

## **Ammunition Regulation**

### Background

Firearms are designed to deliver ammunition. Without ammunition, firearms are no more dangerous than any blunt object, causing some scholars to refer to ammunition as the “actual agent of harm.”<sup>1</sup> While firearms are subject to various regulations (including licensing of dealers and background checks on prospective purchasers), ammunition is largely unregulated.

Laws regulating the purchase and possession of ammunition can help limit access by children, convicted felons and other prohibited persons, and can reduce the threat of firearms in the hands of these and other dangerous individuals. Except in a small number of states and municipalities that regulate ammunition transfers, ammunition purchasers are not subject to a background check, and sellers are not required to be licensed, keep a record of ammunition sales, or even request a purchaser to show proof of age. While federal law bans mail-order and internet firearm transactions, sales of ammunition by mail or over the internet are subject to no federal oversight.<sup>2</sup>

These and other measures would help reduce an important supply line of ammunition to persons who are prohibited from possessing firearms or who supply firearms and ammunition to criminals. A two-month study of Los Angeles' ordinance requiring ammunition purchasers to present identification prior to purchase, and requiring ammunition sellers to maintain a sales log, found that prohibited purchasers accounted for nearly 3% of all ammunition purchasers over this period, acquiring roughly 10,000 rounds of ammunition.<sup>3</sup> The study noted that a background check at the time of the transaction would have largely eliminated sales at retail outlets to these prohibited purchasers.<sup>4</sup> In addition, ammunition sales records can be used by law enforcement to find prohibited possessors of ammunition and, likely, prohibited firearms possessors.<sup>5</sup>

Safe storage of ammunition is an important way to help reduce suicide and unintentional firearm injury. A 2005 study found that keeping a firearm unloaded and locked, with the ammunition stored separately, significantly decreased the risk of suicide and unintentional firearm injury and death involving both long guns and handguns.<sup>6</sup>

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<sup>1</sup> George E. Tita et al., *The Criminal Purchase of Firearm Ammunition*, 12 *Inj. Prevention* 308, 308 (2006).

<sup>2</sup> Massachusetts, which requires ammunition sellers to be licensed, has aggressively prosecuted unlicensed sellers who sell to its citizens over the internet. According to Massachusetts law, dealers must have a physical in-state location from which they conduct the ammunition sales. Mass. Gen. Laws ch. 140, § 122B. As of April, 2005, the Massachusetts Attorney General's Office had obtained judgments against nine online firearms dealers for illegally selling ammunition over the internet. See Press Release, Office of Massachusetts Attorney General, *AG Reilly Stops Illegal Sale of Online Ammunition* (Apr. 6, 2005).

<sup>3</sup> *The Criminal Purchase of Firearm Ammunition*, *supra* note 1, at 310.

<sup>4</sup> *Id.*

<sup>5</sup> *Id.*

<sup>6</sup> David C. Grossman et al., *Gun Storage Practices and Risk of Youth Suicide and Unintentional Firearm Injuries*, 293 *JAMA* 707, 711, 712-13 (Feb. 2005).

In addition, certain types of ammunition, such as armor-piercing handgun ammunition, 50 caliber rounds and Black Talon bullets, pose a particular danger to the public and to law enforcement, and serve no legitimate sporting purpose. Strict controls on the manufacture, transfer and possession of these types of ammunition can help promote public safety.

### Summary of Federal Law

Federal law governing ammunition is limited to prohibiting sales to and purchases by certain categories of persons, and prohibiting the manufacture, importation and sale of armor-piercing ammunition.

The federal Gun Control Act of 1968 imposed a series of regulations on ammunition manufacturers, dealers and purchasers. The Act required all ammunition manufacturers and dealers to be licensed and maintain ammunition sales logs, prohibited licensees from selling any ammunition to persons under age 18 and handgun ammunition to persons under age 21, and prohibited interstate sales to unlicensed purchasers (proscribing mail-order transactions).<sup>7</sup> The Firearms Owners' Protection Act repealed most of these provisions, however, including the licensing of ammunition dealers, ammunition sales recordkeeping, and the ban on interstate transfers of ammunition to unlicensed purchasers.<sup>8</sup> None has been reenacted by Congress.<sup>9</sup>

*Prohibited Purchasers:* Federal prohibited purchaser categories for firearms also apply to ammunition.<sup>10</sup> Ammunition may not be sold or otherwise transferred to any person who:

- Is underage;
- Has been convicted of, or is under indictment for, a crime punishable by imprisonment for more than one year;
- Is a fugitive from justice;
- Is an unlawful user of or addicted to a controlled substance;
- Has been adjudicated as a mental defective or committed to a mental institution;
- Is an illegal alien;
- Has been dishonorably discharged from the military;

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<sup>7</sup> Gun Control Act of 1968, Pub. L. No. 90-618, 82 Stat. 1213.

<sup>8</sup> Firearms Owners' Protection Act, 99 Pub. L. No. 308, 100 Stat. 449 (1986). Recordkeeping continues to be required for transfers of armor-piercing ammunition. *See infra* note 19 and accompanying text.

<sup>9</sup> In the mid-1990s, Congress, led by Senator Daniel Patrick Moynihan and then-Representative Charles Schumer, debated several proposals to regulate ammunition. The most far reaching of these bills would have reinstated the ban on mail-order sales of ammunition, brought ammunition under the Brady Act (requiring background checks at the time of transfer), limited the number of rounds a person could own, required ammunition dealer licensing with high licensing fees, placed strict sales restrictions on specific types of handgun ammunition disproportionately used in crime, and imposed high taxes on all ammunition. To date, none of these proposals has been adopted. For more information about these proposals, *See* Brendan J. Healey, *Plugging the Bullet Holes in U.S. Gun Law: An Ammunition-Based Proposal for Tightening Gun Control*, 32 J. Marshall L. Rev. 1 (Fall 1998); Scott D. Dailard, *The Role of Ammunition in a Balanced Program of Gun Control: A Critique of the Moynihan Bullet Bills*, 20 J. Legis. 19 (1994).

<sup>10</sup> Additional information on restrictions on firearm sales and purchases is contained in the section on [Prohibited Purchasers](#).

- Has renounced his or her U.S. citizenship;
- Is subject to a court order restraining him or her from harassing, stalking or threatening an intimate partner, his or her child or a child of a partner; or
- Has been convicted of a misdemeanor offense of domestic violence.<sup>11</sup>

Federal law does not require ammunition sellers to conduct background checks to determine if a prospective purchaser falls into a prohibited category, however.

*Minimum Age to Purchase or Possess Ammunition:* Federal minimum age laws governing firearms also apply to ammunition used for those firearms. Federally licensed firearms dealers (FFLs) are prohibited from selling or transferring a shotgun or rifle, or ammunition for a shotgun or rifle, to any person the dealer knows or has reasonable cause to believe is under the age of 18.<sup>12</sup> Federal law provides no age limitations with respect to the sale of a long gun or long gun ammunition by an unlicensed person.

FFLs are prohibited from selling or transferring handguns or handgun ammunition to any person the dealer knows or has reasonable cause to believe is under the age of 21.<sup>13</sup> Unlicensed persons may not sell, deliver or otherwise transfer a handgun or handgun ammunition to any person the transferor knows or has reasonable cause to believe is under the age of 18.<sup>14</sup>

Federal law prohibits, with certain exceptions, the possession of a handgun or handgun ammunition by any person under the age of 18.<sup>15</sup> Federal law provides no minimum age for the possession of long guns or long gun ammunition.

Federal law does not require ammunition sellers to conduct background checks or otherwise verify that a prospective purchaser is of legal age to purchase or possess ammunition.

*Licensing of Ammunition Manufacturers or Importers:* Federal law requires any person engaged in importing or manufacturing ammunition to obtain a license from the Attorney General.<sup>16</sup>

*Armor-Piercing Ammunition:* Federal law prohibits the manufacture, importation, sale or delivery of armor-piercing ammunition, with very limited exceptions.<sup>17</sup> Licensed dealers

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<sup>11</sup> 18 U.S.C. § 922(b)(1), (d), (x)(1).

<sup>12</sup> 18 U.S.C. § 922(b)(1), (c)(1).

<sup>13</sup> *Id.*

<sup>14</sup> 18 U.S.C. § 922(x)(1), (5).

<sup>15</sup> 18 U.S.C. § 922(x)(2), (5).

<sup>16</sup> 18 U.S.C. § 923(a).

<sup>17</sup> 18 U.S.C. §§ 921(a)(17), 922(a)(7), (8); 27 C.F.R. § 478.37. Specific exceptions exist for armor-piercing ammunition that is manufactured for certain federal and state government divisions, exportation, or testing. 18 U.S.C. §§ 921(a)(17)(C), 922(a)(7), 922(a)(8); 27 C.F.R. § 478.37. The Director of the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) may also exempt certain armor-piercing ammunition primarily intended for sporting or industrial purposes. 27 C.F.R. § 478.148.

are prohibited from “willfully” transferring armor-piercing ammunition.<sup>18</sup> Federally licensed dealers, to the extent they can transfer armor-piercing ammunition, must keep a record of any transfer.<sup>19</sup>

Armor-piercing ammunition, sometimes referred to as metal-piercing ammunition, is ammunition that is designed primarily to penetrate metal or armor, including body armor commonly worn by police officers. Under federal law, armor-piercing ammunition is defined as any projectile or projectile core that may be used in a handgun and that is constructed entirely from one or a combination of tungsten alloys, steel, iron, brass, bronze, beryllium copper, or depleted uranium.<sup>20</sup> In addition, armor-piercing ammunition is defined as a full jacketed projectile “larger than .22 caliber designed and intended for use in a handgun and whose jacket has a weight of more than 25 percent of the total weight of the projectile.”<sup>21</sup>

## SUMMARY OF STATE LAWS REGULATING AMMUNITION

### **State Laws Requiring Licenses for Ammunition Sellers and/or Regulating Ammunition Sales**

#### [District of Columbia](#)

**D.C. Code Ann. §§ 7-2504.01, 7-2504.04(a)(3), 7-2504.07, 7-2531.01**

#### [Maryland](#)

**Md. Code Ann., Pub. Safety §§ 11-105(b)(1), 11-105(d)**

#### [Massachusetts](#)

**Mass. Gen. Laws ch. 140, §§ 122B, 124**

#### [Minnesota](#)

**Minn. Stat. § 609.663**

#### [Washington](#)

**Wash. Rev. Code Ann. §§ 9.41.010(10), 9.41.110(3)**

### **State Laws Requiring a License to Purchase or Possess Ammunition**

#### [District of Columbia](#)

**D.C. Code Ann. §§ 7-2504.01(b), 7-2505.02(b), (d), (e)**

#### [Illinois](#)

**430 Ill. Comp. Stat. 65/2(a)(1), (2), 65/4, 65/8**

#### [Massachusetts](#)

**Mass. Gen. Laws ch. 140, §§ 129B, 129C, 131, 131A, 131E**

#### [New Jersey](#)

**N.J. Stat. Ann. § 2C:58-3.3 (adopted January 2008)**

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<sup>18</sup> An exception exists for ammunition that was received and maintained by the dealer as business inventory prior to August 28, 1986, which may be transferred to federal, state or local law enforcement. 27 C.F.R. § 478.99(e).

<sup>19</sup> 18 U.S.C. § 922(b)(5).

<sup>20</sup> 18 U.S.C. § 921(a)(17); 27 C.F.R. § 478.11.

<sup>21</sup> *Id.* The Attorney General is required to furnish information to each licensed dealer defining which projectiles are considered armor-piercing ammunition as defined in 18 U.S.C. § 921(a)(17)(B). 18 U.S.C. § 923(k). The federal definition of armor-piercing ammunition, which is based on its content and weight, rather than on the ammunition’s actual performance against body armor, has been criticized because it fails to halt the manufacture and sale of all types of ammunition that can penetrate body armor. Violence Policy Center, *Sitting Ducks: The Threat to the Chemical and Refinery Industry From 50 Caliber Sniper Rifles* 20 (Aug. 2002), available at <http://www.vpc.org/studies/duckcont.htm>. See also Violence Policy Center, *Vest Buster: The .500 Smith & Wesson Magnum – The Gun Industry’s Latest Challenge to Law Enforcement Body Armor* 25 (June 2004), available at <http://www.vpc.org/graphics/S&W500%20final.pdf>. The existing ban on armor-piercing ammunition can be made more effective by adopting performance standards that require ammunition to be tested for its ability to penetrate bullet-resistant vests and body armor, as opposed to the existing standard based on the bullet’s content. *Sitting Ducks, supra*. International Association of Chiefs of Police, *Taking a Stand: Reducing Gun Violence in Our Communities* 27 (Sept. 2007).

### **State Laws Prohibiting Certain Persons from Purchasing or Possessing Ammunition**

<a href="#">Alaska</a>	Alaska Stat. § 33.16.150(b)(1)
<a href="#">California</a>	Cal. Penal Code §§ 12101, 12316
<a href="#">Delaware</a>	Del. Code Ann. tit. 11 § 1448
<a href="#">Florida</a>	Fla. Stat. Ann. §§ 790.23 – 790.235
<a href="#">Hawaii</a>	Haw. Rev. Stat. Ann. § 134-7
<a href="#">Illinois</a>	430 Ill. Comp. Stat. 65/2, 65/8
<a href="#">Michigan</a>	Mich. Comp. Laws § 750.223(3)
<a href="#">Nevada</a>	Nev. Rev. Stat. Ann. § 202.362(1)
<a href="#">North Dakota</a>	N.D. Cent. Code §§ 62.1-02-01, 62.1-02-08,
<a href="#">Tennessee</a>	Tenn. Code Ann. § 39-17-1303(a)(2)
<a href="#">Texas</a>	Tex. Penal Code Ann. § 46.06(a)(3) – (4)

### **State Laws Imposing a Minimum Age to Purchase or Possess Ammunition**

<a href="#">Arizona</a>	Ariz. Rev. Stat. §§ 1-215(22), 13-3109
<a href="#">California</a>	Cal. Penal Code §§ 12101(b), 12316(a)
<a href="#">Delaware</a>	Del. Code Ann. tit. 11, § 1445(4)
<a href="#">District of Columbia</a>	D.C. Code Ann. § 7-2507.06(1)
<a href="#">Idaho</a>	Idaho Code Ann. § 18-3308
<a href="#">Illinois</a>	430 Ill. Comp. Stat. 65/2, 65/4
<a href="#">Iowa</a>	Iowa Code § 724.22(1)-(5)
<a href="#">Maine</a>	Me. Rev. Stat. Ann. tit. 17-a, § 554(1)(B)
<a href="#">Maryland</a>	Md. Code Ann., Pub. Safety § 5-133(d)
<a href="#">Massachusetts</a>	Mass. Gen. Laws ch. 140, § 130
<a href="#">Minnesota</a>	Minn. Stat. § 609.66
<a href="#">New Jersey</a>	N.J. Stat. Ann. § 2C:58-3.3c (adopted January 2008)
<a href="#">New York</a>	N.Y. Penal Law § 265.05
<a href="#">Rhode Island</a>	R.I. Gen. Laws §§ 11-13-3(a), 11-47-31(a), 11-47-32
<a href="#">South Dakota</a>	S.D. Codified Laws § 23-7-46
<a href="#">Vermont</a>	Vt. Stat. Ann. tit. 13, § 4007

### **States Laws Regulating Ammunition at Gun Shows**

<a href="#">California</a>	Cal. Penal Code § 12071.4(d)
<a href="#">Maine</a>	Me. Rev. Stat. Ann. tit. 15, § 455-A(1-A)

### **States Laws Restricting where Ammunition May be Carried**

<a href="#">California</a>	Cal. Penal Code § 12316(c)
<a href="#">Minnesota</a>	Minn. Stat. § 609.66, Subd. 1g

### **States Laws Requiring the Safe Storage of Ammunition in the Home**

<a href="#">Hawaii</a>	Haw. Rev. Stat. Ann. § 134-27
<a href="#">Washington</a>	Wash. Rev. Code Ann. § 70.74.330

## **States Laws Regulating Certain Types of Unreasonably Dangerous Ammunition**

<a href="#">Alabama</a>	Ala. Code § 13A-11-60
<a href="#">California</a>	Cal. Penal Code §§ 12020, 12022.2(a), 12301, 12303, 12303.6, 12305, 12320, 12321, 12323
<a href="#">Connecticut</a>	Conn. Gen. Stat. § 53-202I
<a href="#">District of Columbia</a>	D.C. Code Ann. §§ 7-2501.01(2), (13a), 7-2505.02(b), 7-2506.01(3), 7-2507.06(3)
<a href="#">Florida</a>	Fla. Stat. Ann. § 790.31
<a href="#">Hawaii</a>	Haw. Rev. Stat. Ann. § 134-8(a)
<a href="#">Illinois</a>	720 Ill. Comp. Stat. 5/24-1(a)(11), 5/24-2.1, 5/24-2.2, 5/24-3.1(a)(6), 5/24-3.2
<a href="#">Indiana</a>	Ind. Code Ann. § 35-47-5-11
<a href="#">Iowa</a>	Iowa Code §§ 724.1(7), 724.2, 724.3
<a href="#">Kansas</a>	Kan. Stat. Ann. § 21-4201(a)(8)
<a href="#">Kentucky</a>	Ky. Rev. Stat. Ann. §§ 237.060, 237.080, 527.080
<a href="#">Louisiana</a>	La. Rev. Stat. Ann. §§ 40:1810 – 40:1812
<a href="#">Maine</a>	Me. Rev. Stat. Ann. tit. 17-A, § 1056
<a href="#">Michigan</a>	Mich. Comp. Laws § 750.224c
<a href="#">Minnesota</a>	Minn. Stat. § 624.74
<a href="#">Mississippi</a>	Miss. Code Ann. § 97-37-31
<a href="#">Missouri</a>	Mo. Rev. Stat. § 571.150
<a href="#">Nevada</a>	Nev. Rev. Stat. Ann. § 202.273(1)
<a href="#">New Hampshire</a>	N.H. Rev. Stat. Ann. § 159:18
<a href="#">New Jersey</a>	N.J. Stat. Ann. §§ 2C:39-3(f), 2C:39-9(f)(1)
<a href="#">New York</a>	N.Y. Penal Law §§ 265.00(18), 265.01(7), (8)
<a href="#">North Carolina</a>	N.C. Gen. Stat. § 14-34.3(a)
<a href="#">Oklahoma</a>	Okla. Stat. tit. 21, §§ 1289.19 – 1289.22
<a href="#">Oregon</a>	Or. Rev. Stat. § 166.350
<a href="#">Pennsylvania</a>	18 Pa. Cons. Stat. § 6121(a)
<a href="#">Rhode Island</a>	R.I. Gen. Laws §§ 11-47-20.1 – 11-47-20.3
<a href="#">South Carolina</a>	S.C. Code Ann. § 16-23-520
<a href="#">Tennessee</a>	Tenn. Code Ann. §§ 39-17-1301(10), 39-17-1304(a), (b)
<a href="#">Texas</a>	Tex. Penal Code Ann. §§ 46.01(12), 46.05(a)(7)
<a href="#">Utah</a>	Utah Code Ann. § 65A-3-2(1)(d)
<a href="#">Virginia</a>	Va. Code Ann. § 18.2-308.3
<a href="#">Wisconsin</a>	Wis. Stat. § 941.296(2)

### **Description of State Laws Regulating Ammunition**

1. *State Laws Requiring Licenses for Ammunition Sellers and/or Regulating the Sale of Ammunition:* Four states (Maryland, Massachusetts, Minnesota and Washington) and the District of Columbia impose licensing or other sales requirements relating to ammunition.

Massachusetts requires anyone selling ammunition to obtain a license. The District of Columbia requires all persons who regularly engage in the business of selling

ammunition to obtain a license.<sup>22</sup> In Washington, firearms dealers are required to obtain a license to transfer firearms and ammunition.<sup>23</sup> Maryland requires any person engaging in the business of “loading or reloading small arms ammunition” to obtain a license.

The District of Columbia requires ammunition dealers to keep a record of all ammunition received into inventory and/or subsequently sold or transferred, including the brand and number of rounds of each caliber or gauge, the registration certificate number of the firearm for which the ammunition is purchased, the date of the transfer and the price. The records are subject to inspection on demand by the District Metropolitan Police Department during normal business hours. Licensed dealers may not display any ammunition in windows visible from a street or sidewalk, and all ammunition must be kept in a securely locked place except when being shown to a customer or being repaired.

Minnesota does not require a license to sell ammunition, but prohibits the display of centerfire metallic-case handgun ammunition for sale to the public in a manner that makes the ammunition directly accessible to persons under age 18, unless the display is under observation of the seller or the seller’s employee or agent, or the seller takes reasonable steps to exclude underage persons from the immediate vicinity of the display.

2. *State Laws Requiring a License to Purchase or Possess Ammunition:* Illinois, Massachusetts, New Jersey and the District of Columbia require a license for all ammunition purchasers or possessors.

The District of Columbia provides that a licensed dealer may transfer ammunition only to limited categories of persons: 1) another licensed dealer; 2) a law enforcement officer; 3) a person with a registration certificate for a firearm or who held an ammunition collector’s certificate on September 24, 1976; or 4) to non-resident persons or businesses. The ammunition to be sold or transferred must be of the same caliber or gauge as the firearm described in the registration certificate. In the case of non-residents, purchasers must provide proof that the weapon is lawfully possessed in the jurisdiction where the person resides and is of the same gauge as the ammunition to be purchased. All transfers must be made in person, and the purchaser is required to sign a receipt which is maintained by the dealer for one year.

Illinois requires residents to obtain a valid Firearm Owner’s Identification (FOID) card before they can lawfully purchase or possess ammunition.<sup>24</sup>

Massachusetts requires a firearm permit or license to purchase or possess ammunition. Any person with a Class A license is permitted to purchase, rent, lease, borrow, possess and carry all types of lawful firearms, including both large and non-large capacity handguns, rifles, shotguns, and feeding devices and ammunition for these firearms. Class

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<sup>22</sup> The District of Columbia prohibits the manufacture of ammunition. D.C. Code Ann. § 7-2504.01.

<sup>23</sup> A 1994 opinion by the Washington Attorney General concluded that a person who sells ammunition but does not also deal in firearms is not defined as a “dealer,” and thus is not required to obtain a license under Wash. Rev. Code Ann. § 9.41.110. 1994 Op. Att’y Gen. Wash. No. 22 (Dec. 13, 1994), 1994 Wash. AG LEXIS 71.

<sup>24</sup> For detailed information on the requirements for a FOID card under Illinois law, see section on [Licensing of Gun Owners or Purchasers](#).

B license holders may purchase, rent, lease, borrow, possess and carry “non-large capacity” handguns, or any rifle or shotgun, including large capacity rifles and shotguns, and feeding devices and ammunition for these firearms.

Alternatively, in Massachusetts, any person may purchase and possess rifles, shotguns and “non large capacity” feeding devices and ammunition for rifles and shotguns with a valid firearm identification (FID) card. To purchase a handgun and ammunition for a handgun, a FID card holder must also obtain a permit to purchase a handgun.<sup>25</sup>

New Jersey prohibits any person from selling or otherwise transferring, or purchasing or otherwise acquiring, any handgun ammunition unless the transferee is a licensed dealer, wholesaler or manufacturer, or possesses a valid Firearms Purchaser Identification Card, a valid copy of a permit to purchase a handgun, or a valid permit to carry a handgun and first exhibits such card or permit to the seller or transferor.<sup>26</sup>

### 3. *State Laws Prohibiting Certain Persons from Purchasing or Possessing Ammunition*<sup>27</sup>

Eleven states (Alaska, California, Delaware, Florida, Hawaii, Illinois, Michigan, Nevada, North Dakota, Tennessee, Texas) prohibit certain persons from purchasing or possessing ammunition. California, Delaware, Florida, Hawaii, Illinois and North Dakota prohibit the purchase or possession of ammunition by the same categories of persons who are ineligible to purchase or possess firearms under state law.<sup>28</sup> Similarly, Nevada prohibits the sale of ammunition to the same persons to which it prohibits the sale of firearms.

Michigan<sup>29</sup> and Texas<sup>30</sup> prohibit the transfer of ammunition to some, but not all, of the same categories of persons who are prohibited from purchasing firearms under state law.

In Alaska, the state parole board may require as a condition of special medical, discretionary, or mandatory parole, that a prisoner released on parole not possess or control ammunition.

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<sup>25</sup> For detailed information on licensing requirements for firearm owners in Massachusetts, *see* section on [Licensing of Gun Owners or Purchasers](#).

<sup>26</sup> N.J. Stat. Ann. § 2C:58-3.3a, b; effective April 1, 2008.

<sup>27</sup> Federal law provides the minimum standards for the purchase or possession of ammunition. The transfer or possession of ammunition in all states is still governed by federal law, unless a state has adopted stricter standards.

<sup>28</sup> *See* section on [Prohibited Purchasers](#) for more information on state law restrictions on firearm sales and purchases.

<sup>29</sup> Ammunition sellers in Michigan may not sell to any person convicted of, or under indictment for, a felony (defined as a violation of federal or state law that is punishable by imprisonment for 4 years or more) until 5 years have passed since the person was released from imprisonment and completed all conditions or probation and parole. Mich. Comp. Laws § 28.422(3).

<sup>30</sup> Texas prohibits any person from intentionally, knowingly, or recklessly selling ammunition to any person who is intoxicated, and from knowingly selling ammunition to any person who has been convicted of a felony before the fifth anniversary of the later of: 1) the person’s release from confinement following conviction of the felony; or 2) the person’s release from supervision under community supervision, parole, or mandatory supervision following conviction of the felony.

Tennessee prohibits any person from intentionally, knowingly or recklessly selling ammunition to an intoxicated person.

4. *State Laws Imposing a Minimum Age to Purchase or Possess Ammunition:* Fifteen states and the District of Columbia impose a minimum age for purchase and/or possession of ammunition. Many of these state laws have exceptions for minors who have the consent of a parent or guardian.

a. *Under 21:* Illinois generally prohibits persons under age 21 from obtaining a Firearm Owner's Identification card, required to purchase or possess ammunition. Maryland prohibits the possession of ammunition designed for a handgun or assault weapon by a person under age 21. Massachusetts prohibits the sale of ammunition for a handgun, large capacity weapon or large capacity feeding device to a person under age 21. California and Iowa prohibit any person, corporation or dealer from selling handgun ammunition to persons under age 21. New Jersey prohibits any person from selling, giving, transferring, assigning or otherwise disposing of handgun ammunition to a person under age 21.

b. *Under 18:* Arizona, California (long gun ammunition), Delaware, Iowa (long gun ammunition), Massachusetts (long gun ammunition), Rhode Island, South Dakota and the District of Columbia limit the transfer of ammunition to, or purchase or possession of ammunition by, persons age 18 or older.<sup>31</sup> Minnesota generally bans furnishing ammunition to a child under 18 years of age without the consent of the minor's parent or guardian or the police department of the municipality.<sup>32</sup>

c. *Under 16:* Idaho, Maine, New York and Vermont prohibit the transfer of ammunition to, or purchase or possession of ammunition by, persons under 16.

5. *State Laws Regulating Ammunition at Gun Shows:* Only California and Maine regulate ammunition at gun shows in some manner.

In California, ammunition at a gun show can be displayed only in closed containers, unless the seller is showing the ammunition to a prospective buyer. In addition, no person at a gun show in California, other than security personnel or sworn peace officers, can possess at the same time both a firearm and ammunition that is designed to be fired in the firearm. Vendors selling such items at the show are exempt.

Maine requires that a warning regarding the safe storage of firearms and ammunition be conspicuously posed at all entrances of an organized gun show.

6. *State Laws Restricting where Ammunition May be Carried:* Two states, California and Minnesota, restrict the locations where ammunition may be carried. California prohibits carrying ammunition onto school grounds. Minnesota prohibits: 1)

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<sup>31</sup> In addition, South Dakota prohibits any person from selling, transferring, giving, loaning, furnishing, or delivering ammunition to any person under age 18, if such person knows or reasonably believes that the minor intends, at the time of transfer, to use the firearm or ammunition in the commission or attempted commission of a crime of violence.

<sup>32</sup> Minnesota generally bans furnishing ammunition to a child under 14 years of age outside a municipality.

possessing ammunition within any courthouse complex; and 2) possessing ammunition in any state building within the Capitol Area other than the National Guard Armory.

7. *State Laws Requiring the Safe Storage of Ammunition:* Two states, Hawaii and Washington, require safe storage of ammunition. Hawaii requires all ammunition to be confined to the possessor's business or residence and only allows for the limited transport of ammunition in an enclosed container away from these locations. Washington requires small arms ammunition to be stored away from flammable liquids.

Many states require, by statute or regulation, that any firearms and ammunition kept or stored in child day care facilities, foster homes or similar locations be stored separately from each other, in locked safes or other containers.<sup>33</sup>

8. *State Laws Regulating Certain Types of Unreasonably Dangerous Ammunition:* Thirty-one states and the District of Columbia regulate the sale, purchase, possession, use, manufacture, importation and/or transportation of certain types of ammunition that pose particular threats to public safety and serve no reasonable hunting, target shooting, or self-defense purpose.

a. *States Regulating Armor-Piercing Ammunition:* 29 states and the District of Columbia regulate armor-piercing or metal-piercing ammunition. This is commonly defined as ammunition made of specific materials that is designed to be fired in a handgun and to penetrate metal or armor, including body armor commonly worn by police officers.

(1) *Sale or Transfer:* Nineteen states (Alabama, California, Florida, Hawaii, Illinois, Indiana, Kansas, Kentucky, Louisiana, Michigan, Mississippi, Nevada, New Jersey, North Carolina, Oklahoma, Oregon, Rhode Island, South Carolina and Texas) and the District of Columbia prohibit the sale or transfer of armor-piercing ammunition.

(2) *Purchase or Acquisition:* Eight states (Hawaii, Illinois, Kansas, Louisiana, North Carolina, Oregon, Rhode Island and South Carolina) prohibit the purchase or acquisition of armor-piercing ammunition.<sup>34</sup>

(3) *Possession:* Sixteen states (Alabama, California, Hawaii, Illinois, Indiana, Kansas, Louisiana, Maine, Michigan, Mississippi, New Jersey, North Carolina, Oklahoma, Oregon, South Carolina and Texas) and the District of Columbia prohibit possession or use of armor-piercing ammunition. In addition, New York prohibits the possession of armor piercing ammunition with the intent to use it unlawfully against another, and Florida prohibits possession of armor piercing ammunition if the possessor knows of its capabilities and it is loaded in a handgun, or if the possessor has the intent to use the ammunition to assist in a criminal act.

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<sup>33</sup> See, e.g., Ariz. Rev. Stat. § 41-1967, 225 Ill. Comp. Stat. 10/7, Ind. Code Ann. § 12-17.2-3.5-11, Mich. Admin. Code r. 400.12416(b), 391 Neb. Admin. Code § 6-007.07, Or. Admin. R. 414-350-0170(10)(d)), Nev. Admin. Code § 424.600, 22 Va. Admin. Code § 40-141-200.

<sup>34</sup> In Oregon, the statute requires an intent that ammunition be used in the commission of a felony.

(4) Manufacture: Eighteen states (California, Florida, Hawaii, Illinois, Indiana, Kansas, Kentucky, Louisiana, Michigan, Mississippi, Nevada, New Jersey, North Carolina, Oklahoma, Oregon, Rhode Island, South Carolina and Texas) prohibit the manufacture of armor-piercing ammunition.

(5) Importation: Six states (California, Kentucky, Louisiana, North Carolina, Oklahoma and Rhode Island) prohibit importation of armor-piercing ammunition.

(6) Transportation: Seven states (California, Illinois, New Jersey, North Carolina, Oklahoma, South Carolina and Texas) prohibit transportation or carrying of armor-piercing ammunition.

(7) Other laws governing armor-piercing ammunition: Several states criminalize, or provide enhanced sentences for, the use or possession of armor-piercing ammunition in the commission or attempted commission of particular crimes. Alabama, California, Florida, Kentucky, Minnesota, Missouri, New Hampshire, Oregon, Pennsylvania, Rhode Island, Tennessee, Virginia and Wisconsin prohibit the possession or use of armor-piercing ammunition in the commission or attempted commission of a crime. Rhode Island specifically criminalizes the use of armor-piercing ammunition in the shooting of a law enforcement officer.

Connecticut prohibits distributing, transporting, importing, keeping for sale, offering for sale or giving any “armor piercing .50 caliber bullet.”<sup>35</sup>

*b. States Regulating Other Types of Ammunition*

(1) Exploding Ammunition:<sup>36</sup> Eight states (California, Florida, Hawaii, Illinois, Iowa, New Hampshire, New York and Tennessee) regulate bullets or projectiles that are designed to explode, segment or detonate upon impact with a target.

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<sup>35</sup> Fifty caliber rifle rounds are exceptionally dangerous, and possess great destructive power. Their use in the 50 caliber rifle, a weapon currently popular with the military but available to the general public, poses a particular threat, in light of the fact that the rifle can hit a target accurately from 1,000 to 2,000 yards. Violence Policy Center, *Voting from the Rooftops: How the Gun Industry Armed Osama bin Laden, Other Foreign and Domestic Terrorists, and Common Criminals with 50 Caliber Sniper Rifles* 8 (Oct. 2001) available at <http://www.vpc.org/studies/roofcont.htm>. When these cartridges are designed with armor-piercing and incendiary qualities, which allow the shooter to pierce armor-reinforced vehicles and ignite and explode targets containing flammable liquids, the destructive power is significantly enhanced. *Id.* at 12-20. See generally *Sitting Ducks*, *supra* note 21. This ammunition is widely available on the civilian market, fueled by the sale of surplus ammunition from the U.S. military. See Minority Staff Report, Committee on Government Reform, U.S. House of Representatives, *Fifty Caliber Armor Piercing Military Ammunition in the United States Civilian Market* 5-10, Prepared for Rep. Rod R. Blagojevich and Rep. Henry A. Waxman (June 18, 1999). Additional information on fifty caliber rifles is contained in the section on [Fifty Caliber Rifles](#).

<sup>36</sup> Exploding bullets, sometimes referred to as “frangible” bullets, are designed to explode, segment or detonate upon impact with a target. See GlobalSecurity.org, Military Munitions, Frangible Ammunition, <http://www.globalsecurity.org/military/systems/munitions/frangible.htm> (last visited Jan. 15, 2008).

California,<sup>37</sup> Florida, Hawaii, Illinois and Tennessee prohibit sale, transfer and manufacture of exploding ammunition. Hawaii and Illinois also prohibit acquisition of such ammunition, while California prohibits importation of exploding ammunition.

California, Hawaii and Illinois prohibit possession of exploding ammunition, while Tennessee prohibits use of such ammunition.

Iowa and New York generally prohibit any person from possessing any bullet or projectile containing any explosive substance designed to explode or detonate upon impact. Florida prohibits possession of exploding ammunition if the possessor knows of its exploding capabilities when loaded in a handgun, or intends to use an exploding bullet in the commission of a criminal act. New Hampshire prohibits the use or attempted use of any bullet or cartridge containing an explosive substance designed to explode upon impact when the person is committing any misdemeanor or felony.

(2) Flechette Ammunition: Three states (California, Florida and Illinois) regulate flechette ammunition, which are shells that expel two or more pieces of solid metal wire, or two or more solid dart-type projectiles.<sup>38</sup> California and Florida prohibit the manufacture and transfer of such ammunition. California also prohibits importation and possession of this ammunition.

Florida prohibits possession of flechette ammunition if the possessor knows of its capabilities and it is loaded in a firearm, or if the possessor has the intent to use a flechette shell in the commission of a criminal act.

Illinois prohibits manufacture, sale, purchase, possession, or carrying of any flechette shell, as well as the manufacture, sale or transfer of shells represented to be flechette shells. Illinois also bans the knowing or reckless discharge of a flechette shell.

(3) Incendiary Ammunition: Connecticut and Utah regulate incendiary ammunition. Connecticut bans distribution, transportation or importation into the state, keeping or offering for sale, or giving away of any incendiary .50 caliber bullet. This banned projectile is defined as a bullet that is designed for the purpose of, held out by the manufacturer or distributor as, or generally recognized as having a specialized capability to ignite upon impact, including, but not limited to, such bullets commonly designated as “M1 Incendiary,” “M23 Incendiary,” “M8 Armor-Piercing Incendiary” or “API,” or “M20 Armor-Piercing Incendiary Tracer” or “APIT.”

Utah bans firing any incendiary ammunition on state lands, except within the confines of an established military reservation. The state does not define incendiary ammunition.

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<sup>37</sup> California Penal Code §§ 12301, 12303, 12303.6 prohibit the possession, sale, offer for sale, or knowing transportation of a “destructive device,” defined to include “[a]ny projectile containing any explosive or incendiary material” and any “explosive missile.” California Penal Code § 12305 provides for the limited issuance of permits to possess or transport any destructive device, issued at the discretion of the California Department of Justice.

<sup>38</sup> See Cal. Penal Code § 12020(a)(1); Fla. Stat. Ann. § 790.31.

(4) Dragon's Breath & Bolo Shell Ammunition: Three states, Florida, Illinois and Iowa, regulate dragon's breath ammunition. Dragon's breath ammunition is a type of shotgun shell that contains exothermic pyrophoric mesh metal as the projectile and that is designed for the sole purpose of throwing or spewing a flame or fireball to simulate a flamethrower.<sup>39</sup>

A bolo shell is another type of shotgun shell that expels as projectiles two or more metal balls connected by solid metal wire.<sup>40</sup>

Florida prohibits manufacture, sale, offering for sale or delivery of any dragon's breath or bolo shells. Possession of such ammunition is prohibited if the possessor knows of its capabilities and it is loaded in a firearm, or if the possessor intends to use such shells in the commission of a criminal act.

Illinois prohibits manufacture, sale, purchase, possession, or carrying of any dragon's breath or bolo shell. Illinois also prohibits manufacture, sale or transfer of shells represented to be dragon's breath or bolo shells, as well as the knowing or reckless discharge of a dragon's breath or bolo shell.

Iowa generally prohibits possession of dragon's breath ammunition.

(5) Flanged Ammunition: Kentucky prohibits the use of firearms loaded with flanged ammunition during the commission of a felony. Flanged ammunition is ammunition with a soft lead core and sharp flanges that are designed to expand upon impact.<sup>41</sup>

(6) Hollow Nose or Dum-Dum Ammunition:<sup>42</sup> New Jersey prohibits hollow nose or dum-dum ammunition, which are terms associated with bullets designed to expand on impact. New Jersey prohibits possession of any hollow nose or dum-dum bullet. These terms are not specifically defined under New Jersey law.

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<sup>39</sup> See Fla. Stat. Ann. § 790.31(1)(d); 720 Ill. Comp. Stat. 5/24-2.1. See also Holt Bodinson, *Of Dragon's Breath and Hammer-shells: From Bizarre to Basic, these Shotshells Can 'Lighten-up' Your Life!*, Guns Magazine (Sept. 2004), available at [http://findarticles.com/p/articles/mi\\_m0BQY/is\\_9\\_50/ai\\_n6125526](http://findarticles.com/p/articles/mi_m0BQY/is_9_50/ai_n6125526).

<sup>40</sup> See Fla. Stat. Ann. § 790.31(1)(e); 720 Ill. Comp. Stat. 5/24-2.1. See also Answers.com, Bolo Shell, <http://www.answers.com/topic/bolo-shell> (last visited Jan. 25, 2008).

<sup>41</sup> Ky. Rev. Stat. Ann. §§ 237.060, 527.080.

<sup>42</sup> Hollow nose, or hollow point, bullets have a cavity in the nose of the projectile, which causes the bullet to expand once it hits a target and inflict greater damage than a bullet without such a point. Black Talon bullets are a notorious type of hollow point bullet that, despite much media attention, have not been regulated. Black Talon rounds are distinct from other hollow point bullets because they possess a special barbed configuration designed to deploy on impact with a target and expand the size of wound tracts to maximize tissue trauma. Firearms Tactical Institute, *Winchester Black Talon Revisited, Tactical Briefs #12* (Dec. 1998), available at <http://www.firearmstactical.com/briefs12.htm>; see also *The Role of Ammunition in a Balanced Program of Gun Control: A Critique of the Moynihan Bullet Bills*, supra note 9, at 27. Although Black Talons do not fit under the federal definition of armor-piercing ammunition, publicity about their dangers, including their use in the 101 California Street shooting in San Francisco in 1993, drove the manufacturer, Winchester, voluntarily to pull the bullets from the civilian market and sell Black Talons exclusively to law enforcement. Winchester is not legally barred from selling Black Talons on the civilian market, however. Judy Pasternak, *Column One; Taking Aim at Exotic Bullets; Lawmakers Move to Regulate the Ammunition Industry, as the Market Grows for Vicious Rounds Like Blammo Ammo. But Some Gun Experts & Police Say Such Controls Could be Duds*, L.A. Times, Jan. 11, 1994, at A1.

## SUMMARY OF SELECTED<sup>43</sup> LOCAL LAWS REGULATING AMMUNITION

### Local Laws Regulating Ammunition<sup>44</sup>

<b>Chicago</b>	<b>Chicago, Ill., Code §§ 4-144-061, 4-144-080, 4-380-070(a), 8-20-030(a), (i), (j), 8-20-160, 8-20-170(b) (f), 8-24-025, 8-24-026, 15-28-755(a), (b)</b>
<b>Los Angeles</b>	<b>Los Angeles, Cal., Code ch. II, art. 1, § 21.167.1; ch. IV, art. 5, §§ 45.01(l), 45.02; ch. V, art. 5, §§ 55.09, 55.11, 55.12.1, 55.17(2), 57.55.10(A)</b>
<b>New York City</b>	<b>New York, N.Y. Admin. Code §§ 10-131(i), 10-306, 10-308, § 27-4041; New York, N.Y., Rules tit. 38, §§ 1-02, 1-05, 1-06, 2-06, 2-07, 3-07, 3-11, 3-14, 4-04, 5-23</b>
<b>Omaha</b>	<b>Omaha, Neb., Code § 19-392.1, 20-198, 20-199</b>
<b>San Francisco</b>	<b>San Francisco, Cal., Police Code art. 9, §§ 613, 613.1(b) – (c), 613.10(e) – (i), 613.10-1, 615; Ord. 3600A</b>

*Chicago:* Chicago prohibits the sale or other transfer of most types of ammunition. No person may display any signs, posters or display cards suggesting the sale of any banned ammunition. Only licensed weapons dealers, shooting galleries or gun clubs may transfer ammunition. The sale of ammunition may not be licensed as a home occupation.

Chicago prohibits the possession of ammunition unless the person has registered with the City a firearm of the same gauge or caliber as the ammunition, and possesses the registration certificate for the firearm while in possession of the ammunition.<sup>45</sup>

Chicago specifically prohibits the transfer, acquisition or possession of assault ammunition. The city also bans the transfer, acquisition, possession or manufacture of fragmenting or metal-piercing bullets or disc projectile ammunition.<sup>46</sup>

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<sup>43</sup> This section is based on research and analysis of existing firearms laws in: Boston, Massachusetts; Chicago, Illinois; Hartford, Connecticut; Los Angeles, California; Newark, New Jersey; New York, New York; Omaha, Nebraska; and San Francisco, California. LCAV selected these cities because they are located in states that grant local jurisdictions broad authority to regulate firearms. It also includes existing laws in Cleveland and Columbus, Ohio. Note, however, that in 2006, the Ohio Legislature passed House Bill 347 (overriding the Governor's veto), which created Ohio Rev. Code Ann. § 9.68(A), a provision that purports to preempt all local authority to regulate firearms with few, limited exceptions. Legal challenges to the law are pending. Additional information about state laws governing local authority to regulate firearms is contained in the section of this report titled "[The Legal Background.](#)"

<sup>44</sup> Baltimore, Maryland implemented another innovative approach to ammunition sales, using municipal health code authority to change zoning laws and restrict ammunition sales to a certain distance from parks, churches, schools, public buildings and places of public assembly. Baltimore also requires that all ammunition sellers implement business practices requiring registration with the health department, requiring purchasers to show photo identification, and maintaining a log of every ammunition sale. These changes decreased the number of businesses eligible to sell ammunition by 46%. Nancy L. Lewin et al., *The Baltimore Youth Ammunition Initiative: A Model Application of Local Public Health Authority in Preventing Gun Violence*, 95 Am. J. Pub. Health 762, 763 (May 2005).

<sup>45</sup> For more information about Chicago's requirements for registration of firearms, see section on [Registration of Firearms.](#)

Chicago also prohibits storing any ammunition in any self-service storage facility or residential storage facility.

*Los Angeles:* Los Angeles prohibits any licensed firearms dealer or vendor involved in the retail sale of ammunition to sell or otherwise transfer ammunition without recording at the time of transfer the: 1) date of the transaction; 2) name, address and date of birth of the transferee; 3) transferee's drivers license or other identification number and issuing state; 4) brand, type and amount of ammunition transferred; 5) transferee's signature; and 6) name of the sales person who processed the transaction. The vendor must also obtain the right thumbprint of the transferee on the transaction form at the time of transfer.

The records must be maintained on the vendor's premises for at least two years from the date of the transfer, and are subject to inspection by law enforcement at any time during normal business hours.

Los Angeles prohibits any person from selling, giving, or loaning any ammunition, cartridges or shells to any person under age 18. Also, no person under age 18 may possess any ammunition, cartridges or shells.

Los Angeles generally prohibits any person, including retail gun dealers, from selling, giving, lending or transferring ownership of any firearm ammunition during the seven day period prior to, or on, January 1 and July 4 each year.

Sellers of ammunition are required to pay a tax on the gross receipts of the seller's business.

Los Angeles prohibits any person from possessing any ammunition as defined in California Penal Code § 12316 within the area of an airport to which access is controlled by inspection and within the area in which these inspections are conducted.<sup>47</sup>

*New York City:*

*Transfer Restrictions:* New York City prohibits any person from transferring any ammunition unless he or she is a licensed dealer in firearms or in rifles and shotguns. Dealers cannot transfer any pistol or revolver ammunition of a particular caliber to any person not authorized to possess a pistol or revolver of that caliber within New York City, and no pistol or revolver ammunition may be transferred to any person unless he or she exhibits a license or permit authorizing such possession within New York City or exhibits proof of exemption.

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<sup>46</sup> Disc projectile ammunition is defined as any ammunition composed of multiple disc-shaped objects stacked together to form a single round of ammunition, including but not limited to the following types of ammunition: (i) Magdisc type; and (ii) Shatterdisc type.

<sup>47</sup> California Penal Code § 12316(b)(2) defines "ammunition" to include, but not be limited to, any bullet, cartridge, magazine, clip, speed loader, autoloader, or projectile capable of being fired from a firearm with a deadly consequence.

Dealers in firearms may transfer rifle ammunition only to persons authorized to possess a rifle in New York City, and purchasers are required to show a rifle/shotgun permit and certificate of registration at the time of purchase. Rifle or shotgun ammunition may be sold only for the shotgun or for the specific caliber of rifle indicated on the certificate of registration.

*Manufacturer Requirements:* Manufacturers may not transport ammunition without the consent of the police commissioner. To obtain the police commissioner's consent, the manufacturer must notify the commissioner in writing of the name and address of the transporting manufacturer, the quantity, caliber and type of ammunition to be transported, and the place where the manufacturer regularly conducts business within New York City. Ammunition must be transported in a locked, opaque container.

*Safety and Security Requirements:* New York City prohibits any person from storing, selling or offering for sale more than 200 small arms cartridges without a storage permit from the Fire Commissioner. No storage permit will be issued for any premises: 1) where the building is occupied as a multiple dwelling, school, theatre or other place of public amusement or assembly; 2) used as a drug store, paint store, pawn shop or stationery store; 3) where cigars, cigarettes or tobaccos are stored or kept for sale; 4) where liquor is sold; 5) where other materials of a highly flammable nature are manufactured, stored or kept for sale; or 6) where fireworks are manufactured, stored or sold.

Rifle and shotgun dealer's licenses are not valid for the sale of ammunition unless the dealership is also in possession of a storage permit from the Fire Department. The sale or storage of ammunition without a valid permit is sufficient cause to revoke a dealer's license.

Ammunition must be stored in an area of the premises that can be reasonably secured, and that is not in view of the public. Holders of storage permits may not store, exhibit or display in the windows or doors of the permitted premises any cartridges or shells containing explosives.

Handgun ammunition may not be displayed in any area. Any handgun ammunition in a selling area must be kept in a locked container not visible to the public. Any other handgun ammunition must be stored in an area of the premises that can be secured and is not in view of the public.

*Recordkeeping Requirements:* Dealers must keep a record of each receipt and transfer of ammunition, including the quantity, caliber and type of ammunition transferred, the name and address of the transferee, the date and time of the transaction, and the number of the license or permit of the transferee. Dealers of rifle and shotgun ammunition must also record the caliber, make, model, manufacturer's name and serial number of the rifle or shotgun for which the transferee is purchasing ammunition, as well as the number of the certificate of registration exhibited or description of the proof of exemption exhibited. This information must be made available to all law enforcement agencies.

*Loss/Theft Reporting:* Rifle and shotgun dealers must report the loss or theft of any ammunition to the local police precinct, and must notify the Rifle/Shotgun Section of the License Division of the New York City Police Department by telephone on the next business day after discovery of the loss or theft, and in writing within 10 calendar days.

*Possession Restrictions:* Any person authorized to possess a pistol or revolver within New York City may possess ammunition for the pistol or revolver. Persons authorized to possess a pistol or revolver of a particular caliber within New York City cannot possess pistol or revolver ammunition of a different caliber.

Any person authorized to possess a rifle within the city of New York may possess ammunition for the rifle. Rifle or shotgun ammunition may not be possessed by any person unless they have a certificate of registration for the firearm, and only ammunition for the specific caliber of rifle or shotgun may be possessed.

*Safe Storage for Owners:* Owners of rifles or shotguns must keep them unloaded and locked in a secure location in the home, with the ammunition stored separately from the rifle or shotgun.

*Omaha:* Omaha prohibits any person from exhibiting or selling any ammunition in an assembled state at a firearms exhibition. Omaha also prohibits any person from exhibiting ammunition for sale or distribution in a display window or any other place which can be seen from a public thoroughfare.

Omaha prohibits the sale or delivery of any ammunition to persons under age 18, and prohibits the sale or delivery of ammunition for a concealable firearm to persons under age 21.

*San Francisco:* San Francisco prohibits engaging in the business of selling, leasing or otherwise transferring any ammunition or ammunition component without a city license. An ammunition component is defined as any cartridge or encasement, bullet or projectile, primer or propellant or explosive material used in the manufacture of ammunition.

Licensed ammunition dealers in San Francisco may not deliver any ammunition or ammunition component to a purchaser or other transferee unless that person presents clear evidence of his or her identity and age. A licensee may not display ammunition in any part of the business premises where it can be readily seen from outside, and may not display any sign advertising the sale of ammunition.

Licensed dealers are required to post conspicuously within the premises a notice stating that California law prohibits the sale of firearms and ammunition to any person under age 18.

Licensed dealers are required to record at the time of transfer of ammunition for any handgun, semiautomatic rifle or assault weapon: 1) the name of the vendor (including the name of the specific individual) transferring the ammunition; 2) the place of transfer; 3) the date and time of the transfer; 4) the name, address and date of birth of the transferee; 5) the transferee's driver's license number or other identification number and issuing

state; 6) the brand, type and amount of ammunition transferred; and 7) the transferee's signature. These records must be maintained on the vendor's premises for a minimum of two years from the date of the transfer, and are subject to inspection at any time during normal business hours.<sup>48</sup>

San Francisco prohibits selling or offering for sale, transferring, or displaying for sale, 50 caliber cartridges.

Licensed dealers are prohibited from selling, leasing or otherwise transferring any ammunition that: 1) serves no sporting purpose; 2) is designed to expand upon impact and utilize the jacket, shot or materials embedded within the jacket or shot to project or disperse barbs or other objects that are intended to increase the damage to a human body or other target (including, but not limited to, Winchester Black Talon, Speer Gold Dot, Federal Hydra-Shok, Hornady XTP, Eldorado Starfire, Hollow Point Ammunition and Remington Golden Sabre ammunition); or 3) is designed to fragment upon impact (including, but not limited to, Black Rhino bullets and Glaser Safety Slugs).

## **FEATURES OF COMPREHENSIVE LAW REGULATING AMMUNITION**

The features listed below are intended to provide a framework from which policy options may be considered and debated. LCAV has not attempted to include every provision or every creative approach identified in the analysis above, nor have we addressed appropriate exceptions so that the regulation does not produce unintended consequences. A jurisdiction considering modifying existing, or developing new legislation in this area should consult with counsel to ensure its legal sufficiency and compatibility with existing codes and statutes, as appropriate.

- All ammunition sellers are required to be licensed firearms dealers (*Massachusetts, Chicago, New York City*)
- Ammunition dealers in residential and other sensitive neighborhoods are prohibited (*Chicago, Massachusetts (residential neighborhoods), New York City (other sensitive areas)*)<sup>49</sup>
- Ammunition dealers are required to maintain records of all ammunition sales, and make such information available to law enforcement (*District of Columbia, Los Angeles, New York City, San Francisco*)
- Ammunition dealers are required to conduct a background check on all purchasers, to ensure that ammunition is not sold to prohibited persons

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<sup>48</sup> In November 2005, San Francisco voters approved Proposition H, an ordinance to prohibit the possession of handguns by San Francisco residents and ban the manufacture, distribution, sale and transfer of firearms and ammunition in the city. The National Rifle Association and others immediately challenged the ordinance, and in a recent decision an appellate court struck down the ordinance, finding it preempted by state law. *Fiscal v. City & County of San Francisco*, No. A115018, 2008 Cal. App. LEXIS 21 (Cal. Ct. App. Jan. 9, 2008). The City has indicated that it will appeal the ruling. Additional information on state preemption of local firearm regulation is contained in the section of this report titled "[The Legal Background.](#)"

<sup>49</sup> Additional information on features of comprehensive firearms dealer laws is contained in the section on [Dealer Regulations.](#)

- Ammunition dealers are required to take security precautions to reduce the risk of theft (*Minnesota, District of Columbia, New York City, Omaha, San Francisco*)
- Minimum age of 21 is imposed for purchase or possession of handgun ammunition; minimum age of 18 is imposed for purchase or possession of long gun ammunition (*Arizona, California, Delaware, District of Columbia, Idaho, Illinois, Indiana, Iowa, Maine, Maryland, Massachusetts, Minnesota, New York, Rhode Island, South Dakota, Vermont, Los Angeles, Omaha*)
- License is required for purchase and possession of ammunition (*District of Columbia, Illinois, Massachusetts, New York City*), and license is limited to possession of ammunition for the caliber of firearm the person is licensed to possess (*District of Columbia, New York City*)
- Ammunition may not be carried in sensitive areas (*California, Minnesota, Los Angeles*)
- Ammunition is required to be locked and stored separate from firearms in the home (*Hawaii, Washington, New York City (long guns)*)
- Manufacture, transfer, purchase and possession of specific types of unreasonably dangerous ammunition are prohibited (*31 states, District of Columbia, Chicago, Los Angeles, San Francisco*)