

The Armory Project: Answers to Frequently Asked Questions

Important note: These are our best attempts at answering questions that may be asked by Federal Firearm Licensees (FFLs) who are considering joining The Armory Project (TAP) or a similar program, or by firearm owners who are considering temporary out-of-home firearm storage with a FFL. This document was created to be in simple terms and is not meant to provide legal advice. We recommend you consider local, State, and federal laws that may pertain to your FFL and check with the ATF for guidance. The answers to some of these questions are complex and may change based on state or federal laws and regulations, so please consult with additional sources if necessary.

Why would someone want to temporarily store their firearm(s) at a firearm retailer or range?

As described in other parts of this toolkit, about half of all suicides in the United States involve a firearm, and the percentage is much higher for Veterans and service members. When an individual is at risk of suicide—especially when someone is at high risk—it may be best to temporarily remove lethal means (firearms) from the home. Putting “time and distance” between a person at risk of suicide and firearms will give the person time to get help and to get their firearms back when they are ready.

Some people may also want firearms temporarily stored outside of the home when going through a divorce, loss of job, have children visiting their home, if someone in the home is experiencing dementia or other memory issues, or if they are traveling out of state or on a deployment.

Why store firearms with a firearm retailer or range instead of with a family member?

A person who is having suicidal thoughts may not want to tell their family or friends, and some firearm owners may experience stigma around admitting to family or friends that they can't have their firearms at home. Also, social isolation is a major risk factor for suicide risk, and some people who are having suicidal thoughts may not have anyone they can turn to for temporary firearm storage.

In addition, while many state laws allow a person to give their firearms to a family member or friend to hold onto for them (if that person is not prohibited from owning firearms), some states have laws that make temporary transfer of firearms from one individual to another more challenging. In these states, a firearm retailer or range may be the best option for temporary out-of-home storage.

What organizations promote out-of-home storage?

Organizations like the National Shooting Sports Foundation recommend temporary off-site storage for firearms when you are concerned about yourself or a loved one. Currently, a national non-profit called *Hold My Guns*, is working to connect firearm owners with voluntary storage locations. There are efforts similar to TAP in many states including Colorado, Wisconsin, and Washington; we provide a table listing these groups in the main part of the toolkit. We may

not be aware of every effort, and new groups may get started at any time, so our list is not exhaustive.

What guidance does the ATF provide?

The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) published an “Open Letter” to FFLs regarding storing firearms for members of the public. It was posted July 2023 and is available on the ATF’s public facing website (www.atf.gov) at: <https://www.atf.gov/rules-and-regulations/firearms-open-letters>.

ATF notes that FFLs can provide storage lockers for firearm owners on their premises, where an individual could temporarily store firearms on their own (not transferring the firearms to the FFL). This option may be preferred in some states and by some FFLs. However, there may be FFLs who do not have sufficient store space for providing lockers and/or there may be concerns about security of lockers. In addition, some individuals may have firearms collections of a size that prohibits the storage locker option.

A FFL may use what TAP calls a “consignment hold” or temporary transfer agreement between a FFL and a firearm owner. In this case, the FFL logs the firearm(s) in their Acquisition and Disposition (A&D) logbook, and the owner must pass a 4473 Background Check in order to have their firearms returned. (Please see the TAP Temporary Storage Agreement Template for more information.)

TAP has also heard from FFLs who have had a firearm owner drop off a firearm for Smithing (Repair) and Cleaning services and not come back to pick up the firearm until they are ready. In the case of Smithing and Cleaning, a FFL must log the firearm(s) into their A&D logbook if the firearm is left for more than 24 hours but the firearm owner does not have to complete a 4473 Background Check in order to have their firearms returned (note: it must be the original owner who is picking up the firearm).

Please always check with the ATF for guidance and up-to-date regulations and laws.

Is voluntary out-of-home firearm storage the same as court-ordered firearm storage?

The process of voluntarily storing firearms outside the home, as promoted by TAP, is different from the required removal of firearms that occurs under Extreme Risk Protection Orders (ERPOs), also known as “Red Flag Laws.” Under an ERPO, a court may rule that an individual who is deemed at high risk of harming themselves or others must relinquish all firearms and may not purchase additional firearms until the ERPO expires. With TAP, an individual firearm owner voluntarily chooses to temporarily store his/her firearm(s) away from home. There is no official court or law enforcement agency involvement with voluntary storage under initiatives such as TAP.

Does TAP track individuals who store firearms and/or the firearms that are stored with a FFL?

Coalitions like TAP do not collect that information. Rather, these groups are looking to create a public resource where firearm owners can voluntarily and temporarily store their firearms

during a time of crisis or other need. TAP does not ask for names or identifying information about firearm owners who store their firearms with a firearm retailer. As part of evaluating TAP's success, we ask our retailer partners to let us know how things are going, how many people they have spoken with about temporary out-of-home firearm storage, and approximately how many firearms they are storing for customers.

What happens if a person temporarily stores firearms with a FFL and fails to pass the 4473 Background check?

There are several options in the event this happens.

1. The firearm owner can appeal the denial. Find out more information about the appeal through NICS here: <https://ucr.fbi.gov/nics/appeals/nics-guide-for-appealing>. The FFL can continue to hold the individual's firearm(s) until the appeal has been considered.
2. The FFL may be able to release the firearm(s) to a trusted adult family members or friend (adult must be over the age required by local and State laws) if they provide a sworn statement that they understand the original owner has been denied through the NICS background check from possessing firearms. The designated adult will need to pass a background check, and the FFL may need to consult with the ATF in this scenario to ensure all local, State and Federal laws are being followed. On form 4473, Section E, Item 32, the FFL can indicate who received the firearm(s). The original firearm owner who did not pass the NICS background check is prohibited from constructive or actual possession, meaning the person who ends up with possession of the firearms cannot leave them around unlocked in the same house or in a safe where the prohibited person knows the combination, etc.
 - a. In this scenario, a FFL may consider a written statement be signed by the adult who does pass the background check and accepts responsibility for the firearm(s) indicating their knowledge that the prohibited person cannot have access to the firearm(s).
3. The FFL may offer to purchase the firearm(s) from the owner and/or sell them on consignment for the owner.

This situation is complicated, and it may be helpful for a FFL to have a transparent discussion with the firearm owner about this possibility prior to storing firearms. Our Storage Agreement Template provides suggested language for guiding such a conversation.

If an individual temporarily stores firearms with a FFL and gets mental health treatment, will that lead to them being denied on the 4473 Background Check?

As of 2023, [Form 4473](#) (Questions 21.g.) asks: "Have you ever been adjudicated as a mental defective OR have you ever been committed to a mental institution?" Before answering the question, we recommend reading closely the Notices, Instructions and Definitions section for Question 21.g, which is the following: "Adjudicated as a Mental Defective: A determination by a court, board, commission, or other lawful authority that a person, as a result of marked subnormal intelligence, or mental illness, incompetency, condition, or disease: (1) is a danger to himself or to others; or (2) lacks the mental capacity to contract or manage his own affairs.

This term shall include: (1) a finding of insanity by a court in a criminal case; and (2) those persons found incompetent to stand trial or found not guilty by reason of lack of mental responsibility. Committed to a Mental Institution: A formal commitment of a person to a mental institution by a court, board, commission, or other lawful authority. The term includes a commitment to a mental institution involuntarily. The term includes commitment for mental defectiveness or mental illness. It also includes commitments for other reasons, such as for drug use. The term does not include a person in a mental institution for observation or a voluntary admission to a mental institution.”

State Firearm Legislation:

It is important to be aware of what legislation exists in your state that could impact efforts to implement an initiative like TAP in your community. This includes state requirements for firearm transfers, Extreme Risk Protection Order (ERPO), and other relevant laws, which can change over time.

Some resources to understanding the legislation in your state:

- Laws specific to out-of-home storage: [Map & Resources Directory - WAV \(worriedaboutaveteran.org\)](#)
- Overall state firearm legislative information: [State Laws and Published Ordinances - Firearms \(34th Edition\) | Bureau of Alcohol, Tobacco, Firearms and Explosives \(atf.gov\)](#)
- For most recent legislation it is highly suggested you meet and speak with your local ATF office about the TAP initiatives in your area. You can get connected to that person by contacting Marianna Mitchem FITB@atf.gov and mentioning your connection with “VISION’s The Armory Project” or looking up your local director of industry and operations at: www.atf.gov/contact/atf-field-divisions

Is there any federal legislation or guidance for firearm retailers when it comes to providing temporary firearm storage under a program such as TAP?

As of 2023, there is no federal legislation or guidance from a government agency around firearm retailers providing temporary storage to individual firearm owners under a program such as TAP.

In the state of Louisiana, our coalition was able to pass legislation that provides immunity from civil liability for a FFL that provides temporary storage as long as they follow the law when returning firearms; see Louisiana Act 453 [ViewDocument.aspx \(la.gov\)](#). Other states, such as Texas and Oregon, are trying to pass similar legislation.

Will the insurance policy of an individual firearm retailer cover the retailer in the event of a claim (for example, damage to a firearm that is being stored under a program like TAP)?

Any questions about insurance coverage would need to be addressed directly from a retailer to their insurer.

What if it's not possible for the gun shop partner to attend every monthly Community of Practice call?

It is not necessary to attend all the monthly COP calls—there are other ways to remain engaged in the TAP Community of Practice, including reading and responding to monthly email communications or checking in with a member of the TAP team by text, email, or phone call. Our TAP team makes monthly outreach calls/texts/emails to keep TAP partners updated and connected to the program.

What happens if a retailer doesn't have the space to provide temporary storage for a large number of firearms or if there is an influx of requests?

Some retailers have limited space and cannot hold multiple firearms. When this issue has come up, the Community of Practice has facilitated connections between retailers so that a retailer with more space available has been able to step forward and volunteer to store the firearms for the individual.

How can an interested person support TAP and temporary out-of-home firearm storage?

Promoting awareness of temporary out-of-home firearm storage and normalizing it as an option is one of the most helpful things you can do to support initiatives like TAP and to help prevent firearm suicide. Some people in your community who may be interested in hearing more about this option and spreading the word include:

- Health care providers
- Behavioral health systems and service providers
- Crisis hotlines and centers
- Suicide prevention organizations
- Veteran Service Organizations
- Gun clubs and shooting ranges
- Law enforcement and public safety associations
- Clergy and religious organizations that provide counseling
- Gun violence prevention groups
- Educational institutions and school counselors

This project promotes the use of the National Crisis Line. What do you do when someone has negative thoughts about those services?

Listen to the person's concerns and be open to understanding their experience or what they have heard. Validate that there have been problems identified in the past, but improvements are made to the service every day. Instill hope, let them know anyone can call the crisis line, even friends or family who are concerned about someone, and that the crisis line responders can give them tips and suggestions to help the person they are worried about. You may even suggest that the person call the crisis line during the day and ask responders questions to increase comfort, understanding, and trust in this resource.

If you do not know the answer, do not try to answer it or give a partial answer. Instead say, "That's a great question, let me get back to you."