recognized as particularly suitable for, or readily adaptable to sporting purposes.

If the Director approves the application, such approved application shall serve as the permit to import the firearm, firearm barrel, or ammunition described therein, and importation of such firearms, firearm barrels, or ammunition may continue to be made by the licensed importer under the approved application (permit) during the period specified thereon. The Director shall furnish the approved application (permit) to the applicant and retain two copies for administrative use. If the Director disapproves the application, the licensed importer shall be notified of the basis for the disapproval.

(c) A firearm, firearm barrel, or ammunition imported or brought into the United States by a licensed importer may be released from Customs custody to the licensed importer upon showing that the importer has obtained a permit from the Director for the importation of the firearm, firearm barrel, or ammunition to be released.

In obtaining the release from Customs custody of a firearm, firearm barrel, or ammunition authorized by this section to be imported through use of a permit, the licensed importer shall prepare ATF Form 6A, in duplicate, and furnish the original ATF Form 6A to the Customs officer releasing the firearm, firearm barrel, or ammunition. The Customs officer shall, after certification, forward the ATF Form 6A to the address specified on the form.

The ATF Form 6A shall show the name, address, and license number of the importer, the name of the manufacturer of the firearm, firearm barrel, or ammunition, the country of manufacture, the type, model, and caliber, size or gauge, and the number of firearms, firearm barrels, or rounds of ammunition released.

(d) Within 15 days of the date of release from Customs custody, the licensed importer shall:

(1) Forward to the address specified on the form a copy of ATF Form 6A on which shall be reported any error or discrepancy appearing on the ATF Form 6A certified by Customs;

(2) Pursuant to § 178.92, place all required identification data on each imported firearm if same did not bear such identification data at the time of its release from Customs custody; and

(3) Post in the records required to be maintained by the importer under Subpart H of this part all required information regarding the importation.

[T.D. ATF 241, 51 FR 39622, Oct. 29, 1986]

§ 178.115 Exempt Importation.

(d) Firearms and ammunition are not imported into the United States, and the provisions of this subpart shall not apply, when such firearms and ammunition are brought into the United States by:

(1) A nonresident of the United States for legitimate hunting or lawful sporting purposes, and such firearms and such ammunition as remains following such shooting activity are to be taken back out of the territorial limits of the United States by such person upon conclusion of the shooting activity;

(2) Foreign military personnel on official assignment to the United States who bring such firearms or ammunition into the United States for their exclusive use while on official duty in the United States;

(3) Official representatives of foreign governments who are accredited to the U.S. Government or are en route to or from other countries to which accredited;

(4) Officials of foreign governments and distinguished foreign visitors who have been so designated by the Department of State; and

(5) Foreign law enforcement officers of friendly foreign governments entering the United States on official law enforcement business.

(e) Notwithstanding the provisions of paragraphs (d)(2), (3), (4) and (5) of this section, the Secretary of the Treasury or his delegate may in the interest of public safety and necessity require a permit for the importation or bringing into the United States of any firearms or ammunition.

DEPARTMENT OF THE TREASURY
BUREAU OF ALCOHOL, TOBACCO AND FIREARMS
FIREARMS TRANSACTION RECORD PART I – OVER-THE-COUNTER

Transferor's Transaction Serial
 Number

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.

Prepare in original only. All entries must be in ink. Read the Important Notices, Instructions and Definitions on this form.

Section A – Must Be Completed Personally By Transferee (Buyer)

1. Transferee's Full Name (Last, First, Middle)	2. Residence Address (No., Street, City, County, State, ZIP Code; cannot be a post office box)			
3. Place of Birth (City, State or foreign country)	4. Height _____ Weight _____	5. <input type="checkbox"/> Male <input type="checkbox"/> Female	6. Birth Date Month ____ Day ____ Yr ____	7. Social Security Number (Optional, but will help prevent misidentification.)

8. Race (Ethnicity) (Check one or more boxes)

<input type="checkbox"/> American Indian or Alaska Native	<input type="checkbox"/> Black or African American	<input type="checkbox"/> Native Hawaiian or Other Pacific Islander
<input type="checkbox"/> Hispanic or Latino	<input type="checkbox"/> Asian	<input type="checkbox"/> White

9 What is your State of residence (if any)? _____ (See Definition 5. If you are not a citizen of the United States, you have a State of residence only if you have resided in a State for at least 90 days prior to the date of this sale.)

10 What is your country of citizenship? (List more than one, if applicable.) _____

11 If you are not a citizen of the United States, what is your INS-issued alien number or admission number? _____

Certification of Transferee

12. Answer questions 12a through 12l by writing "yes" or "no" in the boxes to the right of the questions.	
a. Are you the actual buyer of the firearm(s) listed on this form? 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 Important Notice 1 for actual buyer definition and examples.)	
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? (An information is a formal accusation of a crime by a prosecutor. See Definition 3.)	
c. Have you 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 Important Notice 6, Exception f.)	
d. Are you a fugitive from justice?	
e. Are an unlawful user of, or addicted to, marijuana, or any depressant, stimulant, or narcotic drug or any other controlled substance?	
f. Have you ever been adjudicated mentally defective (which includes having been adjudicated incompetent to manage your own affairs) or have you ever been committed to a mental institution?	
g. Have you been discharged from the Armed Forces under dishonorable conditions?	
h. Are you subject to a court order restraining you from harassing, striking, or threatening your child or an intimate partner or child of such partner? (See Important Notice 7.)	
i. Have you been convicted in any court of a misdemeanor charge of domestic violence? (See Important Notice 6, Exception 1 and Definition 4.)	
j. Have you renounced your United States citizenship?	
k. Are you an alien illegally in the United States?	
l. Are you a nonimmigrant alien? (See Definition 6.)	
13 If you are a nonimmigrant alien, do you fall within any of the exceptions set forth in important Notice 6, Exception 2? Yes <input type="checkbox"/> No <input type="checkbox"/> Not applicable <input type="checkbox"/> (If "yes," the licensee must complete question 18c.)	

I certify that the above answers are true and correct. I understand that answering "yes" to question 12a when I am not the actual buyer of the firearms is a crime punishable as a felony. I understand that a person who answers "yes" to any of the questions 12b through 12k is prohibited from purchasing or receiving a firearm. I understand that a person who answers "yes" to question 12l is prohibited from purchasing or receiving a firearm, unless the person also answers "yes" to question 13. I also understand that making any false oral or written statement, or exhibiting any false or misrepresented identification with respect to this transaction, is a crime punishable as a felony. I further understand that the repetitive purchase of firearms for the purpose of resale for livelihood and profit without a Federal firearms license is a violation of law. (See Important Notice 8.)

14. Transferee's Signature	15. Date
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Verordnung zur Durchführung des Waffengesetzes.

Vom 19. März 1938.

Auf Grund des § 31 des Waffengesetzes vom 18. März 1938 (Reichsgesetzbl. I S. 265) wird folgendes verordnet:

Abschnitt I**Allgemeines****§ 1**

(1) Höhere Verwaltungsbehörde im Sinne dieser Verordnung ist in Preußen und Bayern der Regierungspräsident (in Berlin der Polizeipräsident), in Sachsen der Kreishauptmann, im Saarland der Reichskommissar für das Saarland und im übrigen die oberste Landesbehörde.

(2) Kreispolizeibehörde im Sinne dieser Verordnung ist in Gemeinden mit staatlicher Polizeiverwaltung die staatliche Polizeibehörde, im übrigen

in Stadtkreisen der Oberbürgermeister,

in Landkreisen in Preußen der Landrat, in den anderen Ländern die ihm entsprechende Behörde.

§ 2

(1) Gegen Verfügungen der Verwaltungsbehörden auf Grund des Waffengesetzes und dieser Verordnung ist binnen zwei Wochen ausschließlich die Beschwerde an die vorgesehene Verwaltungsbehörde zulässig. Diese entscheidet endgültig.

(2) Gegen Verfügungen des Polizeipräsidenten in Berlin als Orts- oder Kreispolizeibehörde ist statt der Beschwerde der Einspruch zulässig. Die Entscheidung über den Einspruch ist dem Polizeipräsidenten selbst, seinem allgemeinen Vertreter oder einem Abteilungsleiter des Polizeipräsidentiums in Berlin vorbehalten.

§ 3

(1) Als wesentliche Teile im Sinne des § 1 Abs. 3 des Gesetzes sind anzusehen

- a) bei Schusswaffen: Lauf, Verschluss, Trommel;
- b) bei Munition: Hülse, Geschoss.

(2) Als vorgearbeitete wesentliche Teile im Sinne des § 1 Abs. 3 des Gesetzes sind nur solche im Abs. 1 bezeichneten Gegenstände anzusehen, die sich in einem derart vorgeschrittenen Herstellungszustande befinden, daß sie ohne besondere maschinelle Vorrichtungen fertig gearbeitet und zur Zusammensetzung gebrauchsfähiger Schusswaffen oder gebrauchsfähiger Munition verwendet werden können.

§ 4

Druckluftwaffen mit einem Kaliber von 7 mm und darunter unterliegen den Vorschriften des Gesetzes mit Ausnahme der §§ 9, 24 und 25 nicht.

Abschnitt II**Herstellung von Schusswaffen und Munition und Handel mit diesen Gegenständen****§ 5**

Zur Erteilung und Rücknahme der Herstellungserlaubnis (§ 3 des Gesetzes) ist die höhere Verwaltungsbehörde zuständig, in deren Bezirk der Gewerbetreibende seine gewerbliche Niederlassung hat oder begründen will.

§ 6

Zur Erteilung und Rücknahme der Handelserlaubnis (§ 7 des Gesetzes) ist die Kreispolizeibehörde zuständig, in deren Bezirk der Handeltreibende seine gewerbliche Niederlassung hat oder begründen will.

§ 7

Die Herstellung- und die Handelserlaubnis kann auf bestimmte Arten von Schusswaffen und Munition beschränkt werden.

§ 8

(1) Ob die für den Betrieb des Herstellungs- oder Handelsgewerbes erforderliche persönliche Zuverlässigkeit vorliegt (§ 3 Abs. 4, § 7 Abs. 2 des Gesetzes) ist unter Berücksichtigung des gesamten Vorlebens des Antragstellers und der Betriebsleiter zu prüfen.

(2) Die persönliche Zuverlässigkeit besitzen insbesondere nicht Personen,

1. die geschäftsunfähig oder in der Geschäftsfähigkeit beschränkt sind;
2. gegen die auf Zulässigkeit von Polizeiaufsicht oder auf Verlust der bürgerlichen Ehrenrechte erkannt worden ist, für die Dauer der Zulässigkeit der Polizeiaufsicht oder des Verlustes der bürgerlichen Ehrenrechte;
3. die wegen Landesverrats oder Hochverrats verurteilt sind oder gegen die Tatsachen vorliegen, die die Annahme rechtfertigen, daß sie sich staatsfeindlich betätigen;

IMPLEMENTING REGULATIONS OF THE WEAPONS LAW, 19 MARCH 1938

With a basis in § 31 of the Weapons Law of 18 March 1938 (*Reichsgesetzblatt* I, p. 265) are the following ordered:

SECTION I. General Points

§ 1

- (1) Higher government authority – in the meaning of these regulations – is the President of the Government in Prussia and Bavaria (in Berlin, the Police President), in Saxony the District Captain, in Saarland the Commissar for the Saarland, and in general the highest state-level authority.
- (2) District police authority in the meaning of these regulations, generally is the police authority with state police power, in general: in urban districts the Mayor
in rural districts in Prussia the State Council, in the states the equivalent authorities.

§ 2

- (1) A complaint against the orders of government officials with a basis in the Weapons Law and these regulations is permissible within two weeks to the specified government officials. These officials' decisions are final.
- (2) A protest is permissible in place of a complaint against the orders of the Police President in Berlin as the local or district police authority. The decision on the protest may be made by the Police President himself, or his general representative, or a section chief of the Police President's office in Berlin.

§ 3

- (1) A major component in the sense of § 1 (3) of the Law is considered to be:
 - a) for firearms: barrel, action, and cylinder
 - b) for ammunition: cartridge cases, bullets.
- (2) Partially-finished major components in the meaning of §1, (3) of the Law are considered to be only those items designated in (1), which are found to be in such a prescribed manufacturing condition that without special mechanical apparatus, they can be made ready and assembled into usable firearms, or are able to be made into usable ammunition.

§ 4

Air guns of 7mm or less do not fall under the provisions of the Law with the exceptions of §§ 9, 24, and 25.

SECTION II. Manufacture of Firearms and Ammunition
and Dealing in These Items

§ 5

The higher government authority in whose district the entrepreneur has established – or wants to establish – his place of business is authorized to grant and to revoke the Manufacturing License (§ 3 of the Law).

§ 6

The district police authority in whose district the dealer has established – or wants to establish – his place of business is authorized to grant and to revoke the Dealer's License (§ 3 of the Law).

§ 7

The Manufacturing and Dealer's Licenses can be restricted to specific types of firearms and ammunition.

§ 8

- (1) Whether the entrepreneur in a Manufacturing or a Retail business exhibits the requisite personal reliability (§ 3, (4); § 7, (2) of the Law), is to be taken into consideration, and the entire personal record of the applicant and the business managers is to be investigated.
- (2) Personal reliability especially is not to be found among persons:
 1. who are incompetent to do business or who have diminished competence to do business;
 2. who are under police supervision or known to have lost their civil rights, for the duration of police supervision or the loss of their civil rights
 3. convicted of high treason, or against whom facts are presented which give reason to suppose that they are actively subversive;

1. die wegen vorsächlichen Angriffß auf das Leben oder die Gesundheit, wegen Land- oder Hausfriedensbruchs, wegen Widerstandes gegen die Staatsgewalt, wegen eines gemeingefährlichen Verbrechens oder Vergehens, wegen einer strafbaren Handlung aus Gewinnsucht oder gegen das Eigentum oder wegen Jagdvergehens zu einer Freiheitsstrafe von mindestens drei Monaten verurteilt sind, wenn seit Verbüßung der Strafe drei Jahre noch nicht verfloßen sind. Der Verbüßung der Freiheitsstrafe steht ihre Verjährung, ihr Erlaß oder ihre Umwandlung in eine Geldstrafe gleich; in diesem Falle beginnt die dreijährige Frist mit dem Tage, an dem die Freiheitsstrafe verjährt oder erlassen oder in eine Geldstrafe umgewandelt worden ist. Ist die Strafe nach einer Probezeit ganz oder teilweise erlassen, so wird die Probezeit auf die Frist angerechnet.

§ 9

(1) Die fachliche Eignung für das Herstellungsgewerbe (§ 3 Abs. 4 des Gesetzes) besitzt nur, wer entweder die Meisterprüfung für das von ihm betriebene oder für ein diesem verwandtes Handwerk bestanden hat, oder wer die Befugnis zur Anleitung von Lehrlingen in einem dieser Handwerke besitzt. Der Meisterprüfung stehen die gemäß § 133 Abs. 10 der Gewerbeordnung anerkannten Prüfungen gleich. Der Deutsche Handwerks- und Gewerbekammertag bestimmt, welche Handwerke als verwandt im Sinne dieser Verordnung gelten.

(2) Die fachliche Eignung für das Herstellungsgewerbe besitzt ferner, wer seine Sachkunde durch den erfolgreichen Besuch einer Hochschule oder einer staatlich anerkannten Fachschule oder vor einer von der Industrie- und Handelskammer zu bestimmenden Stelle nachweist. Die näheren Bestimmungen über die fachlichen Anforderungen und das Prüfungsverfahren erläßt der Reichswirtschaftsminister im Einvernehmen mit dem Reichsminister des Innern.

§ 10

Juristischen Personen des Auslands und juristischen Personen, deren Kapital sich überwiegend in ausländischen Händen befindet, darf die Erlaubnis zum Betriebe des Herstellungs- oder Handelsgewerbes nicht erteilt werden.

§ 11

Die fachliche Eignung für das Handelsgewerbe (§ 7 Abs. 2 des Gesetzes) besitzt nur, wer entweder mindestens drei Jahre Inhaber eines Geschäfts gewesen ist, in dem Schußwaffen oder Munition verkauft worden sind, oder wer in einem solchen Geschäft mindestens drei Jahre als Verkäufer, Gehilfe oder Lehrling tätig ge-

wesen ist, oder wer seine Sachkunde vor einer von der Industrie- und Handelskammer zu bestimmenden Stelle nachweist. Die näheren Bestimmungen über die fachlichen Anforderungen und das Prüfungsverfahren erläßt der Reichswirtschaftsminister im Einvernehmen mit dem Reichsminister des Innern.

§ 12

Den Beginn oder die Einstellung des Gewerbes (§ 4 Abs. 3 des Gesetzes) hat ein Herstellungsbetrieb der höheren Verwaltungsbehörde, ein Handelsbetrieb der Kreispolizeibehörde des Bezirks anzuzeigen, in dem der Gewerbetreibende seine gewerbliche Niederlassung hat.

§ 13

Die Erlaubnis zum Betriebe des Herstellungs- oder Handelsgewerbes ist stets dann zurückzunehmen (§§ 5, 7 Abs. 2 des Gesetzes), wenn bei Erteilung der Erlaubnis der zuständigen Behörde nicht bekannt war, daß einer der im § 3 Abs. 2 bis 5 des Gesetzes oder im § 8 Abs. 2 dieser Verordnung bezeichneten Verfassungsgründe vorlag oder wenn nachträglich einer dieser Fälle eintritt. Wegen Verlustes oder Beschränkung der Geschäftsfähigkeit (§ 8 Abs. 2 Nr. 1 dieser Verordnung) ist die Erlaubnis nur zurückzunehmen, wenn kein Stellvertreter gemäß § 45 der Gewerbeordnung bestellt wird.

§ 14

Zur vorläufigen Unterjagung der Weiterführung des Gewerbebetriebes (§ 5 Abs. 2 des Gesetzes) ist bei einem Herstellungsgewerbe die Kreispolizeibehörde, bei einem Handelsgewerbe die Ortspolizeibehörde zuständig, in deren Bezirk der Gewerbetreibende seine gewerbliche Niederlassung hat.

§ 15

(1) Wer gewerbsmäßig Schußwaffen herstellt, hat ein Waffenbuch zu führen, aus dem der Verbleib der Schußwaffen hervorgeht. Das Waffenbuch ist nach folgendem Muster anzulegen:

vide Nr.	Datum	Zahl	Art	Aufgedruckte Firma	Herstellungsjahr	Name, Wohnort und Wohnung des Erwerbers
1	2	3	4	5	6	7

(2) Kriegsgewehr wird in ein besonderes Waffenbuch eingetragen.

§ 16

(1) Wer gewerbsmäßig Faustfeuerwaffen erwirbt, feilhält oder anderen überläßt oder sich gewerbsmäßig zum Erwerb oder Überlassen solcher Gegenstände er-

4. who, on account of: deliberate attacks on life or health; public disorderly conduct or trespassing; resistance to government authority; an offense dangerous to the public or misdemeanors; for a punishable offense against property, a hunting or fishing offense legally punishable by more than two weeks imprisonment, if three years have not elapsed since the sentence was served. The punishment of imprisonment may stand as prescribed, be reduced, or commuted into a fine; in these cases the three year period begins with the day on which imprisonment ends, or is reduced, or is converted into a fine. If this punishment is wholly or partly imposed after probation, the probation period should be added to the time period.

§ 9

- (1) The professional qualification for the manufacturing business (§ 3 (4) of the Law) is possessed only by a person who has passed either the Master's Examination for the business or for a related trade, or whoever has the license to supervise apprentices in one of these trades. The Master's Examination is the same as the examination recognized in § 133, (10) of the Trade Regulations. The German Trade and Business Chamber defines which trades are related in the meaning of this regulation. (2) The professional qualification for the manufacturing license is possessed only by a person who proves he has experience at a specific place, through successful attendance at a high school or an officially recognized trade school, or before a Chamber of Industry and Trade. The Minister of the Economy – in consultation with the Minister of the Interior – may issue more specific rules for professional requirements and the Examination process.

§ 10

Foreign legal persons and legal persons whose capital is predominantly in foreign hands, must not be granted a business license for manufacturing or dealing.

§ 11

The professional qualification for a dealership (§ 7, (2) of the Law) is possessed only by a person who either has been at least three years in a business, in which firearms and ammunition have been sold, or who has been active at least for three years in such a business as a salesman, assistant, or apprentice, or who proves he has experience before a Chamber of Industry and Trade. The Minister of the Economy in consultation with the Minister of the Interior – may issue more specific rules for professional requirements and the Examination process.

§ 12

Upon the commencement or the cessation of business (§ 4, (3) of the Law) a manufacturer must notify the higher state authority – and a dealer must notify the district police authority – in which the business-owner has his business establishment.

§ 13

The manufacturer – or dealer business license is always to be revoked (§§ 5, 7 (2) of the Law) if when the license was granted – it was not known to the competent authority that one of the reasons for denial specified in § 3 (2-5) of the Law or in § 8, (2) of these regulations, actually applied, or if one of these cases subsequently applied. In the case of a loss or a reduction of business competence (§ 8, (2), No. 1 of these regulations) the license is only to be revoked if no suitable substitute – according to § 45 of the Trade Regulations – is presented.

§ 14

The district police authority in which a place of business is located is authorized temporarily to suspend the conduct of business by a manufacturer; the local police authority may temporarily suspend the conduct of business by a dealer whose place of business is in their jurisdiction (§ 5, (2) of the Law).

§ 15

- (1) Whoever professionally manufactures firearms must maintain a "Firearms Book", from which the disposal of firearms must occur. The "Firearms Book" is to be laid out according to the following example:

Seq. No.	Date	Quantity	Type	Stamped Signature	Manuf's Number	Name & Address of Acquirer
1	2	3	4	5	6	7

- (2) War materiel will be registered in a special "Weapons Book".

§ 16

- (1) Whoever professionally acquires, sells, or otherwise disposes of handguns – or whoever professionally offers to acquire or to dispose of such items

bietet, hat ein Waffenhandelsbuch zu führen, aus dem die Herkunft und der Verbleib der Faustfeuerwaffen hervorgehen. Das Waffenhandelsbuch ist nach folgendem Muster anzulegen:

(Linke Seite)

Einnahme

Stb. Nr.	Datum	Zahl	Art	Aufgedruckte Firma oder Warenzeichen	Ser.-Stellungsnummer	Name und Wohnort des Überlassers
1	2	3	4	5	6	7

(Rechte Seite)

Ausgabe

Stb. Nr.	Datum	Zahl	Art	Aufgedruckte Firma oder Warenzeichen	Ser.-Stellungsnummer	Name, Wohnort und Wohnung des Erwerbers	Nachweis der Erwerbsberechtigung
8	9	10	11	12	13	14	15

(2) Der Veräußerer hat sich davon zu überzeugen, daß der Erwerber zum Erwerb von Faustfeuerwaffen berechtigt ist. Zu diesem Zweck hat er sich den Waffenerwerbsschein, Waffenschein oder Jahresjagdschein vorlegen zu lassen und in Spalte 15 des Waffenhandelsbuchs Art, Datum und Nummer des Scheines sowie die Behörde, die den Schein ausgestellt hat, zu vermerken. Ist der Erwerber zum Erwerb von Faustfeuerwaffen ohne Waffenerwerbsschein, Waffenschein oder Jahresjagdschein berechtigt, so ist dies in Spalte 15 zu vermerken (z. B. Reichsbehörde, Waffenhändler).

§ 17

Für das gewerbsmäßige Vermitteln des Erwerbes oder des Überlassens von Faustfeuerwaffen ist das Waffenhandelsbuch (§ 16) nach folgendem Muster anzulegen:

Stb. Nr.	Datum	Zahl	Art	Name, Wohnort und Wohnung des Überlassers	Wohnung des Erwerbers
1	2	3	4	5	6

§ 18

(1) Das Waffen- und Waffenhandelsbuch (§§ 15 bis 17) muß dauerhaft gebunden und mit fortlaufenden Seitenzahlen versehen sein. Bevor es in Gebrauch genommen wird, ist es von der Ortspolizeibehörde unter Beglaubigung der Seitenzahl abzustempeln. In dem Buche dürfen weder Rasuren vorgenommen noch Eintragungen unleserlich gemacht werden. Alle Eintragungen müssen in deutscher Sprache und mit Tinte oder Lintestift bewirkt werden. Das Buch ist zum 31. Dezember eines jeden Jahres sowie beim Wechsel oder bei der Einstellung des Betriebes unter Hinzufügung von Datum und Namensunterschrift so abzuschließen, daß nachträglich Eintragungen nicht mehr vorgenommen werden können. Binnen eines Monats nach Beginn des nächsten Kalenderjahres oder nach dem Wechsel des Betriebes ist das Buch der Ortspolizeibehörde zur Bestätigung des Abschlusses einzureichen. Der beim Abschluß des Buches verbliebene Bestand ist vorzutragen, bevor neue Eintragungen vorgenommen werden. Das Buch ist stets auf dem laufenden zu halten und mit den erforderlichen Unterlagen der Polizeibehörde oder deren Beauftragten auf Verlangen vorzulegen.

(2) Der Gewerbetreibende ist verpflichtet, das Buch bis zum Ablauf von zehn Jahren, von dem Tage der darin vorgenommenen letzten Eintragung an gerechnet, aufzubewahren. Gibt der Gewerbetreibende das Gewerbe auf, so hat er die von ihm geführten Bücher der Ortspolizeibehörde zur Aufbewahrung zu übergeben.

(3) Die Vorschriften der Abs. 1 und 2 gelten auch für das Waffenbuch für Kriegsgewehr mit der Maßgabe, daß an die Stelle der Ortspolizeibehörde eine vom Oberkommando der Wehrmacht zu bestimmende Dienststelle der Wehrmacht tritt.

§ 19

(1) Als Hersteller im Sinne des § 10 des Gesetzes gilt auch, wer in seinem Betriebe gewerbsmäßig Schusswaffen aus Teilen, die in anderen inländischen Betrieben gefertigt sind, zusammensetzt.

(2) Werden Schusswaffen im Inland aus Teilen, die in ausländischen Betrieben gefertigt sind, zusammengesetzt, so müssen sie die Firma und die Herstellungsnummer desjenigen ausländischen Herstellers tragen, der den Lauf hergestellt hat.

(3) Den Vorschriften des § 10 des Gesetzes unterliegen nicht:

1. Vorderladerwaffen;
2. Gewehrmodelle bis zum Konstruktionsjahr 1870 einschließlich;
3. Schreckschusswaffen (Waffen, aus denen nur Knallpatronen verfeuert werden können);
4. Gas-, Betäubungs- und Scheintodwaffen (Waffen, die für Gas-, Betäubungs- oder Scheintod-

- must maintain a "Firearms Dealer's Book", in which the origin and disposal of handguns must occur. The "Firearms Dealer's Book" is to be laid out according to the following example:

(left side) RECEIPTS							
Seq. No.	Date	Quantity	Type	Stamped Signature or Trademark	Manuf's Number	Name & Address of Seller	
1	2	3	4	5	6	7	
(right side) DELIVERIES							
Seq. No.	Date	Quantity	Type	Stamped Signature or Trademark	Manuf's Number	Name & Address of Acquirer	Proof of Authority to Acquire
8	9	10	11	12	13	14	15

(2) The seller has to satisfy himself that the acquirer is entitled to the acquisition of firearms. To this end, the firearms acquisition permit, the firearms carry permit, or the annual hunting permit must be submitted to him, and in Column 15 of the "Firearms Dealer's Book", he is to record the date and number of the permit, as well as the issuing authority. If the acquirer is entitled to acquire handguns without a firearms acquisition permit, this is to be noted in Column 15 (for example, government officials, firearms dealers).

§ 17

For the professional facilitation of acquisition or disposal of handguns, the "Firearms Dealer's Book" (§ 16) is to be laid out according to the following example:

Seq. No.	Date	Quantity	Type	Name, Place of Residence, and Address of Seller	Name, Place of Residence, and Address of Acquirer
1	2	3	4	5	6

§ 18

- (1) The "Firearm- and Firearms Dealer's Book" (§§ 15-17) must be durably bound and provided with consecutive page numbers. Before it can be put into use, the local police authority is to certify the page numbering by stamping. Erasures will not be acceptable in the Book, nor will unreadable entries be made. All entries must be in German and be made with ink or indelible pencil. The Book is to be closed out on 31 December of each year - as well as on a change in or a closure of the business - by the addition of the date and signature, such that no more entries may be made. Within a month after the start of the next calendar year, or after a change in ownership, the Book is to be delivered to the local police authority for verification of the closure. At the time the book is closed, any inventory remaining is to be carried forward, before new entries will be undertaken. The Book is always to be kept current, and is to be produced with the required documents on demand by the police authority or their agents.
- (2) The business-owner is required to keep the book until ten years have elapsed after the date of the last entry. If the business owner ceases to do business, he must turn over the Book he has maintained to the local police authority for safe-keeping.
- (3) The provisions of (1) and (2) also apply to the "Weapons Book for War Materiel", with the stipulation, that in place of the local police authorities, a department specified by the Armed Forces High Command is concerned.

§ 19

- (1) A manufacturer, in the meaning of §10 of the Law, is also one who in his business professionally assembles firearms from parts which are prepared by other domestic businesses.
- (2) If firearms are assembled domestically from foreign-made parts, they must bear the name and the manufacturer's number of whichever foreign manufacturer made the barrel.
- (3) The provisions of § 10 of the Law do not apply to:
 1. Muzzle-loading weapons.
 2. Rifles manufactured before and including 1870.
 3. Firearms which use only noise-making rounds.
 4. Gas, anaesthetic-, and knock-out gas weapons (weapons designed for gas, anaesthetic, or knock-out gas cartridges)

- patronen bestimmt sind) mit einem Kaliber von 12 mm und darunter, wenn bei ihnen durch besondere Vorrichtungen das wirksame Verfeuern einer Kugel- oder Schrotpatrone unmöglich gemacht ist;
5. Selbstschußapparate;
 6. Viehbetäubungsapparate.

Abchnitt III
Erwerb, Führen, Besitz und Einfuhr
von Waffen und Munition

§ 20

Eines Waffenerwerbsscheins bedarf es nicht zum Umlassen oder Erwerbe folgender Faustfeuerwaffen:

1. Vorderladerpistolen oder -revolver;
2. Schreckschußwaffen (Waffen, aus denen nur Knallpatronen verfeuert werden können);
3. Gas-, Betäubungs- und Scheintodwaffen (Waffen, die für Gas-, Betäubungs- oder Scheintodpatronen bestimmt sind) mit einem Kaliber von 12 mm und darunter, wenn bei ihnen durch besondere Vorrichtungen das wirksame Verfeuern einer Kugel- oder Schrotpatrone unmöglich gemacht ist.

§ 21

Nach § 11 Abs. 3 Buchstabe b des Gesetzes bedarf es nicht der Ausshändigung eines Waffenerwerbsscheins zur Versendung von Faustfeuerwaffen unmittelbar in das Ausland. Dem Ausland im Sinne dieser Vorschrift stehen gleich

1. die Zollausschlüsse, mit Ausnahme von Helgoland und der Badischen Zollausschlüsse,
2. die Freibezirke und Freizonen.

§ 22

(1) Eines Waffenscheins bedarf es nicht zum Führen folgender Schußwaffen:

1. Vorderladerwaffen;
2. von den Hinterladerwaffen:
 - a) Gewehrmodelle bis zum Konstruktionsjahr 1870 einschließlich,
 - b) Zimmerstutzen,
 - c) Flobertgewehre (Feschingä) mit gezogenem Laufe mit einem Kaliber von 6 mm und darunter sowie Flobertgewehre mit nicht gezogenem Laufe mit einem Kaliber von 9 mm und darunter;
3. Waffen der im § 20 Nr. 2 und 3 dieser Verordnung bezeichneten Art.

(2) Eines Waffenscheins bedarf es ferner nicht zum Führen von Selbstschuß- und von Viehbetäubungsapparaten.

§ 23

(1) Den Waffenerwerbsschein und den Waffenschein stellt die Kreispolizeibehörde aus, in deren Bezirk der Antragsteller seinen Wohnsitz oder dauernden Aufenthalt hat. In dringenden Fällen kann auch die Kreispolizeibehörde, in deren Bezirk sich der Antragsteller nur vorübergehend aufhält, den Schein ausstellen; diese hat von der Ausstellung die Kreispolizeibehörde, in deren Bezirk der Antragsteller seinen Wohnsitz oder dauernden Aufenthalt hat, zu benachrichtigen.

(2) Hat der Antragsteller seinen Wohnsitz oder dauernden Aufenthalt nicht innerhalb des Deutschen Reichs, so ist die Kreispolizeibehörde zuständig, in deren Bezirk der Aufenthalts- oder der Einreiseort liegt.

(3) In den Fällen des Abs. 1 Satz 2 und des Abs. 2 ist die Geltungsdauer des Scheines auf höchstens drei Monate festzusetzen.

§ 24

Der Waffenerwerbsschein und der Waffenschein sind nach den aus den Anlagen I und II ersichtlichen Mustern auszustellen.

§ 25

(1) Wer Faustfeuerwaffen auf Grund eines Waffenerwerbsscheins einem anderen überläßt, hat auf dem Scheine die Waffen nach Zahl, Art, aufgedruckter Firma oder Warenzeichen und Herstellungsnummer sowie das Datum der Überlassung mit Tinte oder Tintenstift zu vermerken.

(2) Der Erwerbsschein ist dem Erwerber zurückzugeben, wenn die Zahl, auf die er lautet, noch nicht erreicht ist. Andernfalls hat der Überlasser den Erwerbsschein binnen zwei Wochen der Kreispolizeibehörde einzureichen, in deren Bezirk er seinen Wohnsitz hat. Gehört er zu den in den §§ 3, 7 des Gesetzes bezeichneten Gewerbetreibenden, so hat er die Erwerbsscheine gesammelt am Ende jedes Kalendermonats der Kreispolizeibehörde einzureichen, in deren Bezirk er seine gewerbliche Niederlassung hat.

(3) Ebenso ist mit Bescheinigungen zu verfahren, die nach § 20 des Gesetzes ausgestellt sind und zum Erwerb einer Faustfeuerwaffe berechtigen.

§ 26

Die Bescheinigungen nach § 12 Nr. 6 und § 24 Abs. 2 des Gesetzes stellt für die im § 3 des Gesetzes bezeichneten Gewerbetreibenden die höhere Verwaltungsbehörde (§ 5 dieser Verordnung), für die im § 7 des Gesetzes bezeichneten Gewerbetreibenden die Kreispolizeibehörde (§ 6 dieser Verordnung) aus.

with a caliber of 12mm or smaller, if – by means of special devices – the effective use of a ball or of buckshot has been made impossible.

5. Self-firing devices.
6. Cattle-stunning devices.

§ 20

A firearms acquisition permit is not needed for the disposal or acquisition of the following handguns:

1. Muzzle-loading weapons.
2. Firearms which use only noise-making rounds.
3. Gas, anaesthetic, and knock-out gas weapons (weapons designed for gas, anaesthetic, or knock-out gas cartridges) with a caliber of 12mm or smaller, if – by means of special devices – the effective use of a ball or of buckshot has been made impossible.

§ 21

According to § 11, (3), Subpara b., of the Law, a firearms acquisition permit is not needed for the direct exportation abroad of handguns. "Abroad" in the meaning of these regulations is:

1. Duty-free zones, with the exceptions of Heligoland and the Bavarian duty-free zone;
2. Free districts and Free zones.

§ 22

(1) A firearms carry permit is not needed to carry the following firearms:

1. Muzzle-loading weapons.
2. Breech-loading weapons:
 - a. Rifles manufactured before and including 1870.
 - b. "Zimmerstutzen" (single-shot, lever-action rifles, using percussion caps and lead balls of a caliber of 4mm and under, not suitable for hunting use -*trans.*)
 - c. Flobert rifles (low-cost, light-weight, single-shot, bolt action or rolling-block, rifles -*trans.*) with rifled barrels of 6mm or less, as well as Flobert rifles with un-rifled barrels of 9mm or less; 3. Weapons of the type designated in § 20, Nos. 2 and 3 of these regulations.

(2) Furthermore, a firearms carry permit is not required to carry self-protection and cattle-stunning devices.

§ 23

- (1) The firearms acquisition permit and the firearms carry permit will be issued by the district police authority of the district in which the applicant has his permanent domicile or long-term residence. In urgent cases, the district police authority may issue the permit to an applicant living temporarily in the district; they must notify the district police authority of the district in which the applicant has his permanent domicile or long-term residence.
- (2) If the applicant does not have a permanent domicile or long-term residence in Germany, the competent district police authority is that in whose district the temporary residence or place of entry is located.
- (3) In the cases cited in (1), Clause 2; and (2), the duration of the permit may not be more than three months.

§ 24

The firearms acquisition permit and the firearms carry permit are to take the form set forth in Appendices I and 11.

§ 25

- (1) Whoever disposes of a handgun to another based on a firearms acquisition permit, must note on the permit – with ink or indelible pencil – the quantity, type, stamped signature or trademark, and manufacturer's number, as well as the date of the transfer.
- (2) The acquisition permit is to be returned to the acquirer if the quantity stated on it has not yet been reached. Otherwise, the transferor – within two weeks – has to submit the acquisition permit to the district police authority in whose district he has his residence. If he belongs to the businesses designated in §§ 3, 7 of the Law, at the end of each calendar month, he has to submit all acquisition permits to the district police authority, in which he has his place of business.
- (3) Nonetheless, certificates are to be used – as set forth in § 20 of the Law – to authorize the acquisition of a handgun.

§ 26

The certificates – under § 12, No. 6 and § 24 (2) of the Law – are set forth for the businesses designated in § 3 of the Law, the higher government authorities (§ 5 of these regulations), and for the designated businesses, the district police authority (§ 6 of these regulations).

§ 27

Ausnahmen nach § 13 Abs. 2 des Gesetzes bewilligt die Kreispolizeibehörde, in deren Bezirk der Jugendliche seinen Wohnsitz oder dauernden Aufenthalt hat. Hält er sich nur vorübergehend innerhalb des Deutschen Reichs auf, so bewilligt die Ausnahme die Kreispolizeibehörde, in deren Bezirk er sich aufhält.

§ 28

Ausnahmen nach § 15 Abs. 3 des Gesetzes bewilligt die höhere Verwaltungsbehörde, in deren Bezirk der Antragsteller seinen Wohnsitz oder dauernden Aufenthalt hat. Hält er sich nur vorübergehend innerhalb des Deutschen Reichs auf, so bewilligt die Ausnahme die höhere Verwaltungsbehörde, in deren Bezirk er sich aufhält.

§ 29

(1) Die landesrechtlichen Gebühren für die Ausstellung von Waffenerwerbsscheinen und Waffenscheinen dürfen 3 Reichsmark für den Schein nicht übersteigen.

(2) Für Doppel dürfen nur Schreibgebühren erhoben werden.

§ 30

Zum Widerruf und zur Einziehung des Waffenerwerbsscheins und des Waffenscheins ist die Kreispolizeibehörde zuständig, in deren Bezirk der Inhaber des Scheines seinen Wohnsitz oder dauernden Aufenthalt hat. Hält er sich nur vorübergehend innerhalb des Deutschen Reichs auf, so ist die Kreispolizeibehörde zuständig, in deren Bezirk er sich aufhält.

§ 31

Bescheinigungen nach § 20 des Gesetzes sind gesondert

1. für das Führen einer einzelnen Schusswaffe,
2. für den Erwerb einer einzelnen Faustfeuerwaffe auszustellen.

§ 32

Jagdwaffen im Sinne des § 21 des Gesetzes sind Schusswaffen, die zur Verwendung bei der Jagd auf jagdbare Tiere bestimmt sind und hierbei üblicherweise verwendet werden.

§ 33

Zum Erlaß eines Verbots nach § 23 Abs. 1 des Gesetzes sowie zur Einziehung von Waffen und Munition nach § 23 Abs. 2 des Gesetzes ist die Kreispolizeibehörde zuständig, in deren Bezirk die Person, gegen die sich das Verbot richtet, ihren Wohnsitz oder dauernden Aufenthalt hat.

§ 34

(1) Die Erlaubnis zur Einfuhr gemäß § 24 des Gesetzes erteilt die Kreispolizeibehörde, in deren Bezirk der Einführende seinen Wohnsitz oder Aufenthalt hat oder in deren Bezirk sein Einreisort liegt.

(2) Die Zollbehörde vermerkt auf der Bescheinigung, durch die die Erlaubnis erteilt ist, die Einfuhr und gibt die Bescheinigung sodann an die Polizeibehörde, die sie ausgestellt hat, zurück.

(3) Einer Erlaubnis zur Einfuhr nach § 24 des Gesetzes bedarf es außer in den im § 24 Abs. 2 des Gesetzes bezeichneten Fällen nicht:

1. für deutsche Staatsangehörige hinsichtlich solcher Schusswaffen und Munition, mit denen sie aus dem Ausland in das Inland wieder einreisen;
2. für Mitglieder ausländischer Schießsportverbände, die zu Schießsportveranstaltungen des Deutschen Reichsbundes für Leibesübungen oder des Deutschen Schützenverbandes einreisen, hinsichtlich der von ihnen zwecks Teilnahme an diesen Veranstaltungen mitgeführten Schusswaffen und Munition;
3. für Personen, die ihren Wohnsitz nicht im Reichsgebiet haben, für die von ihnen mitgeführten Jagdwaffen und Munition, deren Einfuhr von einer deutschen Vertretung im Ausland (Botschaft, Gesandtschaft oder Berufskonsulat) durch Unbedenklichkeitserklärung zugelassen wird.

§ 35

(1) Ausnahmen für die Herstellung, den Handel und den Besitz der im § 25 des Gesetzes bezeichneten Schusswaffen, Vorrichtungen und Patronen zur Ausfuhr bewilligt die höhere Verwaltungsbehörde, in deren Bezirk der Antragsteller seine gewerbliche Niederlassung hat.

(2) Schusswaffen, Vorrichtungen und Patronen, die von Behörden des Reichs oder der Länder oder von der Reichsbank zu dienstlichen Zwecken benötigt werden, fallen nicht unter das Verbot des § 25 Abs. 1 des Gesetzes.

§ 36

In der Verordnung über ein vorübergehendes Verbot der Einfuhr von Faustfeuerwaffen vom 12. Juni 1933 (Reichsgesetzbl. I S. 367) erhält Abs. 2 folgende Fassung:

„Ausnahmen im Einzelfalle sind unter den Voraussetzungen des § 24 Abs. 1 des Waffengesetzes vom 18. März 1938 (Reichsgesetzbl. I S. 265) zulässig.“

Berlin, den 19. März 1938.

Der Reichsminister des Innern
Frid

§ 27

Exceptions may be granted by the district police authority under § 13, (2) of the Law, in whose district the juvenile has his permanent domicile or long-term residence. If the person is only temporarily in Germany, the exception may be granted by the district police authority in whose district he is staying.

§ 28

Exceptions under § 15, (3) of the Law may be granted by the higher government authority in whose district the applicant has his domicile or long-term residence. If the person is only temporarily in Germany, the exception may be granted by the district government authority in whose district he is staying.

§ 29

- (1) According to provincial law, the fee for the issuance of a firearms acquisition permit and firearms carry permit must not exceed 3 Marks for the permit.
- (2) For a duplicate only the document tax should be collected.

§ 30

The district police authority is competent to revoke – or to issue – the firearms acquisition permit and the firearms carry permit of a holder who has his domicile or long-term residence in the district. If the person is only temporarily in Germany, the exception may be granted by the district police authority in whose district he is staying.

§ 31

Certificates under § 20 of the Law are separate: 1. for the carrying of a single firearm; 2. for the acquisition of a single handgun.

§ 32

Hunting weapons in the meaning of § 21 of the Law are firearms, designed for – and usually used for the hunting of fair game.

§ 33

The issuance of a Prohibition under § 23, (1) of the Law as well as the confiscation of weapons and ammunition under § 23, (2) of the law, is in the competence of the police authority in whose district the person – against whom the prohibition is aimed – has his domicile or permanent residence.

§ 34

- (1) The import license in conformity with § 24 of the Law is granted by the district police authority in whose district the importer has his domicile or permanent residence, or in whose district has his place of entry
- (2) The customs authority must note the importation on the certificate, through which the license is granted, and afterwards return the certificate to the police authority which issued it.
- (3) The import license under § 24 of the Law is not required in the cases specified in § 24, (2) of the Law:
 1. for German government employees, regarding such firearms and ammunition, that they want to bring into the country from abroad;
 2. for members of foreign shooting clubs – entering the country for shooting sports events of the German Union for Physical Exercise or of the German Protection Association – regarding such firearms and ammunition brought with them for the purpose of taking part in these events.
 3. for persons who do not have residences in Germany – for hunting weapons and ammunition brought with them – whose import is from a German diplomatic post abroad (embassy, legation, or consulate) and is to be permitted without hesitation.

§ 35

- (1) In the cases of firearms, devices and cartridges specified in § 25 of the Law, exceptions may be made – in the case of exports – by the higher government authority of the district in which the applicant has his business establishment (2) Firearms, devices, and cartridges needed for official purposes by officials of the government or the states, or by the central bank, do not fall under the Prohibition of § 25, (1) of the Law.

§ 36

The regulation on a temporary prohibition of the import of handguns of 12 June 1933 (*Reichsgesetzblatt I*, p. 367) (2), now has the following wording: "individual exceptions are permissible under the provisions of § 24, (1) of the Weapons Law of 18 March 1938 (*Reichsgesetzblatt I*, p. 265).

Berlin, 19 March 1938
Minister of the Interior
Frick

Nr. 31 -- Tag der Ausgabe: 21. März 1938
 No. 31 -- Day of Issue: 21 March 1938

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Appendix I

Anlage I

(Zum § 24 der Verordnung)

(fr. § 24 of the Regulations)

(Vorderscite)

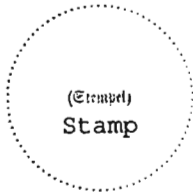
Front

Waffenerwerbschein Nr.
 WEAPON ACQUISITION PERMIT No. _____
Gültig auf ein Jahr
 Valid for 1 Year

wohnhaft
 Residence

wird hierdurch die Erlaubnis zum Erwerbe von
 is hereby licensed to acquire

erteilt.



..... den 19 ..
 (Ort)
 Place

.....
 (Bezeichnete)
 Authority

(Rückseite)

Back

Es wurde überlassen
 Delivered

Gfde. Nr.	Datum	Zahl	Art	Aufgedruckte Firma oder Warenzeichen	Herstellungsziffer	Name, Wohnort und Wohnung des Überlassers
1	2	3	4	5	6	7
	Date	Quant.	Type	Impressed Signature or Trademark	Manuf.'s Number	Name and Address of Transferee

Anlage II

(Zum § 24 der Verordnung)

<p>Platz für Lichtbild Picture</p>	<p>WEAPON PERMIT No. _____ Waffenschein Nr. <u>Gültig auf drei Jahre</u> Valid for 3 Years</p> <p>..... wohnsaft in Address geboren am in Born at in wird hierdurch die Erlaubnis zum Führen is hereby permitted to carry</p>
<p>(Eigenhändige Unterschrift des Inhabers) Signature of Bearer</p>	<p>innerhalb des Deutschen Reichs .. within Germany</p> <p>..... erteilt.</p> <p>..... Place , den 19 .. (Ort)</p> <p>(Stempel) Stamp</p> <p>..... (Dienststelle) Office</p>

Ausführungsbestimmungen

zu § 9 Abs. 2 Satz 2 und § 11 Satz 2 der Verordnung zur Durchführung des Waffengesetzes.

Vom 21. März 1938.

Auf Grund des § 9 Abs. 2 Satz 2 und des § 11 Satz 2 der Verordnung zur Durchführung des Waffengesetzes vom 19. März 1938 (Reichsgesetzbl. I S. 270) wird im Einvernehmen mit dem Reichsminister des Innern folgendes bestimmt:

§ 1

(1) Die Stelle, vor der die fachliche Eignung für das Herstellungs- oder das Handelsgewerbe im Sinne der §§ 9 Abs. 2 und 11 der Durchführungsverordnung vom 19. März 1938 (vgl. auch § 3 Abs. 2 bis 5 und § 7 des Gesetzes) nachzuweisen ist, ist ein von der Industrie- und Handelskammer zu bestimmender Sachverständiger, der durch langjährige Beschäftigung mit der Herstellung von Waffen und Munition vertraut sein muß. Der Sachverständige braucht nicht Mitglied der Industrie- und Handelskammer zu sein. Die Ernennung des Sachverständigen ist von der Industrie- und Handelskammer in geeigneter Weise bekanntzumachen.

(2) Die fachliche Eignung für die Herstellung von Schießpulver jeder Art ist durch eine Prüfung vor dem zuständigen Gewerbeaufsichtsamt nachzuweisen.

§ 2

Es findet nur eine mündliche Prüfung statt. Der Bewerber hat darin ausreichende Kenntnisse über die Art, Konstruktion und Handhabung der gebräuchlichsten Schußwaffen und über die Behandlung und Verwendung der gebräuchlichsten Munition nachzuweisen.

§ 3

Über das Ergebnis der Prüfung (§ 2) hat der Sachverständige eine Bescheinigung zu erteilen. Die Industrie- und Handelskammer kann zur Deckung der Kosten von dem Bewerber eine Gebühr bis zu 5 Reichsmark erheben.

Berlin, den 21. März 1938.

Der Reichswirtschaftsminister

In Vertretung
Brinkmann

Herausgegeben vom Reichsministerium des Innern. — Gedruckt in der Reichsdruckerei, Berlin.

Implementation Provisions
of § 9, (2), Clause 2 and §11, Clause 2 of the
Implementation Regulations of the Weapons Law
of 21 March 1938

With basis in § 9, (2), Clause 2 and § 11, Clause 2 of the Regulations for the Implementation of the Weapons Law of 19 March 1938 (*Reichsgesetzblatt I*, p. 270), and in consultation with the Minister of the Interior, the following is set forth:

§ 1

(1) The source of proof of the professional qualifications for the manufacturing business or dealership in the meaning of §§ 9, (2) and 11, of the Implementing Regulations of 19 March 1938 (see also § 3, (2) through (5) and §7 of the Law), is an expert designated by the Industry and Trade Chambers, who may be relied upon through long-term involvement in the manufacture of weapons and ammunition. The expert does not need to be a member of the Industry or Trade Chamber. The Industry and Trade Chamber should use suitable means to make known whom it has designated "expert". (2) The professional qualification for the manufacture of gun powder of any kind is to be proved through a test before the competent Business Supervision Office.

§ 2

An oral examination is sufficient. The tradesman must prove a sufficient knowledge of the types, construction, and handling of the most usual firearms and of the usage and application of usual ammunition.

§ 3

If the exam is passed (§ 2), the expert must issue a certificate. To cover its costs, the Industry and Trade Chamber may collect a fee of up to 5 Marks from the tradesman.

Berlin, 21 March 1938
The Economics Minister
/s/ Brinkmann

Reichsgesetzblatt

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Im Teil II, Nr. 20, ausgegeben am 24. Mai 1938, sind veröffentlicht: Verordnung zur Eisenbahn-Verkehrsordnung. — Bekanntmachung zum Internationalen Abkommen über Kraftfahrzeugverkehr. — Bekanntmachung über die Ratifikation des Abkommens über den Warenverkehr zwischen Deutschland und Niederländisch-Indien. — Bekanntmachung über die Ratifikation des Deutsch-Litauischen Warenabkommens, des Deutsch-Litauischen Verkehrsabkommens und des Deutsch-Litauischen Grenzverkehrsabkommens.

Verordnung zur Ergänzung der Verordnung über die Stempel der Eichbehörden*).

Vom 20. Mai 1938.

Auf Grund der §§ 26 und 41 des Maß- und Gewichtsgesetzes vom 13. Dezember 1935 (Reichsgesetzbl. I S. 1499) wird hiermit verordnet:

Bei der Eichung und bei der eichamtlichen Beglaubigung der Fieberthermometer kann als Stempelzeichen bzw. als Beglaubigungszeichen abweichend von Artikel 1 und Artikel 2 der Verordnung über die Stempel der Eichbehörden vom 3. September 1937 (Reichsgesetzbl. I S. 962) bis zum 31. Dezember 1938 das in der Verordnung zur Ausführung des Gesetzes über die Prüfung und Beglaubigung der Fieberthermometer vom 27. Januar 1925 (Reichsgesetzbl. I S. 7) in Ziffer 3 beschriebene Merkmal verwendet werden.

Berlin, den 20. Mai 1938.

Der Reichswirtschaftsminister
Walther Funk

*) Betrifft nicht das Land Österreich.

Zweite Verordnung zur Durchführung des Waffengesetzes*).

Vom 23. Mai 1938.

Auf Grund des § 31 des Waffengesetzes vom 18. März 1938 (Reichsgesetzbl. I S. 265) wird folgendes verordnet:

§ 1

Schredschußwaffen (Waffen, aus denen nur Knallpatronen verfeuert werden können) mit Ausschuß oben und nicht durchgehend durchbohrtem Lauf sowie die dazugehörige Munition fallen bis zum 31. Mai 1939 nicht unter das Verbot des § 13 des Waffengesetzes.

§ 2

Diese Verordnung tritt mit Wirkung vom 1. April 1938 in Kraft.

Berlin, den 23. Mai 1938.

Der Reichsminister des Innern

In Vertretung
Pfundtner

*) Betrifft nicht das Land Österreich.

Second Implementation Regulations of the Weapons Law*)
23 May 1938

With a basis in § 31 of the Weapons Law of 18 March 1938 (*Reichsgesetzblatt I*, p. 265) is the following ordered:

§ 1

Noise-making firearms (weapons which fire only noise-making cartridges) with a gas vent on top and a barrel that is not completely bored out - as well as the ammunition thereof - do not fall under the Prohibition of § 13 of the Weapons Law.

§ 2

This regulation took effect on 1 April 1938.

Berlin, 23 May 1938
Minister of the Interior t
/s/ Pfundtner

*) does not affect the state of Austria

Reichsgesetzblatt

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9. 11. 38	Verordnung über die Einführung des Gesetzes über die Beförderung der im unmittelbaren Reichsdienst stehenden Polizeivollzugsbeamten auf den öffentlichen regelmäßig verkehrenden Beförderungsmitteln im Lande Österreich	1572
10. 11. 38	Verordnung zur Ergänzung der Familienunterstützungsverordnung für Österreich	1573
11. 11. 38	Verordnung gegen den Waffenbesitz der Juden	1573
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1573

Verordnung gegen den Waffenbesitz der Juden.

Vom 11. November 1938.

Auf Grund des § 31 des Waffengesetzes vom 18. März 1938 (Reichsgesetzbl. I S. 265), des Artikels III des Gesetzes über die Wiedervereinigung Österreichs mit dem Deutschen Reich vom 13. März 1938 (Reichsgesetzbl. I S. 237) und des § 9 des Erlasses des Führers und Reichskanzlers über die Verwaltung der jüdetendutschen Gebiete vom 1. Oktober 1938 (Reichsgesetzbl. I S. 1331) wird folgendes verordnet:

§ 1

Juden (§ 5 der Ersten Verordnung zum Reichsbürgergesetz vom 14. November 1935, Reichsgesetzbl. I S. 1333) ist der Erwerb, der Besitz und das Führen von Schusswaffen und Munition sowie von Stieb- oder Stoßwaffen verboten. Sie haben die in ihrem Besitz befindlichen Waffen und Munition unverzüglich der Ortspolizeibehörde abzuliefern.

§ 2

Waffen und Munition, die sich im Besitz eines Juden befinden, sind dem Reich entschädigungslos verfallen.

§ 3

Für Juden fremder Staatsangehörigkeit kann der Reichsminister des Innern Ausnahmen von dem im § 1 ausgesprochenen Verbot zulassen. Er kann diese Befugnis auf andere Stellen übertragen.

§ 4

Wer den Vorschriften des § 1 vorsätzlich oder fahrlässig zuwiderhandelt, wird mit Gefängnis und mit Geldstrafe bestraft. In besonders schweren Fällen vorsätzlicher Zuwiderhandlung ist die Strafe Zuchthaus bis zu fünf Jahren.

§ 5

Der Reichsminister des Innern erläßt die zur Durchführung dieser Verordnung erforderlichen Rechts- und Verwaltungsvorschriften.

§ 6

Diese Verordnung gilt auch im Lande Österreich und in den jüdetendutschen Gebieten.

Berlin, den 11. November 1938.

Der Reichsminister des Innern
Frick

Regulations Against Jews' Possession of Weapons
11 November 1938

With a basis in § 31 of the Weapons Law of 18 March 1938 (*Reichsgesetzblatt I*, p. 265), Article iii of the Law on the Reunification of Austria with Germany of 13 March 1938 (*Reichsgesetzblatt I*, p. 237), and § 9 of the Führer and Chancellor's decree on the administration of the Sudeten-German districts of 1 October 1938 (*Reichsgesetzblatt I*, p. 1331) are the following ordered:

§ 1

Jews (§ 5 of the First Regulations of the German Citizenship Law of 14 November 1935, *Reichsgesetzblatt I*, p. 1333) are prohibited from acquiring, possessing, and carrying firearms and ammunition, as well as truncheons or stabbing weapons. Those now possessing weapons and ammunition are at once to turn them over to the local police authority.

§ 2

Firearms and ammunition found in a Jew's possession will be forfeited to the government without compensation.

§ 3

The Minister of the Interior may make exceptions to the Prohibition in §1 for Jews who are foreign nationals. He can entrust other authorities with this power.

§ 4

Whoever willfully or negligently violates the provisions of §1 will be punished with imprisonment and a fine. In especially severe cases of deliberate violations, the punishment is imprisonment in a penitentiary for up to five years.

§ 5

For the implementation of this regulation, the Minister of the Interior waives the necessary legal and administrative provisions.

§ 6

This regulation is valid in the state of Austria and in the Sudeten-German districts.

Berlin, 11 November 1938
Minister of the Interior
Frick