**14.11 Firearms—Unlawful Sale (18 U.S.C. § 922(d))**

The defendant is charged in [Count \_\_\_\_\_\_\_ of] the indictment with selling [a firearm] [ammunition] in violation of Section 922(d) of Title 18 of the United States Code. For the defendant to be found guilty of that charge, the government must prove each of the following elements beyond a reasonable doubt:

First, the defendant knowingly sold [*specify firearm*] [*specify ammunition*] to [*name of unauthorized purchaser*]; and

Second, the defendant knew or had reasonable cause to believe that [*name of unauthorized purchaser*] was [*specify applicable prohibited status* *from 18 U.S.C.* *§ 922(d)(1)-(9)*].

**Comment**

*See* Comment to Instruction 14.1 (Firearms).

Section 922(d) makes it unlawful “to sell or otherwise dispose” of a firearm or ammunition. The instruction is written only in terms of a sale. If the facts are that the defendant “otherwise disposed” of the firearm or ammunition (for example, by gift or trade), the instruction should be modified accordingly.

Section 922(d)(1) makes it unlawful to sell or otherwise dispose of a firearm to a person who “is under indictment for, or has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year.” The Committee recommends that the specific crime be stated in the instruction. *Cf.* Comment to Instruction 14.16 (Firearms—Unlawful Possession—Convicted Felon). Whether a particular crime is punishable by imprisonment for a term exceeding one year is a matter of law.

For a definition of “fugitive from justice,” *see* Instruction 14.2 (Firearms—Fugitive from Justice Defined).

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