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Registration of Firearms Policy Summary

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BACKGROUND

Firearm registration laws require individuals to record their ownership of a firearm with a designated law enforcement agency. These laws enable law enforcement to identify, disarm, and prosecute violent criminals and people illegally in possession of firearms. Registration systems also create accountability for firearm owners and discourage illegal sales.

Firearm registration laws can lead to the identification and prosecution of violent criminals by helping law enforcement quickly and reliably "trace" (identify the source of) firearms recovered from crime scenes. Firearm registration laws create comprehensive records of firearm ownership, which include a full description of each firearm and identify the owner. Comprehensive registration laws also require a firearm to be re-registered whenever title to the firearm is transferred, and law enforcement to be notified whenever the weapon is lost or stolen. As a result, registration laws help law enforcement quickly and reliably identify the owner of any firearm used in a crime.

Additional information on crime gun tracing, firearm sales reporting requirements and retention of

FIREARM REGISTRATION LAWS HELP IDENTIFY CRIMINALS

Firearm registration laws can lead to the identification and prosecution of violent criminals. Registration helps law enforcement quickly and reliably trace firearms recovered from crime scenes.



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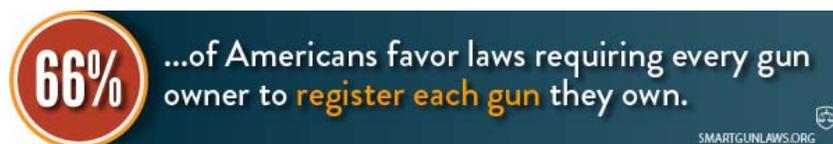
firearm sales records is contained in our summary on [Maintaining Records & Reporting Gun Sales](#).

Firearm registration laws also help law enforcement retrieve firearms from persons who have become legally prohibited from possessing them through criminal convictions or other prohibitions. Comprehensive registration laws require gun owners to renew their registration annually or explain why they should no longer be legally responsible for the weapon. During the renewal process, owners undergo additional background checks to ensure that they have not fallen into a class prohibited from possessing firearms. The renewal process, therefore, creates an opportunity for law enforcement to remove illegally possessed firearms.

In addition, registration laws help reduce illegal firearm sales and transfers by creating accountability for gun owners. A firearm owner who knows that law enforcement has the ability to trace the firearm back to him or her may be deterred from transferring the firearm to a potentially dangerous individual, and may be encouraged to store his or her firearm safely so as to prevent unauthorized access or theft. Registration laws also help deter “straw purchases,” in which an eligible person purchases a firearm on behalf of an ineligible person or a person who wants to avoid having the gun traced back to him or her. For more information about straw purchases, see our summary on [Gun Trafficking & Straw Purchases](#).

Information generated by firearm registration systems can also help protect law enforcement officers responding to an incident by providing them with information about whether firearms may be present at the scene and, if so, how many and what types.

Registration laws are most effective when combined with laws requiring licensing of firearm owners and purchasers.¹ A 2001 study analyzing the firearm tracing data of crime guns recovered in 25 U.S. cities revealed that states with some form of both registration and licensing have greater success keeping firearms initially sold by dealers in the state from being recovered in crimes than states without such systems in place.² This data suggests that licensing and registration laws make it more difficult for criminals, juveniles and other prohibited purchasers to obtain guns, and help ensure that firearm owners remain eligible to possess their weapons. For more information on licensing laws, see our summary on [Licensing Gun Owners & Purchasers](#).



The American public strongly supports laws requiring gun registration. A nationwide survey conducted in January 2011 found that 66% of respondents favor laws requiring every gun owner to register each gun he or she owns as part of a national gun registry.³ A poll conducted in May 2001 found that 70% of respondents mistakenly believe that a registration system already exists in the United States.⁴

SUMMARY OF FEDERAL LAW

There is no comprehensive national system of gun registration. In fact, federal law prohibits the use of the National Instant Criminal Background Check System (NICS) to create any system of registration of firearms or firearm owners.⁵

A limited system of federal firearms registration was created by the National Firearms Act, 26 U.S.C. § 5801 *et seq.* The National Firearms Act (“NFA”) was enacted in 1934 to impose an excise tax and registration requirements on a narrow category of firearms, including machine guns, short-barreled shotguns or rifles, and silencers, and these weapons must also be registered under the NFA.⁶

In 1986, Congress banned the transfer and possession of machine guns not already in lawful circulation.⁷ Machine guns that were lawfully owned prior to the ban’s effective date may continue to be owned and transferred provided they are registered in accordance with requirements of the National Firearms Act.⁸ It is also unlawful for a licensed dealer to sell a short-barreled rifle or shotgun to any person, except as specifically authorized by the Attorney General consistent with public safety and necessity.⁹

With its provisions effectively limited to pre-ban machine guns and transfers of short-barreled rifles and shotguns that are specifically authorized by the Attorney General, the registration system created by the National Firearms Act falls far short of a comprehensive registration system.

For information about the federal law relating to firearms tracing, see our summary on [Gun Trafficking &](#)

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SUMMARY OF STATE LAW

Six states and the District of Columbia require registration of some or all firearms. Hawaii and the District of Columbia require the registration of all firearms, and New York requires the registration of all handguns through its licensing law.¹⁰ Hawaii, New York and four other states also have a registration system for certain highly dangerous firearms, such as assault weapons. These states generally ban such firearms, but allow the continued possession of grandfathered weapons if they were owned before the ban was adopted and are registered. For more information about such laws, see our summaries on [Assault Weapons](#), [50 Caliber Weapons](#), and [Large Capacity Ammunition Magazines](#).

Additional states require the reporting of firearm sales and transfers to a state or local agency, which maintains these records. For information about such laws, see our summary on [Maintaining Records & Reporting Gun Sales](#). California and Maryland also require new residents to report certain firearms that they bring into the state.

Conversely, eight states have statutes prohibiting them from maintaining a registry of firearms except in limited circumstances.

States that Require Registration of All Firearms

District of Columbia¹¹

Hawaii¹²

States that Require Registration of Handguns

New York¹³

States that Require New Residents to Report Their Firearms

California¹⁴

Maryland¹⁵ (handguns and assault weapons)

States that Require Registration of Pre-Ban Assault Weapons or 50 Caliber Rifles

California¹⁶ (assault weapons and 50 caliber rifles)

Connecticut¹⁷ (assault weapons and large capacity magazines)

Hawaii¹⁸ (assault pistols)

Maryland¹⁹ (assault pistols)

New Jersey²⁰ (assault weapons)

New York²¹ (assault weapons)

States that Prohibit Registries of Firearms

Delaware²²

Florida²³

Georgia²⁴

Idaho²⁵

Pennsylvania²⁶

Rhode Island²⁷

South Dakota²⁸

Vermont²⁹

Description of State Laws Concerning Gun Registration

1. **States That Require Registration of All Firearms:** Only Hawaii and the District of Columbia require the registration of all firearms.

Hawaii requires registration of all firearms with the county police chief within five days of acquisition.

The registration must include: (1) the name of the manufacturer and importer; (2) the model, type of action, caliber or gauge, and serial number of the firearm; and (3) the source from which the firearm was obtained, including the name and address of the previous registrant. In addition, every person who brings a firearm into Hawaii must register the firearm within three days of the arrival of either the person or the firearm, whichever arrives later.³⁰ Hawaii does not require renewal of the registration. Hawaii also has a licensing scheme, requiring that all firearm purchasers obtain a permit prior to acquisition.³¹

The District of Columbia's registration law limits the availability of many classes of firearms within the District. While the District requires a valid registration certificate for every gun that is purchased, sold, transferred, or possessed in the District,³² many classes of especially dangerous firearms may not be registered. For example, sawed-off shotguns, machine guns, short-barreled rifles, assault weapons, .50

BMG rifles, and “unsafe firearms” as defined by District law, may not be registered.

The District of Columbia requires that an application for registration be made prior to taking possession of a firearm from a licensed dealer or any person or organization holding a registration certificate for the firearm. In addition to providing detailed identifying information about the registration applicant and the firearm, applicants are also required to provide detailed information concerning: 1) whether the applicant has ever been denied any firearm-related license, permit or registration certificate and, if so, the reasons for such denial; 2) the applicant's role in any mishap involving a firearm, including the date, place, time, circumstances, and names of the persons injured or killed; 3) if the applicant has applied for other registration certificates; and 4) where the firearm generally will be kept. Applicants undergo a background check conducted by the Chief of Police.

Registration applicants are required to complete a written exam and a firearms safety course. Registered owners are required to notify the Chief of Police of the loss, theft, or destruction of the registration certificate or of a registered firearm. Registrants must also notify the Chief of the sale, transfer, or other disposition of the firearm within two business days of such sale, transfer or disposition, and must return the registration certificate for any firearm that has been lost, stolen, destroyed, or otherwise disposed of or transferred.³³ Firearm registrations in the District must be renewed every three years.

2. **States that Require Registration of Handguns:** New York generally requires anyone wishing to possess a handgun to first obtain a license, following a background check. The license must specify the weapon by caliber, make, model, manufacturer's name and serial number, and must indicate if the handgun may be carried on the person or possessed in a particular location. A license holder may apply at any time to his or her licensing officer for amendment of the license to include more weapons or to cancel weapons held under license. As of January 15, 2013, such license must be “recertified” with the division of state police every five years. The recertification form requests the license holder's name, date of birth, gender, race, residential address, social security number, all firearms possessed by such license holder, email address (at the option of the license holder) and an affirmation that such license holder is not prohibited from possessing firearms. A failure to recertify results in the revocation of the license.

3. **States that Require Reporting of Gun Sales or Transfers:** Many states require the reporting of firearm sales and transfers to a state or local agency, which maintains these records. For information about such laws, see our summary on [Maintaining Records & Reporting Gun Sales](#).

4. **States that Require New Residents to Report Their Firearms:** California and Maryland require new residents to provide a report regarding firearms they own to law enforcement. More specifically, any handgun owner who moves into California from out-of-state on or after January 1, 1998 or any firearm owner who moves into California on or after January 1, 2014 is deemed a “personal firearm importer.” Within 60 days, the person must sell or transfer the firearm through a licensed dealer or to a sheriff or police department, or provide a report to DOJ regarding the firearm. Maryland enacted a similar law in 2013 that requires any new resident to register all handguns or assault weapons within 90 days of moving into the state.

5. **States that Require Registration of Pre-Ban Assault Weapons, 50 Caliber Rifles, and/or Large Capacity Magazines:** Six states (California, Connecticut, Hawaii, Maryland, New Jersey, and New York) have banned assault weapons,³⁴ but allow continued possession of such weapons if they were lawfully owned on a specified date and are registered, except that grandfathered assault long guns in Maryland do not need to be registered. In California (the only state that currently bans the possession of 50 caliber rifles) any person who lawfully possessed a 50 caliber rifle before January 1, 2005, must have registered it no later than April 30, 2006 in order to retain possession of the firearm.³⁵

In 2013, Connecticut enacted legislation which bans large capacity ammunition magazines (capable of holding more than 10 rounds), and requires persons lawfully possessing such magazines prior to January 1, 2014 to apply with the state before January 1, 2014 in order to maintain possession. A person moving into the state with a large capacity magazine must apply to maintain possession within 90 days.

6. **States That Prohibit Registration of Some or All Firearms:** Eight states are explicitly prohibited by law from maintaining a registry of any firearms. However, many of these prohibitions contain general categories of exceptions, such as records relating to persons who have been convicted of a crime. Delaware,³⁶ Florida,³⁷ Georgia,³⁸ Idaho,³⁹ Rhode Island,⁴⁰ South Dakota,⁴¹ and Vermont⁴² prohibit keeping any registry of privately owned firearms. Pennsylvania prohibits any registry of long guns.⁴³

SEE CURRENT SUMMARIES OF ALL FIFTY STATES' LAWS IN THIS POLICY AREA



FEATURES OF COMPREHENSIVE LAW

The features listed below are intended to provide a framework from which policy options may be considered.⁴⁴ A jurisdiction considering new legislation should consult with counsel.

- Registration is required for all firearms prior to taking possession, or, in the case of firearms already owned or brought into the jurisdiction, immediately after the firearm is brought into the jurisdiction or the effective date of the law (*District of Columbia; Hawaii requires registration within 5 days of acquisition of firearm and within 3 days of moving into the state with a firearm*)
- Registration includes: name, address and other identifying information about the owner of the firearm; names of manufacturer and importer; model, type of action, caliber or gauge, and serial number of firearm; and name and address of source from which firearm was obtained (*Hawaii, District of Columbia*)
- Registered owners are required to renew registration annually, including submitting to a background check (*D.C. requires renewal every three years; New York requires handgun licensees to recertify their licenses every five years*)
- Registered owners are required to report any loss, theft or transfer of the registered firearm to law enforcement within a short time of the event and to turn in their registration card or certificate upon loss, theft or transfer (*District of Columbia*)
- Registered owners are required to store all firearms safely and securely
- Additional restrictions may include limitations on where registered firearms may be possessed and to whom they may be transferred (particularly relevant for certain classes of firearms such as assault weapons, 50 caliber rifles, and large capacity magazines)

1. Conceptually, licensing is directed to the owner or purchaser of the firearm, while registration is directed to the weapon itself. As shown in this analysis, some jurisdictions incorporate elements of licensing in their registration laws, and vice versa. [2]
2. Daniel W. Webster et al., *Relationship Between Licensing, Registration, and Other Gun Sales Laws and the Source State of Crime Guns*, 7 *Inj. Prevention* 184, 188-89 (2001). The study included jurisdictions with concealed carry permits and dealer sales reporting, which have elements of licensing or registration but are not comprehensive licensing or registration systems. [2]
3. American Viewpoint and Momentum Analysis for Mayors Against Illegal Guns, *Results From A National Survey of 1003 Registered Voters* (January 2011), at http://www.mayorsagainstillegalguns.org/downloads/pdf/maig_poll_01_18_2011.pdf. [2]
4. Lake, Snell, Perry & Associates, Inc. Poll, *Educational Fund to Stop Gun Violence* (May 15-21, 2001), at <http://www.commondreams.org/news2001/0612-05.htm>. [2]
5. 18 U.S.C. § 926(a); 28 C.F.R. § 25.9(b)(3). [2]
6. 26 U.S.C. § 5845(a). The Act also includes, in a category defined as “any other weapon,” certain smooth-bore handguns. 26 U.S.C. § 5845(a), (e). The vast majority of handguns are excluded. [2]
7. 18 U.S.C. § 922(o). See also 18 U.S.C. § 922(b)(4). Transfers to or by, or possession by, federal, state or local government agencies are exempt. [2]
8. *Id.* The National Firearms Act requires each importer, manufacturer, or dealer in firearms covered by the Act to register annually. 26 U.S.C. § 5802. In addition, anyone wishing to manufacture, make, import, or transfer such weapons must first register them. 26 U.S.C. § 5841(b). The transferee of any of these weapons cannot take possession until the Secretary approves the transfer and registration of the weapon to the transferee. 26 U.S.C. § 5841(c). The registry includes: (1) an identification of the firearm; (2) the date of registration; and (3) the identification and address of the person entitled to possess the firearm. 26 U.S.C. § 5841(a). See also 27 C.F.R. §§ 479.101, 479.105. [2]
9. 18 U.S.C. § 922(b)(4). [2]
10. New York’s licensing law functions as a handgun registration system, with handgun owners being required to recertify their licenses every five years. [2]
11. D.C. Code Ann. §§ 7-2502.01-7-2502.10; D.C. Mun. Regs. tit. 24, §§ 2311- 2320.. [2]
12. Haw. Rev. Stat. Ann. §§ 134-3(a), (b), 134-4. [2]
13. N.Y. Penal Law §§ 265.00(22)(e)-(f), 265.00(23), 400.00(10), (16-a), 400.02. [2]
14. Cal. Penal Code §§ 17000, 27560. [2]
15. Md. Code Ann., Pub. Safety §§ 5-143. [2]
16. Cal. Penal Code §§ 30510-30530, 30600-30675, 30900-30965. [2]
17. Conn. Gen. Stat. §§ 53-202d(a), 53-202p(a)(1), 53-202q. [2]
18. Haw. Rev. Stat. Ann. §§ 134-3(a), (b), 134-4. Hawaii bans assault pistols, but not assault long guns. [2]
19. Md. Code Ann., Crim. Law § 4-303. Maryland bans both assault pistols and assault long guns, but only grandfathered assault pistols must be registered. [2]
20. N.J. Stat. Ann. §§ 2C:39-5f, 2C:58-12. [2]
21. N.Y. Penal Law §§ 265.00(22)(e)-(f), 265.00(23), 400.00(10), (16-a), 400.02. [2]
22. Del. Code Ann. tit 11, § 1448A(d)(1), (3). [2]
23. Fla. Stat. Ann. § 790.335(2), (3). [2]
24. Ga. Code Ann. § 16-11-129(a). [2]
25. Idaho Const., art. 1, § 11. [2]
26. 18 Pa. Cons. Stat. § 6111.4 (long guns only). [2]

27. R.I. Gen. Laws § 11-47-41. [\[D\]](#)
28. S.D. Codified Laws § 23-7-8.6. [\[D\]](#)
29. Vt. Stat. Ann. tit. 20, § 8(b)(3)(B). [\[D\]](#)
30. Hawaii's registration statute also provides that all registration data that identify the registrant's name or address shall be confidential, except for use by law enforcement or a use mandated by court order. [\[D\]](#)
31. Hawaii's permitting laws are described in our summary on [Licensing Gun Owners & Purchasers](#). [\[D\]](#)
32. Note: These registration requirements do not apply to anyone holding a valid firearms dealer license, so long as the firearm is acquired in the normal course of business, stored at the dealer's business location, and is not for the dealer's personal use or protection. [\[D\]](#)
33. Law enforcement personnel, members of the military, licensed dealers and non-residents participating in lawful firearm-related recreational activities are exempt from the registration requirements. [\[D\]](#)
34. Hawaii bans assault pistols, but not assault long guns. D.C. bans assault weapons and does not allow the continued possession of pre-ban assault weapons. [\[D\]](#)
35. D.C. did not grandfather 50 caliber rifles owned or possessed at the time the ban was adopted. Additional information on assault weapons, 50 caliber rifles, and large capacity magazines is contained in our summaries on [Assault Weapons](#), [50 Caliber Weapons](#), and [Large Capacity Ammunition Magazines](#), respectively. [\[D\]](#)
36. Del. Code Ann. tit 24, § 904A. Delaware's registration prohibition does not apply to person's prohibited from possessing a firearm as defined under Delaware law. [\[D\]](#)
37. Fla. Stat. Ann. § 790.335. Florida's prohibition does not apply to records relating to licenses to carry concealed firearms. Florida law contains a number of other exceptions to the prohibition, including but not limited to: records of firearms that have been used in committing a crime, records relating to any person who has been convicted of a crime, records of firearms that have been reported stolen, or records that must be retained by firearm dealers under federal law. [\[D\]](#)
38. Ga. Code Ann. § 16-11-129(a). Georgia's registration prohibition applies to the application process to obtain a license to carry and prohibits the application form from requesting information that could be used as a *de facto* registration. [\[D\]](#)
39. Idaho Const., art. 1, § 11. Idaho's prohibition is part of the state's constitution and mandates that "No law shall impose licensure, registration or special taxation on the ownership or possession of firearms or ammunition." [\[D\]](#)
40. R.I. Gen. Laws § 11-47-41. Rhode Island's prohibition does not apply to firearms that have been used in committing any crime of violence, or to any person who has been convicted of a crime of violence. [\[D\]](#)
41. S.D. Codified Laws § 23-7-8.6. [\[D\]](#)
42. Vt. Stat. Ann. tit. 20, § 8(b)(3)(B). [\[D\]](#)
43. 18 Pa. Cons. Stat. § 6111.4. Although Pennsylvania's statute appears to prohibit the state from maintaining a registry of any firearms, the Pennsylvania Supreme Court ruled in *Allegheny County Sportsmen's League v. Rendell*, 860 A.2d 10 (Pa. 2004), that the statute did not prohibit Pennsylvania's database of handgun sales. [\[D\]](#)
44. The most comprehensive system of regulating the purchase, possession and ownership of firearms combines licensing of gun owners with registration of all firearms. Additional information on licensing of firearm owners is contained in our summary on [Licensing Gun Owners & Purchasers](#). [\[D\]](#)

Tags: [gun registration](#), [registration](#)

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