**14.4 Firearms—Shipment or Transportation to a Person Not**

**Licensed as a Dealer, Importer, Manufacturer, or Collector**

**(18 U.S.C. § 922(a)(2))**

 The defendant is charged in [Count \_\_\_\_\_\_\_ of] the indictment with the [shipment] [transportation] of a firearm to a person not licensed as a [dealer] [importer] [manufacturer] [collector] of firearms, in violation of Section 922(a)(2) 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 was a licensed firearms [dealer] [importer] [manufacturer] [collector];

 Second, the defendant willfully [shipped] [transported] a [*specify firearm*] [[from one state to another] [between a foreign nation and the United States]]; and

 Third, the defendant [shipped] [transported] the [*specify firearm*] to a person who was not licensed as a firearms [dealer] [importer] [manufacturer] [collector].

**Comment**

 *See* Comment to Instruction 24.8 (False Impersonation of Citizen of United States).

 While § 922(a)(2) also prohibits shipment or transportation of a firearm to a person not licensed as a firearms collector, a firearms collector’s license authorizes transactions only in curio and relic firearms.  *See* 18 U.S.C. § 923(b); 27 C.F.R. §§ 478.41(c) and (d), 478.50, and 478.93. Moreover, the prohibition in § 922(a)(2) does not apply to returning a firearm or replacing a firearm of the same kind or type to a person from whom it was received. It also does not prohibit “depositing a firearm for conveyance in the mails to any officer, employee, agent, or watchman” who is authorized to receive such firearms for use in connection with that person’s official duty. *See* 18 U.S.C. § 922(a)(2)(A) and (B).

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