

Requirements for Assault Weapon Purchase

C. Social Security or Birth Certificate

A social security card or birth certificate is not an acceptable form of identification as it does not include an address and under no circumstances will be accepted as any form of identification of the prospective purchaser.

D Sale or Transfer of an Assault Weapon

Citizenship must be established prior to the sale or transfer of an "assault weapon". To establish citizenship or lawful admission for a permanent residence, a dealer must require a prospective purchaser to present one of the following forms of identification documentation prior to sale or transfer of an assault firearm.

1. A certified birth certificate
2. A certificate of birth abroad issued by the United States Government
3. A certificate of citizenship or a certificate of naturalization issued by the United States Citizenship and Immigration Services
4. An unexpired United States passport
5. A United States citizen identification card
6. A current voter registration card
7. A current selective service registration card
8. An immigrant visa or registration card
9. Other documentation of status as a person lawfully admitted for permanent residence issued by the ICE

E. Law Enforcement Officers

1. State and federal law enforcement officers must meet primary and secondary ID requirements and must consent to a CHRI check for the purchase of a firearm by completion of form SP-65, with the exception of certification letter transactions described below.

2. Certification Letter – Under Section 925 (a) (1) of the Gun Control Act exempt from the provisions of the Federal Brady Law if the law enforcement officer is issued a certification letter on the agency's letter head, signed by a person in authority within the agency, stating that the officer will use the firearm in performance of official duties, and the letter must state that a records check reveals that the purchasing officer has not been convicted of a misdemeanor crime or domestic violence.

A The officer specified in the certification letter may purchase a firearm regardless of the state in which the officer resides or in which the agency is located.

B Completion of a state form SP65 is not required in this instance

3. Law enforcement officers are not exempt from the domestic violence prohibition of the Federal Gun Act.

F . Military Personnel

1. Identification Requirements – A military photo identification card issued by the United States Department of Defense., and proof that Virginia, including the Pentagon, is the permanent duty station via “signed and current “ military personnel as residents of Virginia.
2. Mobile unit Assignments - If Permanently or temporarily assigned to mobile units in Virginia, the mobile units address should be considered when establishing residency. If the individuals home state is not Virginia, he /she shall be considered a non resident and the transaction conducted pursuant to nonresident procedures. If However the home port is listed as Virginia, the transaction may be processed as a Virginia resident the same as any other permanent military assignment to Virginia supported by military assignment orders.

G .Nonresident Transactions

1. Handguns – The sale of handguns to nonresident buyers is prohibited by Federal Law, with the exception of the purchase of a handgun by law enforcement officers (see E.,3)
2. Rifles and Shotguns – Rifles and shotguns may be purchased by persons who are residents of other states under the terms of subsection A and B, Section 18.2 -303 .2.2, Code of Virginia; i.e., one photo-identification form issued by a governmental agency of the purchasers state of residence and one other documentation of residence, any of which must show an address identical to that shown on the photo – identification form.
3. A nonresident redeeming a pawned handgun(s) must meet the primary and secondary ID requirements. Refer to Section X for additional information pertaining to pawn redemption transaction.

H .Non-citizen Transactions

1. Lawful permanent Residence -The alien resident identification number must be recorded on the SP-65 form in the appropriate block.
2. Non- immigrant Status – Since 1998 ,the Gun Control Act of 1968 (GCA) has prohibited any “alien” who has been admitted into the United States under a non-immigrant visa from receiving or possessing a firearm that has connection to interstate commerce. See Title 18, United States Code (USC) , Section 922 (g) (5) (B). In a interim final regulation published in 2002 , the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) interpreted this provision to cover all “non-immigrant aliens” regardless of whether the alien required a visa in order to be admitted into the United States. In March of 2012 the U.S Department of Justice's Office of Legal Counsel (OLC) Determined this statutory prohibition applies only to aliens admitted into the United States. Some non - immigrant aliens, including most Canadian visitors ,as well as aliens admitted under the Visa Waiver program, are allowed to be present in the United States without a non – immigrant visa. Those aliens ,and others who

are lawfully in the country without a visa, are not within the scope of the GCA prohibition. Therefore, aliens admitted into the United States with non-immigrant visas are prohibited from shipping, transporting, receiving, and possessing firearms. There are exceptions to the non-immigrant alien prohibition, as follows.

A. The Non-immigrant alien is in possession of a hunting license or permit lawfully issued in the United States.

B. The non-immigrant is an official representative of a foreign government who is accredited to the United States Government or their Government's mission to an international organization having its headquarters in the United States. The individual must provide the dealer with a letter, on official embassy or Department of State letterhead, advising that the firearm is being purchased "in the representative's official capacity."

C. The Non-immigrant has received a waiver from the prohibition from the Attorney General of the United States.