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GUN TRUST

The National Firearms Act of 1968 (“NAF”) prohibits the ownership, possession, and use of Class 2 firearms without a proper Bureau of Alcohol, Tobacco, Firearms, and Explosives (“ATF”) permit. Class 2 weapons include: machine guns, suppressors and silencers, short-barreled rifles, short-barreled shotguns, explosive devices, and other assault weapons that’s would not normally be associated with hunting, such as an umbrella gun, a suitcase gun, or a smooth bore rifle.

The permitting process to be approved for a Class 2 Firearm is long, expensive, and very limiting. The person who possesses the permit is the only individual allowed to possess the weapon at any time. A Gun Trust has the benefit of bypassing many of the requirements an individual must comply with in order to receive an ATF permit. Applying for an ATF permit through a Gun Trust allows you to keep your information private, keep the government out of your business, and expedite the process.

A Gun Trust provides greater flexibility than an individual permit. The trust applies for and acts as the registered owner of the NAF controlled firearm. This allows anyone listed as a trustee in the trust to legally possess the weapons. If an individual has already been permitted to own and use the weapon then the permit and weapon can be transferred into the trust, allowing all trustees access to and use of the weapon.

The Gun Trust also acts as an estate-planning instrument. If an individual who owns a NAF weapon passes away then a problem arises with who is legally allowed to maintain the weapon. Though the weapon will transfer when you die, the permit will not. By having a Gun Trust as the registered owner, the weapon will transfer under the trust and avoid legal fees and headaches for your family.

Any questions about the proper form or legitimacy of a Gun Trust should be addressed by an attorney.

ELMS HARMON MACCHIA, LLC is an "AV" rated law firm providing legal services throughout Texas. You can read more about ELMS HARMON MACCHIA, LLC at the firm's website www.elmslaw.com. ELMS HARMON MACCHIA, LLC handles business related matters in both litigation and non-litigation contexts.