

No. 23-852

In the Supreme Court of the United States

MERRICK B. GARLAND, ATTORNEY GENERAL, ET AL.,
PETITIONERS

v.

JENNIFER VANDERSTOK, ET AL.

ON WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

JOINT APPENDIX

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PETITION FOR WRIT OF CERTIORARI FILED: FEB. 7, 2024
CERTIORARI GRANTED: APR. 22, 2024

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JRW
J. F. McCarren

26 CFR 178.11

Mar. 1, 1971
"Initialed"

"Frame or Receiver"

Re: M-16 Receivers which is fabricated in two parts.

This matter was discussed in a conference, which included an examination of the weapon. We were assured at that time that the lower portion xx comes closest to meeting the definition of frame or receiver in 26 CFR 178.11 although both parts were necessary to function as a "frame or receiver" in a machine gun.

I can see some difficulty in trying to make cases against persons possessing only the lower part of a receiver, but insofar as the licensing, serial numbering, and special occupational tax requirements are concerned, I feel that this is the only practical solution.

I recommend your approval.

cc: 26 U.S.C. 5845(b)

cc: Firearms(Chap 53, Title 26 U.S.C.) (3)

Also See Initialed letter dated March 2, 1971 to Asst. Regional Commissioner, Mid-Atlantic Region (Proposed).

Subject: 0001561
Ruling: 21208.0
Date: 19710301
Auth: JRW

KeyWords:
Possession of lower part of a receiver

Law-Regs:
Machineguns, frame, receiver

Related Opinions:
26 CFR 178.11, 26 USC 5845(b)

Summary:
Re: M-16 Receiver which is fabricated in two parts.

This matter was discussed in a conference which included an examination of the weapon. We were assured at that time that the lower portion comes closet to meeting the definition of frame or receiver in 26 CFR 178.11 although both parts were necessary to function as a "frame or receiver" in a machinegun.

I can see some difficulty in trying to make cases against persons possessing only the lower part of the receiver, but insofar as the licensing, serial numbering, and special occupational tax requirements are concerned, I feel that this is the only practical solution.

I recommend your approval.

emr

CC:ATF-12,736
T:JRW

[SEAL OMITTED]
MEMORANDUM
Mar. 1, 1971

to: J. F. McCarren
from: J. R. Wachter

subject: M-16 Receivers

Apparently the M-16 receiver is fabricated in two parts, and the Enforcement Division has determined that the lower portion should be considered the receiver, and, thus, a machine gun under 26 U.S.C. 5845(b). This matter was discussed in a conference attended by Mr. Powell and myself with Messrs. Darr, Westenberger, Scroggie, and, I believe, Mr. Wolfe, which included an examination of the weapon.

We were assured at that time that the lower portion comes closest to meeting the definition of frame or receiver in 26 CFR 178.11 although both parts were necessary to function as a "frame or receiver" in a machine gun.

I can see some difficulty in trying to make cases against persons possessing only the lower part of a receiver, but insofar as the licensing, serial numbering and special occupational tax requirements are concerned., I feel that this is the only practical solution.

I recommend your approval.

/s/ J. R. WACHTER
J. R. WACHTER

I Concur: /s/ W. T. Hare

Date: [3/2/71]

W. T. HARE

Approved: /s/ JFM
J. F. MCCARREN

Date: [3/2/71]

Internal Revenue Service

Aug. 1, 1990

LE:F:TE:EMO

Mr. Wieslaw Czerepak
3809 W. 77th Place
Chicago, Illinois 60652

Dear Mr. Czerepak:

This refers to your letter of July 24, 1990, in which you ask about selling MP40 submachinegun receivers which are "80% finished".

We do not make classifications based on the percentage of completeness of a particular item. The terminology "80% finished" is not used by this office.

We have classified certain unfinished receivers as not being firearms. Those unfinished submachinegun type receivers, which have been classified as not being firearms, are solid bars with no internal machining performed. The exterior of the bar has been profiled to the approximate shape of the finished item.

If you plan to sell a solid bar having the exterior profile of an MP40 machinegun receiver and having no internal machining, the item would not be a firearm. If additional operations were performed this classification would be subject to review.

We trust that the foregoing has been responsive to your inquiry. If we may be of any further assistance, please contact us.

Sincerely yours,

(Signed) Edward M. Owen, Jr.

Edward M. Owen, Jr.

Chief, Firearms Technology Branch

Dec. 27, 1990 LE:F:TE:EMO

Mr. John Benjamin
1537 NE 141 Avenue
Portland, Oregon 97230

Dear Mr. Benjamin:

This refers to your letter of December 17, 1990, in which you ask about the receivers for MG3 (MG42) machineguns.

The receiver for the weapon in question is a folded and welded sheet metal housing which encases the barrel, bolt, and recoil mechanism of the weapon. The buttstock is mounted to the rear of the receiver.

We have previously determined that unfinished sheet metal receivers are firearms when they have reached a stage in manufacture where they have been folded to shape. The fact that certain welding, drilling, and other assembly operations have not been performed has no bearing on the classification. Therefore, the unfinished MG3 receivers in question are machineguns as defined.

With respect to your question concerning the front portion of the MG34 machinegun, this component is a detachable barrel jacket which is not a firearms receiver. The receiver of the MG34 is a machined housing which encases the bolt mechanism and to which the barrel jacket is attached.

Additionally, we are not aware of the forward sections of the MG42 receiver being approved for importation. The receiver of the MG42 is essentially the same type of sheet metal housing as is used in the manufacture of the MG3.

We trust that the foregoing has been responsive to your inquiry. If we can be of any further assistance, please contact us.

Sincerely yours,

(Signed) Edward M. Owen, Jr.

Edward M. Owen, Jr.

Chief, Firearms Technology Branch

May 26, 1992

LE:F:TE:EMO
3311.0

Mr. Robert Bower, Jr.
Philadelphia Ordnance, Inc.
Oreland Industrial Park
Oreland, Pennsylvania 19072

Dear Mr. Bower:

This refers to your letter of May 18, 1992, with which you submitted an unfinished AR-15 type receiver for classification.

Examination of the submitted sample, no serial number, indicates that it is identifiable as the receiver of a firearm. The receiver is basically complete except that the interior cavity has not been completely machined.

A receiver in basically the same configuration has previously been submitted by another manufacturer. It was found that the receiver could be made functional by drilling out the cavity with a 5/8 inch drill and then finishing with a 1/2 inch rotary file. Based on that examination, it was determined that unfinished AR-15 type receivers in the same basic configuration as that submitted by your firm are firearms as defined.

Therefore, the sample as submitted is classified as a firearm as that term is defined in Section 921(a)(3)(A), Chapter 44, Title 18, United States Code.

The submitted sample is being returned under separate cover.

We trust that the foregoing has been responsive to your inquiry. If we may be of any further assistance, please contact us.

Sincerely yours,

[(S)]

Edward H. Owen, Jr.

Chief, Firearms Technology Branch



DEPARTMENT OF THE TREASURY
BUREAU OF ALCOHOL, TOBACCO
AND FIREARMS
WASHINGTON, D.C. 20226

July 14, 1994

LE:F:TE:RLB
3311.4

Mr. Thomas C. Miller
Attorney at Law
1540 South Pearl Street, Suite B
Denver, Colorado 80210

Dear Mr. Miller:

This refers to your letter of July 1, 1994, concerning an unfinished, sample AR-15 type receiver, which you submitted for our examination and classification.

As defined in 18 U.S.C. Section 921(a) (3) (A) the term "firearm" is defined, for the purposes of the Gun Control Act of 1968 (GCA), to mean any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; Section 921(a) (3) (B) also includes the frame or receiver of any such firearm.

Examination of the sample disclosed that it is identifiable as the frame or receiver of an AR-15 type firearm and it may readily be converted to function as the frame or receiver of a firearm. The submitted sample is basically complete, except for a block of metal which is located in the area of the front pivot pin and two (2) holes which must be drilled through the receiver walls to allow installation of the trigger and hammer pivot pins.

The magazine opening and the receiver cavity are completely machined out and the sample receiver is capable of excepting various components to include, but not limited to, the magazine, magazine catch assembly, selector, rear take down pin, lower receiver retainer with complete buffer assembly, trigger guard, various small detent pins and springs.

Based on our examination of the submitted sample, we have determined that the unfinished receiver, as submitted, has reached a stage of manufacture where it would be classified as a “firearm” under Section 921(a)(3) and, therefore, subject to all the controls of the GCA.

Since the sample receiver is classified as a firearm for the purposes of the GCA, your client must be licensed under the provisions of the GCA as a manufacturer of firearms. In addition, any person manufacturing such an article would be responsible for all marking requirements, to include the manufacturers identification and serialization, as provided in the regulations, 27 CFR Section 178.92.

If a customer of your client requires unfinished receivers of this type, without conventional serial numbers or other markings, we would be happy to consider your written request for a variance from the marking requirements. Please understand that an alternate form of identification can be approved only if it is determined that the proposed markings are reasonable under the particular circumstances involved, and will not hinder effective administration of the law and its implementing regulations. Further, it may still be necessary for your client to apply some sort of identifying mark to the un-

finished receiver to identify the client as the original manufacturer.

With respect to United States vs. Seven Miscellaneous Firearms, this district court decision is not legal precedent and is, therefore, inapplicable to this matter.

The sample receiver is being returned to you under separate cover.

We trust that the foregoing has been responsive to your inquiry. If you have further questions concerning this matter, please contact us.

Sincerely yours,

/s/ Edward M. Owen, Jr.
EDWARD M. OWEN, JR.
Chief, Firearms Technology Branch

DEPARTMENT OF THE TREASURY
BUREAU OF ALCOHOL, TOBACCO AND FIREARMS
CORRESPONDENCE APPROVAL AND CLEARANCE

Dec. 27, 2002 903050:RDC
3311/2003-016

[360]

[357-3846]

Mr. Lane Browne
Mega Machine Shop, Incorporated
5323 Joppa S.W.
Tumwater, Washington 98512-8020

Dear Mr. Browne:

This refers to four AR-15 type lower receiver samples that were received by this office on October 3, 2002, for the purposes of examination and classification.

You indicate that each of the samples represents a separate stage in the manufacturing process. The samples are labeled "OP-1," "OP-2," "OP-3," and "OP-4."

Receiver sample "OP-1" is a solid casting having holes drilled for the takedown pins, selector, hammer, trigger, bolt catch, rear takedown pin retainer, and magazine catch. Further, the areas for the magazine catch and bolt catch have been partially machined and the rear ring threaded for the buffer tube. Machining of the interior cavity and magazine well has not been made on this sample.

Receiver sample "OP-2," in addition to the operations above, has had the magazine well and interior cavity machined, trigger slot machined, trigger guard holes drilled, and the slots for the magazine catch and bolt catch completed.

Receiver sample "OP-3," in addition to the operations above, has had the hole drilled in the receiver ring for the buffer retainer.

Receiver sample "OP-4," in addition to the operations above, has had the hole for the grip screw drilled and tapped, and the markings applied. The left side of the magazine well is marked, in descending order, "DAL-PHON," "SHELTON, WA.," "MULTI-CALIBER," "MODEL B.F.D.," and "CDB 0806." "FIRE" and "SAFE" are marked adjacent to the safety selector hole.

We have determined that an AR-15 receiver can still function as a firearm receiver without a magazine opening or the threaded hole for the buffer tube. In addition, we previously examined an AR-15 style receiver in a similar condition to your receiver sample "OP-1" having the holes for the trigger and hammer pins, but with a solid interior. The interior cavity of the previously examined sample was finished in approximately 75 minutes time using a 5/8-inch drill and a rotary file. This receiver was determined to be a "firearm" as defined in Title 18, United States Code (U.S.C.), § 921(a)(3). Therefore, your sample "OP-1" is also a firearm as defined.

Receiver samples "OP-2," "OP-3," and "OP-4" are manufactured to the point where they will accept AR-15 type semiautomatic fire control components, the magazine catch, the bolt catch, both takedown pins, rear takedown pin retainer, and buffer tube. Therefore, each of these samples constitutes a "firearm" as defined in Title 18, U.S.C. § 921(a)(3).

We trust the foregoing has been responsive to your inquiry. If we can be of any further assistance, please contact us.

Sincerely yours,

Curtis H.A. Bartlett
Chief, Firearms Technology Branch



U.S. Department of Justice

Bureau of Alcohol, Tobacco,
Firearms and Explosives

Jan. 13, 2004

903050:MRC

3311/2004-233

www.atf.gov

Mr. Steve Lazzara
National Ordnance Company
5514 W 34th Street
Houston, Texas 77092

Dear Mr. Lazzara:

This is in response to your letter dated November 28, 2003, to the Firearms Technology Branch, Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), in which you ask for a classification of an accompanying sample of a Government 1911A1 type casting.

Upon an examination of the submitted sample, our Branch determined the following machining operations would have to be performed:

1. Cutting frame rails;
2. Drilling of hammer and sear pin holes;
3. Drilling of plunger tube holes;
4. Drilling of slide stop pin hole;
5. Drilling of disconnecter hole;
6. Drilling of holes for ejector legs;
7. Drilling of hole for thumb safety;

8. Finishing machining for magazine catch;
9. Cutting grooves for mainspring housing; and
10. Drilling and tapping for grip bushings.

Furthermore, based on the examination of the submitted casting, we concluded that it does not meet the definition of a “firearm” provided in 18 U.S.C. 921(a)(3). However, any deviation from the submitted item would void this classification.

We thank you for your inquiry, along with accompanying sample, and trust that the foregoing has been responsive to your request for an evaluation.

Sincerely yours,

/s/ STERLING NIXON
STERLING NIXON
Chief, Firearms Technology Branch



U.S. Department of Justice

Bureau of Alcohol, Tobacco,
Firearms and Explosives

Jan. 29, 2004

903050:RDC

3311/2004-738

www.atf.gov

Mr. Mark Malkowski
Continental Machine Tool Company, Incorporated
515 John Downey Drive
New Britain, Connecticut 06051

Dear Mr. Malkowski:

This refers to two AR-15 type unfinished aluminum lower receivers that were received by the Firearms Technology Branch (FTB), Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), on September 17, 2003, for the purposes of examination and classification.

As you may be aware, the Gun Control Act of 1968 (GCA), 18 U.S.C. § 921(a)(3), defines the term "firearm" to include "any weapon (including a starter gun) which will or is designed to or may be readily converted to expel a projectile by the action of an explosive. The term also includes the frame or receiver of any such weapon."

Our evaluation indicates that both of the receivers have had several machining operations performed, creating the following:

- Magazine well;
- Trigger slot;

- Cavity for the trigger, hammer, disconnecter, safety selector;
- Initial opening for the buffer tube;
- Slot for magazine catch;
- Slot for the bolt catch;
- Right hand relief cut for forward takedown pin; and
- Center relief cut for forward takedown pin.

The following is a list of machining operations that were not accomplished:

- Trigger, hammer, safety selector, trigger guard, and bolt catch crosspin holes;
- Opening for the magazine catch shaft and release button;
- Enlarging and threading of buffer tube attachment point (receiver “ring”);
- takedown pin holes (front and rear); and
- pistol grip mount.

The FTB examination of the submitted samples revealed that both have reached the stage of manufacture whereby they are identifiable as the frame or receiver of an AR-15 type firearm. Each is therefore a “firearm” as defined in the GCA. However, a solid AR-15 type receiver casting, without having the critical internal areas machined (magazine well and central area for the fire control components) or crosspin holes drilled, would not constitute a “firearm” as defined in the NFA.

We thank you for your inquiry, along with submitted parts, and trust the foregoing assessment is responsive.

Sincerely yours,

/s/ STERLING NIXON
STERLING NIXON
Chief, Firearms Technology Branch

**U.S. Department of Justice**

Bureau of Alcohol, Tobacco,
Firearms and Explosives

Aug. 19, 2004

www.atf.gov

903050:RDC

3311/2004-564

Mr. Robert Serva
Dan Wesson Firearms
5169 Highway 12 South
Norwich, NY 13815

Dear Mr. Serva:

This refers to an unfinished 1911-type semiautomatic pistol frame sample, which was received by the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), Firearms Technology Branch (FTB), on July 25, 2004, for examination and classification.

Examination of the submitted unfinished frame revealed that the following machining operations have been made, implementing these essential features:

- Slide stop crosspin holes.
- Sear pin hole.
- Hammer pin hole.
- Thumb safety pin hole.
- Main spring housing pin hole.
- Disconnecter port.
- Stock screw bushing threads.

- Frame plunger tube mounting holes.
- Feed ramp.
- Barrel link surfaces.
- Frame interior passages/slots.
- Frame safety lever cutout.

In an accompanying letter, you note that the submitted slide rails have not been cut and that there is an additional .015 inch of material left on top of the rail area. Additionally, you state that the sides are approximately .004 inch in width.

The only critical operation yet to be made is the cutting of the slide rails. Although critical, this work can be completed in a minimal amount of time by a competent individual having the necessary equipment.

Based on our review of the submitted frame, including the features enumerated above, FTB has determined that the number and complexity of the operations made are sufficient to classify this sample as a “firearm” as defined in 18 U.S.C. § 921(a)(3).

We trust the foregoing has been responsive to your inquiry. If we can be of any further assistance, please contact us.

Sincerely yours,

/s/ RDY
For STERLING NIXON
Chief, Firearms Technology Branch



U.S. Department of Justice

Bureau of Alcohol, Tobacco,
Firearms and Explosives

Sept. 14, 2004

www.atf.gov

903050:RV

3311/2004-653

Mark Barnes & Associates
1350 Eye Street, Suite 1255
Washington, DC 20005

Gentlemen:

This is in response to your letter dated July 19, 2004, to the Firearms Technology Branch (FTB), Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), in which you request a classification on M6AI machinegun receivers.

Specifically, you want to know at which point during the manufacturing process would the forgings warrant classification as a firearm receiver. To amplify your inquiry, you have submitted photographs, blue prints, and portions of a technical manual to indicate the step-by-step machining process.

In determining whether a partially completed receiver is, in fact, at a stage where it should be classified as a firearm, FTB evaluates the level of completion of the submitted sample—in this case via an examination of detailed photographs—and makes a comparison with a sample of a completed firearm of the same type. Then we determine if the submitted sample can be brought to

a stage of completeness that will allow it to accept the firearm components to which it is designed for, using basic tools in a reasonable amount of time.

After examining the photographs with the instructions provided, FTB has determined that upon completion of "operation 307," all of the critical dimensions would be completed (see enclosure). Therefore, at this stage the item has reached a stage that it would be classified as a *receiver* under the Gun Control Act of 1968.

The plans and photographs submitted with this request will be placed on file with this letter. Any deviation or departure from the steps indicated could change our classification.

We trust that the foregoing has been responsive to your inquiry. If you have further questions concerning this matter, please contact us.

Sincerely yours,

/s/ [ILLEGIBLE]
For STERLING NIXON
Chief, Firearms Technology Branch

Enclosure



U.S. Department of Justice

Bureau of Alcohol, Tobacco,
Firearms and Explosives

Jan. 25, 2005

www.atf.gov

903050:AG

3311/2005-141

Mr. Si H Bloom
General Counsel
Taurus International
16175 N.W. 49th Avenue
Miami, FL 33014-6314

Dear Mr. Bloom:

This is in response to your letter dated December 15, 2004, to the Firearms Technology Branch (FTB), Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), in which you ask for a classification of the four investment castings you submitted in order to determine their importability.

The FTB examination of the submitted samples has determined that the following major machining operations would need to be performed on items 1-3 (revolver-type receiver castings) to enable them to meet the definition of a *firearm*:

- Machine barrel channel.
- Machine cylinder pin hole(s).
- Machine trigger pin hole(s).

- Machine hammer pin hole(s).
- Machine firing pin tunnel.

Other minor machining operations might also be required.

The FTB examination of the last submitted sample has determined that the following major machining operations would need to be performed on item 4 (pistol-type receiver casting) to enable it to meet the definition of a *firearm*:

- Machine bore of barrel.
- Machine slide rails.
- Machine trigger pin hole(s).
- Machine hammer pin hole(s).
- Machine mainspring channel.

Other minor machining operations might also be required.

In conclusion, the FTB examination of the submitted sample castings has determined that they do not meet the definition of a “firearm” found in 18 U.S.C. Section 921(a)(3) and may be imported into the United States. However, any deviation from the examples submitted would void this finding.

We thank you for your inquiry and trust that the foregoing has been responsive to your request for an evaluation.

Sincerely yours,

/s/ [RDY]
For STERLING NIXON
Chief, Firearms Technology Branch

**U.S. Department of Justice**

Bureau of Alcohol, Tobacco,
Firearms and Explosives

Aug. 8, 2005

www.atf.gov

903050:AG

3311/2005-512

Mr. Brian D. Schuetz
Olympic Arms, Inc.
Vice President
624 Old Pacific Hwy SE
Olympia, WA 98513

Dear Mr. Schuetz:

This refers to a “prop gun receiver” and a “laser training receiver” that were originally covered in a previous response by the Firearms Technology Branch (FTB), ATF, to your earlier submission (refer to 3311/2005-450). You have now resubmitted them to FTB and are currently requesting further evaluations to determine their compliance with the Gun Control Act of 1968 (GCA).

The first item, the “prop” receiver, is an AR-15 style lower receiver and has features, listed below, that are intended to prevent its use as the frame or receiver of a firearm:

- The hammer pin hole has been drilled to an over-size diameter of approximately .300 inch, and a steel pin has been installed in the hole.

- The hole for the trigger pin has been relocated, ensuring that modification would result in an oversized, unserviceable hole.
- The trigger well is undersized, requiring the use of a proprietary short trigger.

The remaining machining operations have been performed in a correct manner and are in the proper locations to allow the installation of AR-15 style parts.

As you are aware, previous determinations by FTB have classified receivers with less machining than your sample as “firearms.” Since your sample is nearly complete, requiring only minor modifications to allow it to function as the frame or receiver of a firearm, it is a *firearm* as defined in 18 USC 921(a)(3).

The second item, the “laser training lower receiver” (see photo, page 3), resembles an AR-15 style lower receiver assembly.

This item has features, listed below, that are intended to prevent its use as the frame or receiver of a firearm:

- The magazine well is pinned and welded to the upper, leaving the lower portion without a forward means of attachment to a standard upper receiver.
- The takedown pin area of the lower has been machined away, leaving no means of attaching an AR-15 type upper receiver.

The examination conducted by FTB finds that, based on the characteristics and features as submitted, the “Laser Training Lower Receiver” does not meet the definition of a “firearm” as defined in § 921(a)(3).

Please be aware that any deviation from the submitted characteristics of the “Laser Training Lower Receiver” would require reevaluation by FTB.

We thank you for your inquiry and trust that the foregoing has been responsive to your request for new evaluations.

Sincerely yours,

/s/ STERLING NIXON
STERLING NIXON
Chief, Firearms Technology Branch



U.S. Department of Justice

Bureau of Alcohol, Tobacco,
Firearms and Explosives

Martinsburg, WV 25401 903050:AG
www.atf.gov 3311/2006-835

July 18, 2006

Mr. Brian D. Schuetz
Olympic Arms, Inc.
Vice President
624 Old Pacific Hwy SE
Olympia, Washington 98513

Dear Mr. Schuetz:

This refers to a modified version of a “laser training gun” that was originally covered in a previous response by the Firearms Technology Branch (FTB), ATF, to your earlier submission (refer to 3311/2005-512).

You have now resubmitted this modified version to FTB and are currently requesting a further evaluation to determine compliance of the new item with the Gun Control Act of 1968 (GCA).

The modified “laser training gun” (see enclosed photo, page 3) resembles an AR-15 style firearm. It is similar to the previously submitted item, but incorporates a modular design, with the lower receiver being comprised of four components: a rear trigger housing component, two magazine well side plates, and a front support plate.

Further, FTB finds that as submitted, the front support plate is welded to a proprietary upper receiver assem-

bly which cannot accept conventional ammunition. In addition, the trigger housing portion of the lower receiver has been modified by milling away the takedown pin hole area, preventing this portion (by itself) from being attached to an AR-15 upper receiver.

Also, the magazine side plates and the trigger housing component are attached to the upper receiver assembly via screws, and are readily removable.

To determine if components of this item could be used as the frame or receiver of a firearm, FTB used the trigger housing component and the removable magazine well side plates, along with AR-15 components, to assemble a weapon which was used to fire a .223 Remington cartridge.

No modifications were made to the submitted components, or to the parts used to assemble the weapon. Less than 30 minutes were required to assemble a functional firearm using the training gun lower components.

Since the lower receiver components of this item can be used as the frame or receiver of a firearm, FTB finds that it is a "firearm" as defined in 18 USC 921(a)(3).

We thank you for your inquiry and trust that the foregoing has been responsive to your request for a new evaluation.

Sincerely yours,

/s/ STERLING NIXON
STERLING NIXON
Chief, Firearms Technology Branch

Enclosure



U.S. Department of Justice

Bureau of Alcohol, Tobacco,
Firearms and Explosives

Dec. 4, 2005

www.atf.gov

903050:AG

3311/2006-124

Mr. Eric Unger
General Manager
Pine Tree Castings
411 Sunapee Street
Sunapee, NH 03773

Dear Mr. Unger:

This is in response to your correspondence dated November 4, 2005, to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), Firearms Technology Branch (FTB), in which you ask for a classification of two pistol-type (Smith & Wesson/Walther) frame castings that you submitted to FTB.

The FTB examination confirmed that the submitted samples are ferrous metal, pistol-type frame castings. The castings resemble firearm frames, but are missing several features that would permit their use as firearm frames.

The following major machining operations are required for these items to meet the definition of a "firearm" (see photos provided on pages 3 and 4):

- Machine barrel tunnel/feed ramp.

- Machine barrel retaining pin hole.
- Machine slide rails.
- Machine trigger guard recess and pivot pin hole.
- Machine trigger pin hole.
- Machine trigger recess.
- Machine trigger bar recess.
- Machine sear hole(s) and recess(es).
- Machine mainspring cap retaining pin hole (PPK/S only).
- Machine mainspring clearance/grip panel screw hole area (PPK only).
- Machine hammer drop safety recess.

Other minor machining operations may also be required.

Accordingly, the FTB examination has determined that the Smith & Wesson/Walther pistol type frame castings you submitted are not “firearms” as defined in 18 U.S.C. § 921(a)(3).

This classification is based on the characteristics and features of the samples as received (one PPK type and one PPK/S type). Any alteration of the dimensions and/or configuration of these items will void this classification and require reevaluation by FTB.

We thank you for your inquiry and trust that the foregoing has been responsive to your request for an evaluation.

Sincerely yours,

/s/ STERLING NIXON
STERLING NIXON
Chief, Firearms Technology Branch



U.S. Department of Justice

Bureau of Alcohol, Tobacco,
Firearms and Explosives

Martinsburg, WV 25401 903050:RV
www.atf.gov 3311/2006-580

Apr. 4, 2006

Mr. Dan Shea
Long Mountain Outfitters, LLC
631 N. Stephanie St., # 560
Henderson, Nevada 89014

Dear Mr. Shea:

This refers to your letter of March 22, 2006, to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), Firearms Technology Branch (FTB), along with a sample M134 Minigun receiver casting submitted for evaluation. You have requested a determination regarding whether this casting has reached a stage of completion at which it would qualify as a firearm.

We compared your casting to a complete M134 Minigun receiver and found the following differences (see enclosures, pp. 3-7):

- The front opening of the casting for the forward rotor assembly bearing has an internal diameter of 4.550 inches.
- The front of the complete M134 receiver has an internal diameter of 4.775 inches, which a difference of .225 inch.

- The rear opening for the casting's rear rotor assembly bearing has an internal diameter of 2.965 inches.
- The rear opening for the rear motor assembly of the complete M134 Minigun is 3.145 inches, a difference of .180 inch.

Additionally, FTB found that the following mounting holes have not been made:

- Mounting hole, gun drive motor adapter (three).
- Mounting hole, feeder/de-linker-quick release pin (four).
- Locating slot, feed guide.
- Hole, feed guide locating pin (two).
- Hole, feed guide retaining bolt (two).
- Hole, mount assembly bolt (eight).
- Retaining hole, bolt roller guide/quick release pin (four).
- Hole, quick release retaining pin safing sector cover (two).
- Timing pin hole (two).

The M134 Minigun is a very sophisticated machinegun, and the completion of the missing steps cannot be accomplished with common hand tools. Therefore, FTB finds that the M134 Minigun casting submitted for evaluation has not reached a state of completion at which it would be considered a *firearm* under the Gun Control Act and, further, that it is not a *machinegun* under the National Firearms Act.

Our determination pertains to the sample as received; any modifications to future samples could change this classification.

We trust the foregoing was responsive to your request for an evaluation. The casting will be returned to you under separate cover.

Sincerely yours,

/s/ [ILLEGIBLE]
For STERLING NIXON
Chief, Firearms Technology Branch

Enclosures

**U.S. Department of Justice**

Bureau of Alcohol, Tobacco,
Firearms and Explosives

Martinsburg, WV 25401 903050:AG
www.atf.gov 3311/2006-601

Apr. 24, 2006

Mr. Justin Halford
[REDACTED]
Jonesboro, Arkansas 72404

Dear Mr. Halford:

This is in reply to your correspondence, dated January 26, 2006, along with your submitted item, to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), Firearms Technology Branch (FTB). The submitted item is a partially machined AR-15 pattern receiver, which you have submitted for classification with respect to its status under the Gun Control Act (GCA) of 1968.

The FTB examination determined that the receiver would need the machining operations for the following holes or openings to enable it to be used as the receiver of a firearm:

- Machine pivot pin hole(s).
- Machine takedown pin hole(s).
- Machine trigger pin hole(s).
- Machine trigger opening in the bottom of the trigger/hammer recess.

- Machine hammer pin hole(s).

Additional minor machining or filling operations may also be required.

For your information, previous determinations by FTB have classified as “firearms,” receivers featuring less machining than your sample. Since your sample is nearly complete, requiring only minor modifications to allow it to function as the frame or receiver of a firearm, it is a *firearm* as defined in 18 USC 921 (a)(3).

As you are aware, an AR-15 type receiver which has absolutely no machining performed in the area of the trigger/hammer recess might not be classified as a firearm. Such a receiver could have **all** other machining operations performed, including the boring of pivot pin and takedown pin hole(s) and clearance for the takedown pin lug, but it must be completely solid and un-machined in the trigger/hammer recess area. Your sample has been filled with clay by FTB to illustrate this area (see photo, next page). If you are interested in having such a modified item formally classified, you must re-submit the prototype to FTB for examination.

Please note that, absent an actual submission, this response cannot constitute a classification of a receiver having a solid trigger/hammer area.



We thank you for your inquiry, and trust that the foregoing has been responsive.

Sincerely yours,

/s/ STERLING NIXON
STERLING NIXON
Chief, Firearms Technology Branch



U.S. Department of Justice

Bureau of Alcohol, Tobacco,
Firearms and Explosives

Martinsburg, WV 25401 903050:AG
www.atf.gov 3311/2006-896

July 26, 2006

Mr. Kevin Audibert
[REDACTED]
Wolcott, Connecticut 06716

Dear Mr. Audibert:

This is in reply to your correspondence dated June 6, 2006, to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), Firearms Technology Branch (FTB). Your inquiry was forwarded to FTB's new location, Martinsburg, West Virginia. Included in your correspondence are blueprints for a partially machined AR-15 pattern receiver, for which you are requesting classification under the Gun Control Act of 1968 (GCA).

During our examination of the submitted prints, FTB determined that an item machined to the submitted specifications would require the following machining operations to allow its use as the receiver of a firearm:

- Machine takedown pin hole(s).
- Machine trigger pin hole(s).
- Machine hammer pin hole(s).

Additional minor machining/threading or fitting operations may also be required.

For your information, previous determinations by FTB have classified AR-15 pattern receivers (with less machining than your print depicts) as “firearms.” Since your submitted prints depict a receiver which is nearly complete, and would require only minor modifications to allow it to function as the frame or receiver of a firearm, a receiver machined to your submitted specifications would be a *firearm* as defined in 18 USC 921(a)(3).

Please note that an AR-15 type receiver which has no machining performed at all in the area of the trigger/hammer recess might not be classified as a firearm. Such a receiver could have **all** other machining operations performed, including pivot pin and takedown pin hole(s) and clearance for the takedown pin lug, but must be completely solid and un-machined in the trigger/hammer recess area. The photo insert (see page 2) depicts a sample which has been filled with clay by FTB to illustrate this area.

If you are interested in having such an item formally classified, you must submit a machined prototype to FTB for examination.

Absent an actual submission, this response cannot constitute a classification of a receiver having a solid trigger/hammer area.

Clay-filled Sample AR-15 Type Receiver



We thank you for your inquiry, and trust that the foregoing has been responsive.

Sincerely yours,

/s/ STERLING NIXON
STERLING NIXON
Chief, Firearms Technology Branch

**U.S. Department of Justice**

Bureau of Alcohol, Tobacco,
Firearms and Explosives

Martinsburg, WV 25401 903050:MSK
www.atf.gov 3311/2008-070

Nov. 19, 2007

Mr. Gary Johnson
Hunn Precision LLC
2701 Conastoga Drive, Unit 111
Carson City, Nevada 89706

Dear Mr. Johnson:

This is in response to your correspondence, with enclosed raw casting and diagrams, to the Firearms Technology Branch (FTB), Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF). In your correspondence, you asked for a classification of the partially completed AR-type receiver your company is planning to manufacture. Specifically, you wish to know if this item would be classified as a "firearm" under the Gun Control Act of 1968 (GCA).

During the examination of your sample and diagrams, FTB found that the following machining/drilling operations will have been performed on the final product you wish to sell:

1. Front and rear assembly/pivot pin holes will be drilled.
2. Hammer pin hole drilled.
3. Trigger pin hole drilled.

4. Selector lever hole drilled.
5. Magazine release and catch slots cut.
6. Trigger guard holes drilled.
7. Rear of receiver drilled and threaded to accept buffer tube.
8. Pistol grip mounting area faced off.
9. Magazine well area and upper portion of receiver faced off.

The machining operations not yet performed are as follows:

1. Milling out of magazine well.
2. Milling out of receiver interior.
3. Cutting of trigger slot.

The FTB examination of your submitted casting and diagrams found that your planned receiver will be sufficiently complete to be classified as the frame or receiver of a firearm and thus would be a “firearm” as defined in the GCA.

In order for this item not to qualify as the frame or receiver of a firearm, the hammer and trigger holes must not be drilled, dimpled, or otherwise marked or designated in any way. We suggest that you manufacture a sample “receiver” to the specifications in your diagrams, **and** incorporating the changes FTB requires (no hammer or trigger holes), and submit it to our Branch for a final, definitive written determination regarding its status under the GCA.

To facilitate return of your sample, please provide FTB with the appropriate FedEx or similar account information within 60 days of receipt of this letter.

We thank you for your inquiry and trust that the foregoing has been responsive to your evaluation request. Please do not hesitate to contact us if additional information is needed.

Sincerely yours,

/s/ JOHN R. SPENCER
JOHN R. SPENCER
Chief, Firearms Technology Branch

**U.S. Department of Justice**

Bureau of Alcohol, Tobacco,
Firearms and Explosives

Martinsburg, WV 25405 903050:AG
www.atf.gov 3311/2009-336

Feb. 11, 2009

FN Manufacturing, Inc.
P.O. Box 24257
Columbia, South Carolina 29224

To Whom It May Concern:

This is in reference to two items submitted to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), Firearms Technology Branch (FTB), for classification under the Gun Control Act of 1968 (GCA). The submitted items are M16A4 receiver castings-one raw, the other partially machined.

During the FTB examination, it was determined that the partially machined casting would require the following major machining operations to allow both the attachment of an AR-15 pattern upper receiver assembly and the firing of a cartridge from the entire assemblage:

- Machine pivot pinhole(s).
- Machine takedown pin hole(s).
- Machine trigger pin hole(s).
- Machine hammer pin hole(s).

Also, additional minor machining or fitting operations could be required.

For your information, previous determinations by FTB have classified receivers having less machining than your sample as “firearms.” Since your sample is nearly complete, requiring only minor modifications to allow it to function as the frame or receiver of a firearm, it is a *firearm* as defined in 18 U.S.C. 921(a)(3).

As you may be aware, an AR-15 type receiver which has no machining performed whatsoever in the area of the trigger/hammer recess might not be classified as a firearm. Such a receiver could have **all** other machining operations performed, including pivot pin and takedown pin hole(s) and clearance for the takedown pin lug, but would have to be completely solid and un-machined in the trigger/hammer recess area (see photo insert below). If you are interested in having such a modified item formally classified, you must submit it to FTB for examination.

Please note that, absent an actual submission, this response cannot constitute a classification of a hypothetical receiver having a solid trigger/hammer area.



We thank you for your inquiry and trust that the foregoing has been responsive.

Sincerely yours,

/s/ JOHN R. SPENCER
JOHN R. SPENCER
Chief, Firearms Technology Branch



U.S. Department of Justice

Bureau of Alcohol, Tobacco,
Firearms and Explosives

Martinsburg, WV 25405 903050:MCP
www.atf.gov 3311/2009-366

Feb. 11, 2009

Mr. Martin T. Hill
Precision Machined Parts
1214 North Osage
Nevada, Missouri 64772

Dear Mr. Hill:

This refers to your recent letter to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), Firearms Technology Branch (FTB), which accompanied your submitted sample of a semiautomatic AR15-type receiver manufactured by your company. Specifically, you asked at which stage in the manufacturing process would this AR15 receiver become a firearm as defined in Federal firearms statutes.

As background, the Gun Control Act of 1968 (GCA), § 921(a)(3), defines the term “firearm” to include *any weapon (including a starter gun) which, will or is designed to or may be readily converted to expel a projectile by the action of all explosive . . . [and] . . . the frame or receiver of any such weapon. . . .*

Also, please note that 27 CFR § 478.92 states the following concerning firearms markings:

. . . each licensed manufacturer or licensed importer of any firearm manufactured or imported shall legibly identify each such firearm by engraving, casting, stamping (impressing), or otherwise conspicuously placing or causing to be engraved, cast, stamped (impressed) or placed on the frame or receiver thereof in a manner not susceptible of being readily obliterated, altered, or removed, an individual serial number not duplicating any serial number placed by the manufacturer or importer on any other firearm, and by engraving, casting, stamping (impressing), or otherwise conspicuously placing or causing to be engraved, cast, stamped (impressed), or placed on the frame or receiver, or barrel thereof in a manner not susceptible of being readily obliterated, altered or removed, the model, if such designation has been made; the caliber or gauge; the name (or recognized abbreviation of same) of the manufacturer and also, when applicable, of the importer; in the case of a domestically made firearm, the city and State (or recognized abbreviation thereof) wherein the licensed manufacturer maintains its place of business; and in the case of an imported firearm, the name of the country in which manufactured and the city and State (or recognized abbreviation thereof) of the importer.

Furthermore, for firearms manufactured or imported on and after January 30, 2002, the engraving, casting, or stamping (impressing) of the serial number must be to a minimum depth of .003 inch and a minimum height of 1/16 inch. All other markings must be of a minimum depth of .003 inch.

The FTB evaluation of the submitted receiver noted the following markings:

Receiver left side, magazine well

BLACK RAIN ORDNANCE

CAL. 223-5.56MM

MOD. FALLOUT 15

S/N: PROTOTYPE

Receiver left side, middle area

NEOSHO, MO

U.S.A.

In addition, the FTB evaluation found that all machining operations have been completed on the submitted receiver with the exception of a trigger-slot opening. Based on our review of the submitted receiver, FTB has determined that the number and complexity of the operations made are sufficient to classify this semiautomatic AR15-type receiver as a “firearm” as defined in 18 U.S.C. § 921(a)(3). It is therefore subject to all provisions of the GCA.

With respect to your essential question—*At what stage of the machining process will this AR15 receiver become a weapon [firearm]?*—we ask that you take a look at the photo enclosure, including captions, for an explanation.

We trust that the foregoing has been responsive to your request for an evaluation. If we can be of any further assistance, please contact us.

Sincerely yours,

/s/ JOHN R. SPENCER
JOHN R. SPENCER
Chief, Firearms Technology Branch

Enclosure

**U.S. Department of Justice**

Bureau of Alcohol, Tobacco,
Firearms and Explosives

Martinsburg, WV 25405 903050:AG
www.atf.gov 3311/2009-341

Mar. 18, 2009

Mr. Mike Arculeo
Adventure Sports HQ
13430 L Street
Omaha, Nebraska 68137

Dear Mr. Arculeo:

This refers to a “laser training receiver” that was submitted to the Firearms Technology Branch (FTB), Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF). You are currently requesting a classification of this item per provisions of the Gun Control Act of 1968 (GCA).

The FTB examination found that the submitted sample resembles an AR-15 style lower receiver and has features, listed below, that are intended to prevent its use as the frame or receiver of a firearm:

- The item does not incorporate a hammer pin hole.
- The hole for the trigger pin has been relocated and enlarged, ensuring that modification would result in an oversized, unserviceable hole.
- The trigger well is undersized, requiring the use of a proprietary trigger.

- The trigger of the submitted sample is not intended for use with AR-15 fire-control components and is narrower than a standard AR-15 pattern trigger.

The item incorporates several features of conventional AR-15 pattern receivers, including a magazine well, magazine catch, receiver extension threading, and takedown/pivot pin holes. As you may be aware, previous determinations by FTB have classified receivers with less machining than your sample as “firearms.” Since your sample is nearly complete, requiring only minor modifications to allow it to function as the frame or receiver of a firearm, it is a *firearm* as defined in 18 USC 921(a)(3).

We wish to point out that FTB has approved laser training type items resembling AR-15 type firearms in the past. These items were manufactured in a manner that did not allow the attachment of a standard AR-15 pattern upper receiver assembly. Although we cannot detail specific procedures used by other manufacturers to fulfill this requirement, we have included this basic requirement to assist you in the development of a training device that might not be classified as a firearm.

We thank you for your inquiry and trust that the foregoing has been responsive.

Sincerely yours,

/s/ JOHN R. SPENCER
JOHN R. SPENCER
Chief, Firearms Technology Branch

**U.S. Department of Justice**

Bureau of Alcohol, Tobacco,
Firearms and Explosives

Martinsburg, WV 25405 903050:MMK
www.atf.gov 3311/2009-467

Mar. 20, 2009

Mr. Blaine Thompson
[REDACTED]
Spring Lake, Michigan 49456

Dear Mr. Thompson,

This is in response to your letter dated February 23, 2009, to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), Firearms Technology Branch (FTB), requesting clarification regarding what constitutes an AR-type receiver-blank as opposed to an AR-frame or receiver.

Your correspondence references a previous FTB letter (2008-680-MMK) and provides partial quotes from that letter. The characteristic features noted in #2008-680 apply generally to the average firearm receiver. Anyone casually examining long guns and hand guns would find many different frame and receiver designs; therefore, specific criteria can only be provided on a case-by-case basis after careful evaluation.

With respect to an AR-type receiver-blank, a blank having any fire-control pivot pin holes drilled or indexed, or any portion of the fire-control cavity milled will be classified as a firearm per 18 U.S.C. § 921(a)(3). We have enclosed a photo illustrating how to ensure the manu-

facture of a nonfirearm by omitting these critical features. All other manufacturing operations may be completed on the blank, as long as they conform to the essential restrictions indicated.

We trust that the foregoing has been responsive to your concerns. If we can be of any further assistance, please contact us.

Sincerely yours,

/s/ JOHN R. SPENCER
JOHN R. SPENCER
Chief, Firearms Technology Branch

Enclosure

Steps to ensure the manufacture of a “nonfirearm”



**U.S. Department of Justice**Bureau of Alcohol, Tobacco,
Firearms and Explosives

Martinsburg, WV 25405 903050:KB
www.atf.gov 3311/300668

June 19, 2013

Mr. Richard Gardiner
3925 Chain Bridge Road
Suite 403
Fairfax, VA 22030

Dear Mr. Gardiner,

This refers to your recent letter to the Firearms Technology Branch (FTB), Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), requesting an evaluation, per Gun Control Act (GCA) provisions, of an accompanying polymer receiver half with receiver extension piece. (Please refer to enclosed photos depicting your samples and other items reviewed below.)

As background, the GCA, as amended, 18 U.S.C. § 921(a)(3), defines the term “firearm” to include *any weapon (including a starter gun) which will or is designed to or may be readily converted to expel a projectile by the action of an explosive . . . [and] . . . the frame or receiver of any such weapon. . . .*

Additionally, 27 CFR § 478.11, a regulation implementing the GCA, defines a “firearm frame or receiver” as *that part of a firearm which provides housing for the hammer, bolt or breechblock, and firing mechanism,*

and which is usually threaded at its forward portion to receive a barrel.

Regarding marking requirements, please note that 27 CFR § 478.92 states the following:

. . . each licensed manufacturer or licensed importer of any firearm manufactured or imported shall legibly identify each such firearm by engraving, casting, stamping (impressing), or otherwise conspicuously placing or causing to be engraved, cast, stamped (impressed) or placed on the frame or receiver thereof in a manner not susceptible of being readily obliterated, altered, or removed, an individual serial number not duplicating any serial number placed by the manufacturer or importer on any other firearm, and by engraving, casting, stamping, (impressing), or otherwise conspicuously placing or causing to be engraved, cast, stamped (impressed), or placed on the frame or receiver, or barrel thereof in a manner not susceptible of being readily obliterated, altered or removed, the model, if such designation has been made; the caliber or gauge; the name (or recognized abbreviation of same) of the manufacturer and also, when applicable, of the importer; in the case of a domestically made firearm, the city and State (or recognized abbreviation thereof) wherein the licensed manufacturer maintains its place of business; and in the case of an imported firearm, the name of the country in which manufactured and the city and State (or recognized abbreviation thereof) of the importer.

Furthermore, for firearms manufactured or imported on and after January 30, 2002, the engraving, casting, or stamping (impressing) of the serial number must be to a minimum depth of .003 inch and a minimum height of 1/16 inch. All other markings must be of a minimum

depth of .003 inch. For polymer frames or receivers a metallic serial number plate must be used. The serial number plate must be molded into the frame or receiver in such a way that any attempt to remove it would damage the frame or receiver

During the FTB evaluation, a standard M-16 hammer assembly, trigger assembly, and disconnecter were installed onto your receiver half. Branch staff made use of an AR-style upper receiver, with a .221r caliber conversion kit installed, from FTB to complete the fitting onto your provided sample. The assembly of your submission with parts and the upper receiver took less than 5 minutes. During assembly of the two pieces you provided, a connection point was broken off.

Following assembly, a round of .22lr was loaded into the chamber for a test-fire. Upon pulling the trigger, the chambered round successfully fired. Accomplishing this testing also took less than 5 minutes. Since your submitted sample is capable of acting as the frame or receiver of a firearm, it qualifies as a “firearm” as defined in the GCA, § 921(a)(3).

In addition, since your submission houses the hammer and firing mechanism, it constitutes a “firearm frame or receiver” as defined in 27 CFR § 478.11, another criterion for constituting a “firearm” in accordance with 18 U.S.C. § 921(a)(3).

We would also bring attention that this sample and any other additional receivers that are manufactured by Right to Build Arms LLC need be marked in accordance with the guidance previously stated on the first page of this letter.

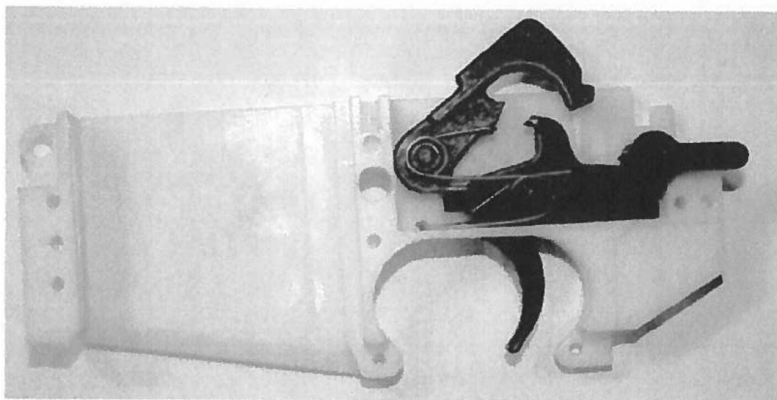
We thank you for providing an opportunity to evaluate your sample, but regret that our findings could not be more favorable. Please contact FTB to arrange the return of your submitted items.

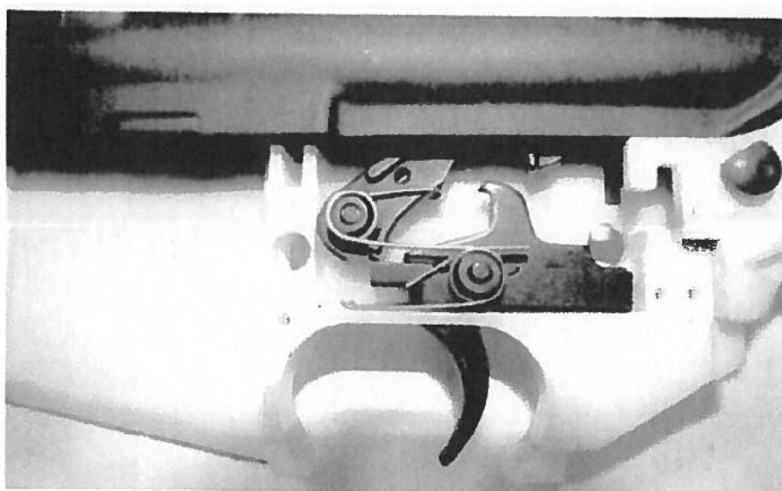
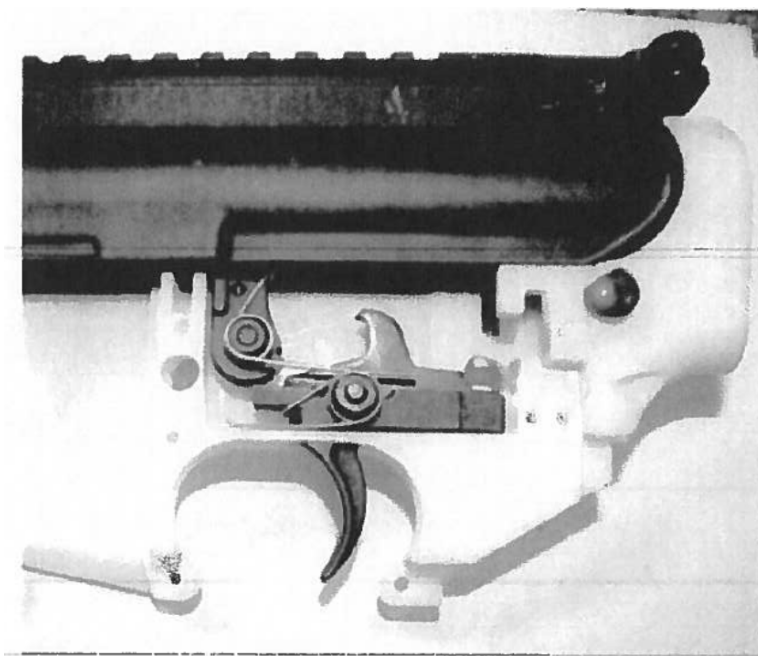
Sincerely yours,

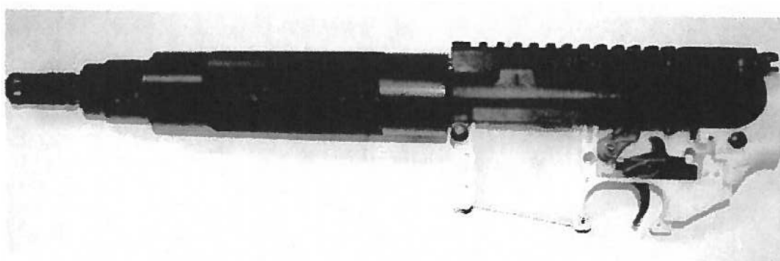
/s/ EARL GRIFFITH
EARL GRIFFITH
Chief, Firearms Technology Branch

Enclosure

Photos of Items Pertaining to FTB Evaluation







**U.S. Department of Justice**

Bureau of Alcohol, Tobacco,
Firearms and Explosives

Martinsburg, WV 25405 903050:RKD
www.atf.gov 3311/301551

Feb. 12, 2014

Douglas E. McKinley, Jr.
Attorney at Law
P.O. Box 202
Richland, Washington 99352

Dear Mr. McKinley:

This is in reference to your submitted items, a partially machined/molded/finished polymer AR-15 pattern receiver and a drilling/machining fixture, along with supporting correspondence, which were received by the Firearms Technology Branch (FTB), Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF). You furnished these items (photos provided, next two pages) on behalf of your client, Plastic Injection Molding, Inc., (PIM) for classification under the Gun Control Act of 1968 (GCA). This company is a U.S. manufacturer of various plastic parts and holder of a Federal Firearms license, and had previously contacted FTB in order to inquire whether this part and jig combination constituted an item regulated by ATF.

For your reference in this matter, the Gun Control Act of 1968 (GCA), 18 U.S.C. § 921(a)(3), defines the term “firearm” to mean the following:

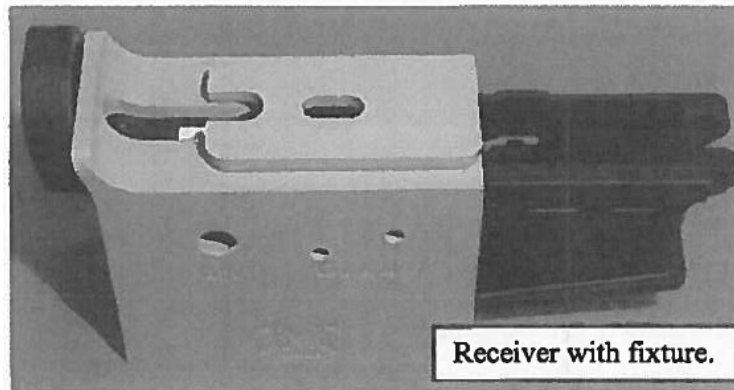
(A) any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive: (B) **the frame or receiver of any such weapon;** (C) any firearm muffler or firearm silencer; or (D) any destructive device. Such term does not include an antique firearm.

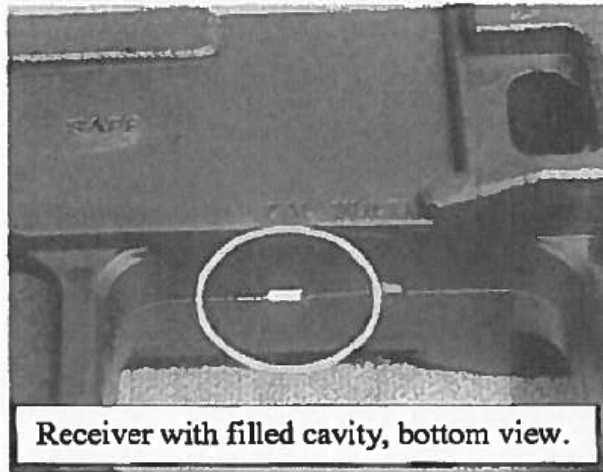
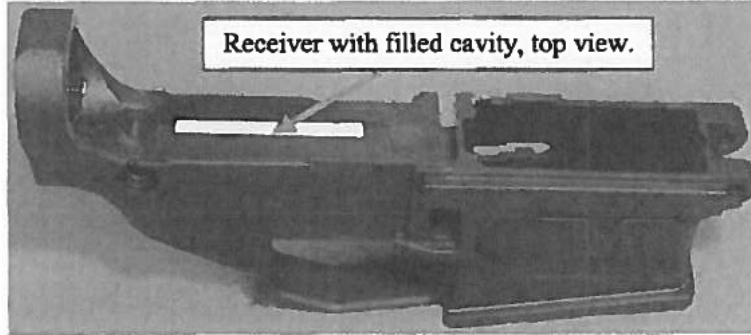
Additionally, 27 CFR § 478.92 states as follows:

. . . each licensed manufacturer or licensed importer of any firearm manufactured or imported shall legibly identify each such firearm by engraving, casting, stamping (impressing), or otherwise conspicuously placing or causing to be engraved, cast, stamped (impressed) or placed on the frame or receiver thereof in a manner not susceptible of being readily obliterated, altered, or removed, an individual serial number not duplicating any serial number placed by the manufacturer or importer on any other firearm, and by engraving, casting, stamping (impressing), or otherwise conspicuously placing or causing to be engraved, cast, stamped (impressed), or placed on the frame or receiver, or barrel thereof in a manner not susceptible of being readily obliterated, altered or removed, the model, if such designation has been made; the caliber or gauge; the name (or recognized abbreviation of same) of the manufacturer and also, when applicable, of the importer; in the case of a domestically made firearm, the city and State (or recognized abbreviation thereof) wherein the licensed manufacturer maintains its place of business; and in the case of an imported firearm, the name of the country in which manufactured and the city and State (or recognized abbreviation thereof) of the importer.

Furthermore, for firearms manufactured or imported on and after January 30, 2002, the engraving, casting, or stamping (impressing) of the serial number must be to a minimum depth of .003 inch and a minimum height of 1/16 inch. All other markings must be of a minimum depth of .003 inch. Finally, on polymer receivers, the serial number must be marked on a metal plate securely imbedded within the receiver.

As you may be aware, FTB has previously determined that an AR-15 type receiver which has no cavity or machining/molding of any kind performed/present in the area of the trigger/hammer (fire-control) recess might not be classified as a firearm. Such a receiver could have all other machining operations performed or present, including those for pivot-pin and takedown-pin hole(s) and clearance for the takedown-pin lug, but must be completely solid and un-machined/molded in the fire-control recess area





The FTB evaluation of your submitted polymer receiver revealed that, rather than incorporating a solid fire-control recess area throughout its manufacturing process, the item appears to have had a cavity present that was later filled with additional polymer material. This AR-15 type receiver therefore reached a sufficient state of completion (at the point of no longer having a solid fire-control recess area) for classification as the frame or receiver of a firearm subject to the provisions of the GCA. Accordingly, this sample has been classified as a “firearm” as defined in the GCA. Generally, once an

item has been classified as the frame or receiver of a firearm, it must be destroyed (rather than altered) to remove it from GCA provisions.

We thank you for your inquiry, regret that our present findings could not be more favorable, but trust the foregoing has been responsive to your request. Please provide our Branch with a FedEx account number or common carrier shipping label within 30 days of receiving this reply so that we may return your receiver and fixture.

Sincerely yours,

/s/ EARL GRIFFITH
EARL GRIFFITH
Chief, Firearms Technology Branch



U.S. Department of Justice

Bureau of Alcohol, Tobacco,
Firearms and Explosives

Martinsburg, WV 25405 907010:AG
www.atf.gov 3311/302385

Feb. 18, 2015

Jason Davis, Esq.
The Law Offices of Davis & Associates
41593 Winchester Rd, Suite 200
Temecula, California 92591

Dear Mr. Davis,

This is in reference to your submitted item, an AR-15 pattern receiver casting kit, along with supporting correspondence recently received by the Firearms Technology Industry Services Branch (FTISB), Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF). You have submitted this item (see photo, last page) on behalf of your client, POLYMER 80, INC. (P80) for classification under the Gun Control Act of 1968 (GCA).

As you are aware, FTISB has previously determined that an AR-15 type receiver casting which is completely solid in the area of the trigger/hammer (fire-control) recess might not be classified as a firearm. Such a receiver casting could incorporate all other features of a functional firearm receiver, including pivot-pin and takedown-pin hole(s) and clearance for the takedown-pin lug, but must be completely solid in the fire-control recess area. We have determined

that in order to be considered “completely solid in the fire-control recess area,” the takedown-pin lug clearance area must be no longer than .800 inch, measured from immediately forward of the front of the buffer-retainer hole. In addition, ATF has held that “indexing” of the fire-control area, to include molding a polymer receiver in stages instead of as a single (homogenous) piece, is sufficient to require classification as a firearm receiver.

Our examination of the submitted item confirmed that the receiver casting has been cast from black polymer, and includes several features of a complete AR-15 type receiver, including a takedown pin hole and clearance for the takedown-pin lug. Our examination confirmed that the takedown-pin lug clearance area is less than .800 inch, measured from immediately forward of the front of the buffer-retainer hole. The sample has been cast entirely from a single type of polymer, to include the fire control recess area.

An identical item you submitted for our evaluation (less machining fixture and drill bits/end mills, etc.) was cut in half in order to observe the internal configuration (See FTISB # 302384). This operation revealed that the submitted item incorporates a partially formed fire control cavity and was cast in a non-homogenous manner, with lines and voids being visible in the fire control area after the receiver blank was cut in half.

Supplemental information you provided in a letter dated February 3, 2015 confirmed that the submitted item was cast using a two stage production process, wherein a core was molded and subsequently over-molded to form the final product.

Based on our examination of the submitted item and your description of the manufacturing process used to produce it, we are classifying it as a firearm receiver, and therefore as a firearm.

We thank you for your inquiry and trust the foregoing has been responsive to your request.

Sincerely yours,

/s/ MICHAEL R. CURTIS
MICHAEL R. CURTIS
Acting Chief, Firearms Technology
Industry Service Branch

Attachment

Submitted item:



**U.S. Department of Justice**Bureau of Alcohol, Tobacco,
Firearms and ExplosivesFirearms Technology
Industry Services Branch

Martinsburg, WV	907010:MMK
www.atf.gov	3311/303513

June 1, 2015

Mr. Ken McAlister
K&M Arms
2040 S. Alma School Rd.
STE 1-197
Chandler, Arizona 85286

Dear Mr. McAlister:

This is in reference to your recent communication to the Firearms Technology Industry Services Branch (FTISB); requesting a reconsideration of our February 23, 2015 evaluation (302809) of your bull-pup style firearm receiver.

Specifically, you refute the need to leave the clearance for a trigger bar lineage solid in order to avoid classification of your submission as a firearm frame or receiver. In support of your request for re-evaluation you note that while your firearm receiver's design utilizes many of the common fire-control-components of an AR-type firearm, you feel that it should be compared to a combination of both the AR-type firearm receivers and 1911-type firearm receivers. Further, you indicate an estimate of approximately 3.037 cubic inches of ma-

terial that needs to be removed for the feature in contention.

As you know the point at which each firearm frame or receiver reaches the stage at which it can be classified as such is necessarily different. For instance, there are many different designs, methods of operation, construction materials, complexity of manufacture, features needed for function, etc. that might bear upon a firearm's classification.

A firearm frame or receiver is a "part" of a weapon. Pursuant to Federal law, it is a specific part that is itself a "firearm" under the GCA. The GCA's implementing regulations, 27 CFR 478.11, define a firearm frame or receiver as "that part of a firearm which provides housing for the hammer, bolt or breechblock, and firing mechanism, and which is usually threaded at its forward portion to receive the barrel." Whereas before the GCA, Federal law regulated "any part or parts of a firearm," Congress determined that this was impracticable and, during the passing of the GCA, determined that only the receiver would be regulated. This definition was necessary in order to identify that specific part of the firearm so that the public would be able to identify the regulated item.

The regulatory definition does not therefore require that a "precursor receiver" be capable of accepting installation of the fire-control components before it may be regulated. Because the regulatory definition speaks of the *part* (portion) that "provides housing," it is a standard used to determine *which* portion of the completed weapon is considered the "firearm frame or receiver." The regulatory definition is not a standard used to determin[e] *whether* a particular item has

reached a stage such that it is properly classified as a “frame or receiver.” In this way, the regulatory definition answers the question “what” and not “when.”

The critical inquiry, then, is the point at which an unregulated piece of metal or plastic becomes a regulated item under Federal law. ATF has long held that a piece of metal or plastic becomes a “part” when it reaches a critical “stage of manufacture.” This is a point at which a substantial step has been taken, or a critical line crossed, so that the item in question may be so classified under the law. To fall under the purview of the GCA, an item needn’t be capable of functioning to have reached a critical stage of manufacture. Indeed, Congress concluded that to make a specific item regulated by the GCA various items need only be designed, re-designed, intended, readily convertible, readily restored, or combined with other parts.

As noted in your correspondence, only certain critical features are required before ATF considers an AR-type, a 1911-type, or other type receiver-blank to be a firearm receiver. This is the case even though significant material must still be removed to allow it to operate as designed. Thus, a particular type receiver-blank has reached a critical “stage of manufacture” when a possessor takes a vital step in what will ultimately allow the receiver to perform a critical function as defined by the statute—serving as the part of a weapon that will expel a projectile by the action of an explosive.

Therefore, after review of your correspondence, the relevant facts, law, and guiding regulation; we find that our original determination stands.

We thank you for your correspondence and trust the foregoing is responsive to your inquiry.

Sincerely yours,

/s/ MAX M. KINGERY
MAX M. KINGERY
Acting Chief, Firearms Technology
Industry Service Branch

**U.S. Department of Justice**

Bureau of Alcohol, Tobacco,
Firearms and Explosives

Martinsburg, WV 25405 907010:JLB
www.atf.gov 3311/304952

July 8, 2016

Mr. Russell Creed
Creed Monarch, Inc.
1 Pucci Park
New Britain, CT 06051

Dear Mr. Creed:

This refers to your correspondence to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), Firearms Technology Industry Services Branch (FTISB), which accompanied three submitted samples of Tavor-type receivers in various stages of manufacture. Specifically, you requested an examination and classification of the submitted samples with respect to the amended Gun Control Act of 1968 (GCA) and the National Firearms Act (NFA).

As background, the GCA, 18 U.S.C. § 921(a)(3), defines the term “firearm” to include *any weapon (including a starter gun) which will or is designed to or may be readily converted to expel a projectile by the action of an explosive . . . [and] . . . the frame or receiver of any such weapon. . . .*

Note: FTISB uses the following terms to describe certain items:

The term “receiver-blank” is used to describe forgings, castings, or machined bodies (defense articles) such as AR-15 receiver castings, AK receiver flats, etc. in various stages of folding/machining which are not classified as firearms.

The term “incomplete receiver” is used to describe a receiver which may be classified as a firearm, but is not completely machined for use as a functional firearm receiver.

Please note that any receiver-casting or receiver-blank that has been finished to the point at which it can be recognized as a firearm frame or receiver is a “firearm.”

Additionally, the NFA, 26 U.S.C. § 5845(b), defines “machinegun” as follows:

. . . any weapon which shoots, is designed to shoot, or can be readily restored to shoot, automatically more than one shot, without manual reloading, by a single function of the trigger. This term shall also include the frame or receiver of any such weapon, any part designed and intended solely and exclusively, or combination of parts designed and intended, for use in converting a weapon into a machinegun, and any combination of parts from which a machinegun can be assembled if such parts are in the possession or under the control of a person.

With respect to markings, please note that 27 CFR § 478.92 states the following:

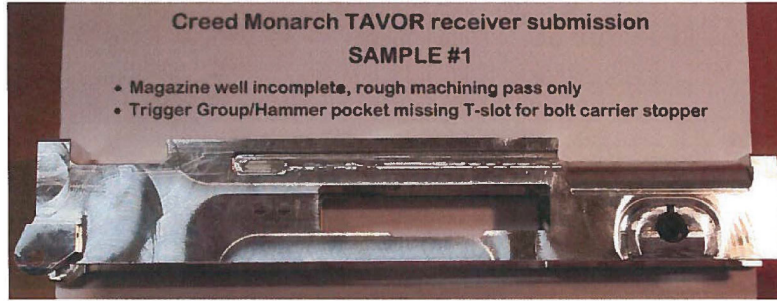
. . . each licensed manufacturer or licensed importer of any firearm manufactured or imported shall legibly identify each such firearm by engraving, casting, stamping (impressing), or otherwise conspicuously placing or causing to be engraved, cast, stamped (im-

pressed) or placed on the frame or receiver thereof in a manner not susceptible of being readily obliterated, altered, or removed, an individual serial number not duplicating any serial number placed by the manufacturer or importer on any other firearm, and by engraving, casting, stamping (impressing), or otherwise conspicuously placing or causing to be engraved, cast, stamped (impressed), or placed on the frame or receiver, or barrel thereof in a manner of not susceptible of being readily obliterated, altered or removed, the model, if such designation has been made; the caliber or gauge; the name (or recognized abbreviation of same) of the manufacturer and also, when applicable, of the importer; in the case of a domestically made firearm, the city and State (or recognized abbreviation thereof) wherein the licensed manufacturer maintains its place of business; and in the case of an imported firearm, the name of the country in which manufactured and the city and State (or recognized abbreviation thereof) of the importer.

Furthermore, for firearms manufactured or imported on and after January 30, 2002, the engraving, casting, or stamping (impressing) of the serial number must be to a minimum depth of .003 inch and a minimum height of 1/16 inch. All other markings must be of a minimum depth of .003 inch.

Our courts have recognized that a part need not be 100% complete in order to be a “part”. It need only be manufactured to the point where a critical line has been crossed or critical feature(s) formed to make it recognizable for what it is.

The first submitted sample, (photo below, item marked Sample #1), is a Tavor TAR 21-type receiver.



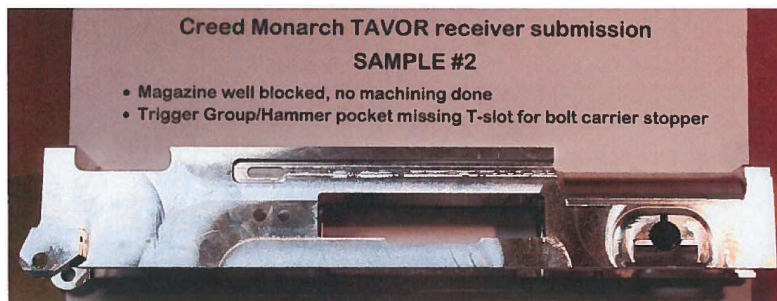
The FTISB evaluation revealed the following critical features have already been accomplished on Item #1:

- It has been manufactured with the proper working dimensions of a Tavor receiver.
- It has been machined to accept a machinegun recoiling mechanism, specifically the machinegun bolt carrier, (see enclosure pages 12-16).
- The opening for the trigger assembly has been rough machined and does not have a blocking feature to prevent installation of a machinegun trigger assembly (see enclosure pages 4-8).
- The opening for the magazine has been rough machined (see enclosure pages 9-11).
- It has been machined to accept the gas cylinder (see enclosure page 19).
- It has been machined to accept the barrel-locking pivot assembly (see enclosure page 19).
- Its dimensions are perfectly contoured to fit inside the composite shell of a TAVOR TAR 21-type firearm (see enclosure page 20).
- The “T” slot for the bolt carrier stop is indexed (see enclosure page 22).

- The opening in the receiver for the trigger-connecting bar pin has been machined (see enclosure page 23).
- It has been machined to accept the ejection port shield screws (see enclosure page 24).
- It has been machined to accept the barrel assembly (see enclosure page 25).
- The right and left ejection ports have been machined (see enclosure page 26).
- It has been machined to accept the installation of the butt locking-pin spring and pin (see enclosure page 27).
- It has none of the markings required by 27 CFR § 478.92.

Therefore, while Item 1 is not 100% complete, it has reached a stage in the manufacturing process where it is recognized and classified as a Tavor-type machinegun receiver, and therefore, is a “firearm” as defined in 18 U.S.C. § 921(a)(3), and a “machinegun” as defined in 26 U.S.C. § 5845(b).

The second submitted sample, (photo below, item marked Sample #2), is a Tavor TAR 21-type receiver.



The FTISB evaluation revealed the following critical features have already been accomplished on Item #2:

- It has been manufactured with the proper working dimensions of a Tavor receiver.
- It has been machined to accept a machinegun recoiling mechanism, specifically the machinegun bolt carrier, (see enclosure pages 12-15 and 17).
- The opening for the trigger assembly has been rough machined and does not have a blocking feature to prevent installation of a machinegun trigger assembly (see enclosure pages 4-8).
- It has been machined to accept the gas cylinder (see enclosure page 19).
- It has been machined to accept the barrel-locking pivot assembly (see enclosure page 19).
- Its dimensions are perfectly contoured to fit inside the composite shell of a TAVOR TAR 21-type firearm (see enclosure page 20).
- The “T” slot for the bolt carrier stop is indexed (see enclosure page 22).
- The opening in the receiver for the trigger-connecting bar pin has been machined (see enclosure page 23).
- It has been machined to accept the ejection port shield screws (see enclosure page 24).
- It has been machined to accept the barrel assembly (see enclosure page 25).
- The right and left ejection ports have been machined (see enclosure page 26).

- It has been machined to accept the installation of the butt locking-pin spring and pin (see enclosure page 27).
- It has none of the markings required by 27 CFR § 478.92.

The following step has not been accomplished on Item 2:

- The opening for the magazine has not been machined (see enclosure page 11).

Therefore, while Item 2 is not 100% complete, it has reached a stage in the manufacturing process where it is recognized and classified as a Tavor-type machinegun receiver, and therefore, is a “firearm” as defined in 18 U.S.C. § 921(a)(3), and a “machinegun” as defined in 26 U.S.C. § 5845(b).

The third submitted sample, (photo below, item marked Sample #3), is a Tavor TAR 21-type receiver.



The FTISB evaluation revealed the following critical features have already been accomplished on Item #3:

- It has been manufactured with the proper working dimensions of a Tavor receiver.

- It has been machined to accept a machinegun re-coiling mechanism, specifically the machinegun bolt carrier, (see enclosure pages 12-15 and 18).
- It has been machined to accept the gas cylinder (see enclosure page 19).
- It has been machined to accept the barrel-locking pivot assembly (see enclosure page 19).
- The “work-holding” dovetail has not been removed which prevents insertion into the composite shell of a TAVOR TAR-21 type firearm (see enclosure page 21).
- The “T” slot for the bolt carrier stop is indexed (see enclosure page 22).
- The opening in the receiver for the trigger-connecting bar pin has been indexed (see enclosure page 23).
- It has been machined to accept the ejection port shield screws (see enclosure page 24).
- It has been machined to accept the barrel assembly (see enclosure page 25).
- The right and left ejection ports have been machined (see enclosure page 26).
- It has been machined to accept the installation of the butt locking-pin spring and pin (see enclosure page 27).
- It has none of the markings required by 27 CFR § 478.92.

The following steps have not been accomplished on Item 3:

- The opening for the trigger assembly has not been machined (see enclosure page 7).
- The opening for the magazine has not been machined (see enclosure page 11).

Therefore, while Item 3 is not 100% complete, it has reached a stage in the manufacturing process where it is recognized and classified as a Tavor-type machinegun receiver, and therefore, is a “firearm” as defined in 18 U.S.C. § 921(a)(3), and a “machinegun” as defined in 26 U.S.C. § 5845(b).

Because you possess a current manufacturer’s license and have paid the Special Occupational Tax, the submitted samples are being returned to you.

Upon receipt, you have until the close of the following business day to register the submitted receivers on an ATF Form 2, *Notice of Firearms Manufactured or Imported*.

We trust that the foregoing has been responsive to your request for an evaluation. If we can be of any further assistance, please contact us.

Sincerely yours,

/s/ MICHAEL R. CURTIS
MICHAEL R. CURTIS
Chief, Firearms Technology Industry
Service Branch

Enclosure

**U.S. Department of Justice**

Bureau of Alcohol, Tobacco,
Firearms and Explosives

Martinsburg, WV 25405 907010:RKD
www.atf.gov 3311/303721

May 17, 2016

Mr. Mehmet A. Guzeldere
President
UTAS-USA Mfg.
1247 Rand Road
Des Plaines, Illinois 60016

Dear Mr. Guzeldere:

This is in response to your correspondence to the Firearms Technology Industry Services Branch (FTISB), Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), in which you asked for a classification of what you refer to as a UTAS UTS-15 “blank receiver.” Also accompanying this sample is a “complete” UTAS UTS-15 receiver and a Power-Point presentation detailing the steps required to finish the part referenced as a “blank receiver.” This sample was submitted for evaluation and classification with respect to the Gun Control Act of 1968 (GCA), 18 U.S.C. § 921(a)(3), a further question was poised pertaining to the placement of the metal serial number plate which is hidden from view under a movable top cover.

As background to our discussion, the GCA, § 921(a)(3), defines the term “**firearm**” to include:

. . . (A) *any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; (B) the frame or receiver of any such weapon . . .*

Additionally, 27 CFR § 478.92, a regulation implementing the GCA, states the following:

*. . . each licensed manufacturer or licensed importer of any firearm manufactured or imported shall legibly identify each such firearm by engraving, casting, stamping (impressing), or otherwise **conspicuously placing** or causing to be engraved, cast, stamped (impressed) or placed on the frame or receiver thereof in a manner not susceptible of being readily obliterated, altered, or removed, an individual serial number not duplicating any serial number placed by the manufacturer or importer on any other firearm, and by engraving, casting, stamping (impressing), or otherwise conspicuously placing or causing to be engraved, cast, stamped (impressed), or placed on the frame or receiver, or barrel thereof in a manner not susceptible of being readily obliterated, altered or removed, the model, if such designation has been made; the caliber or gauge; the name (or recognized abbreviation of same) of the manufacturer and also, when applicable, of the importer; in the case of a domestically made firearm, the city and State (or recognized abbreviation thereof) wherein the licensed manufacturer maintains its place of business; and in the case of an imported firearm, the name of the country in which manufactured and the city and State (or recognized abbreviation thereof) of the importer.*

Furthermore, for firearms manufactured or imported on and after January 30, 2002, the engraving, casting,

or stamping (impressing) of the serial number must be to a minimum depth of .003 inch and a minimum height of 1/16 inch. All other markings must be of a minimum depth of .003 inch.

According to your product manual, the UTS-15 is offered in a sporting model having a total magazine capacity of 10-rounds (twin 5-round magazines), while the M&P model offers a 15-round magazine capacity. Due to magazine capacity exceeding five rounds, The UTS-15, in either configuration, would be prohibited from importation under 18 U.S.C. § 925(d)(3) as not being particularly for or readily adaptable to sporting purposes and as such, would be subject to § 922(r) which has been addressed in previous correspondence from our office on September 21, 2015 (internal tracking #303728).

During our examination and review of your Power-Point submission, FTISB found that the sample referenced as a “receiver blank” differed from the complete UTAS UTS-15 receiver as follows:

- The hole for the non-essential ejection port door hinge is not drilled on the right side of the polymer receiver.
- The two “*mouse trap*” trigger plate pin holes are drilled, but not tapped in the polymer receiver.
- The remaining steps detailed in the Power-Point were largely confined to simple assembly of component parts onto the receiver.

The sample “receiver blank” could have been assembled with appropriate UTAS UTS-15 component parts and fired as it was received. Drilling for the ejection port door hinge is not required for the firearm to operate and the tapping of the trigger plate pin holes could easily be

accomplished within several minutes using hand tools. Our office notes that an identical receiver was evaluated under work order 2011-519 which was also classified as the frame or receiver of a firearm on April 12, 2012.

Congress enacted the GCA to help keep firearms out of the hands of those not legally entitled to possess them because of age, criminal background, or incompetency, and to assist law enforcement authorities to combat the ever increasing prevalence of crime in the United States. Congress provided the Attorney General with the authority to implement the act, which necessarily includes firearm classifications. This enforcement authority is delegated to the Director of ATF and has been further delegated to the Firearm Ammunition Technology Division (FATD) and Firearms Technology Industry Services Branch (FTISB). 28 C.F.R. § 0.130(a)(1), (2).

As early as 1964, Congress determined that the regulation of each firearm part was impractical and sought to regulate and require serialization of only the most important part of a firearm, the receiver. Thus, in the Gun Control Act of 1968 (GCA), Congress included the “frame” or “receiver” within the definition of “firearm”. However, Congress did not define the terms “firearm frame” or “firearm receiver”.

ATF defined these terms in the original GCA implementing regulations. The definition remains unchanged and is currently found at 27 C.F.R. § 478.11. The definition is limited in that it merely sets out that part of the firearm which is to be considered the “frame or receiver.” The definition does not address the point at which an item becomes a “firearm frame” or a “firearm

receiver.” The definition of “firearm frame or receiver” therefore describes “*what*” and not “*when*.”

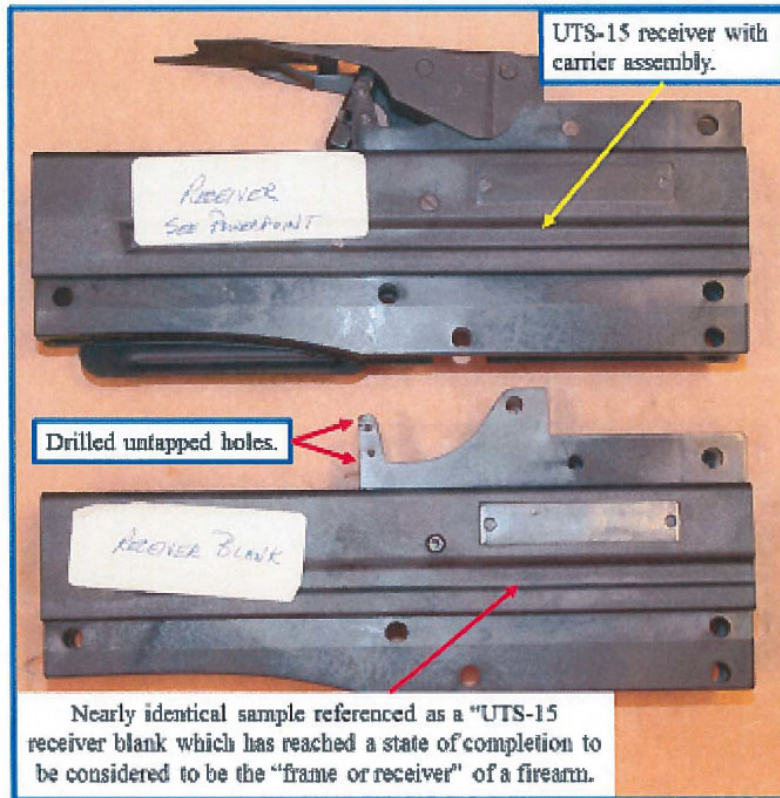
Because the definition does not address the point at which an item may be classified as a “firearm frame or receiver,” ATF is required to determine the point at which an object may be recognized as such. Due in part to the many and varied design differences among firearms, this must be determined on a case-by-case basis, depending upon the complexity of the operations required to allow the item to be used in a functional—even if not fully completed-weapon. It is not necessary for the item to be 100 percent complete or even capable of functioning. ATF looks to whether a vital line has been crossed, a critical step has been reached, or a particular feature is formed on the receiver that would be necessary for a complete weapon to operate when the receiver is finished.

After examination of this frame, FTISB has determined that it incorporates enough features to be classified as the frame or receiver of a firearm, and therefore meets the definition of “firearm” presented in 18 U.S.C. § 921(a)(3).

Submitted samples, right side.



Submitted samples, left side.

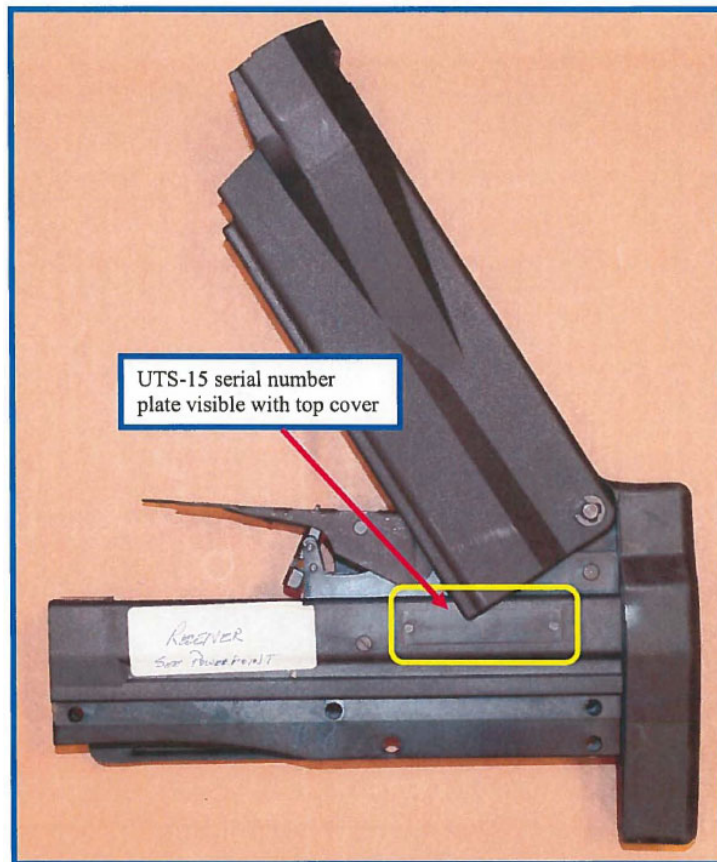


Additionally, the placement of the metal serial number plate on the left side of the receiver under the hinged top cover, does not comply with 27 CFR § 478.92, which requires that the serial number be conspicuously placed on the firearm. Your comparison of the serial number location on the UTS-15 design being similar to that of both over/under and side by side double barrel shotguns is not valid. Both over/under and side by side double shotguns having serial numbers placed on the upper receiver tang under the top lever have been in existence for many years, and the serial number is visible during

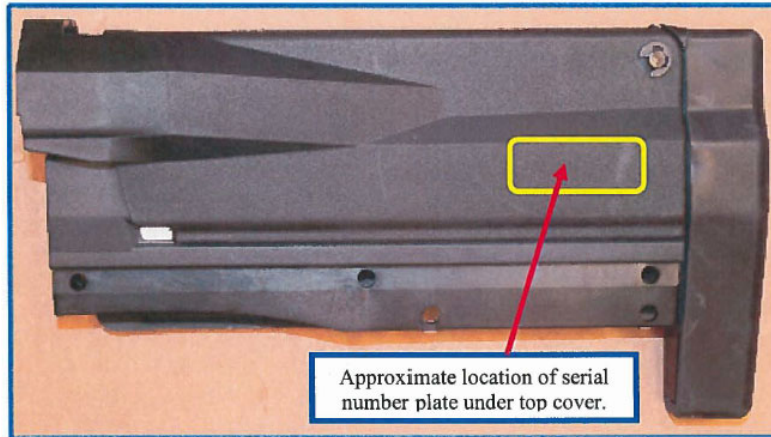
normal handling of this basic type of firearm, when the barrels are opened for inspection.

Locating a serial number which is hidden under a top cover on a newer unconventional design such as the UTS-15 shotgun, would not necessarily be intuitive to individuals unfamiliar with this particular firearm. This situation could be remedied by incorporating a viewing window in the top cover which allows the serial number to be seen with the cover closed.

UTS-15 serial number plate view.



**UTS-15 receiver with top cover closed obscuring
serial number from view.**



In order for your UTS-15 receivers to be returned, our office will require a prepaid common carrier shipping label or a FedEx billing number. We thank you for your inquiry and trust the foregoing has been responsive to your evaluation request. Please do not hesitate to contact us if additional information is needed.

Sincerely yours,

/s/ MICHAEL R. CURTIS
MICHAEL R. CURTIS
Chief, Firearms Technology Industry
Service Branch

**U.S. Department of Justice**

Bureau of Alcohol, Tobacco,
Firearms and Explosives

Martinsburg, WV 25405 907010:BAH
www.atf.gov 3311/303040

June 27, 2016

Mr. Greg Miner
Brookville Tool Company
10068 Oxford Pike
Brookville, IN 47012

Dear Mr. Miner:

This is in response to your correspondence to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), Firearms Technology Industry Services Branch (FTISB) which accompanied your submitted samples of two partially completed handgun frames. These samples were submitted for evaluation and classification with respect to the Gun Control Act of 1968 (GCA), 18 U.S.C. § 921(a)(3).

As background to our discussion, the GCA, § 921(a)(3), defines the term “**firearm**” to include:

. . . (A) any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; (B) the frame or receiver of any such weapon. . . .

27 CFR § 478.11, meaning of terms, provides the following description:

Firearm frame or receiver. *That part of a firearm which provides housing for the hammer, bolt or breechblock, and firing mechanism, and which is usually threaded at its forward position to receive the barrel.*

Note: FTISB uses the following terms to describe certain items:

*The term “**receiver-blank**” is used to describe forgings, castings, or machined bodies (defense articles) such as AR-15 receiver castings, AK receiver flats, etc. in various stages of folding/machining which are not classified as firearms.*

*The term “**incomplete receiver**” is used to describe a receiver which may be classified as a firearm, but is not completely machined for use as a functional firearm receiver.*

Please note that any receiver-casting or receiver-blank that has been finished to the point at which it can be recognized as a firearm frame or receiver is a “firearm.”

With respect to markings, please note that 27 CFR § 478.92 states the following:

. . . each licensed manufacturer or licensed importer of any firearm manufactured or imported shall legibly identify each such firearm by engraving, casting, stamping (impressing), or otherwise conspicuously placing or causing to be engraved, cast, stamped (impressed) or placed on the frame or receiver thereof in a manner not susceptible of being readily obliterated, altered, or removed, an individual serial number not duplicating any serial number placed by the manufacturer or importer on any other firearm, and by engraving, casting, stamping (impressing), or otherwise conspicuously placing or causing to be engraved, cast,

stamped (impressed), or placed on the frame or receiver, or barrel thereof in a manner of not susceptible of being readily obliterated, altered or removed, the model, if such designation has been made; the caliber or gauge; the name (or recognized abbreviation of same) of the manufacturer and also, when applicable, of the importer; in the case of a domestically made firearm, the city and State (or recognized abbreviation thereof) wherein the licensed manufacturer maintains its place of business; and in the case of an imported firearm, the name of the country in which manufactured and the city and State (or recognized abbreviation thereof) of the importer.

Furthermore, for firearms manufactured or imported on and after January 30, 2002, the engraving, casting, or stamping (impressing) of the serial number must be to a minimum depth of .003 inch and a minimum height of 1/16 inch. All other markings must be of a minimum depth of .003 inch.

Additionally, the GCA, § 922(a)(1)(A) states, in part: (a) It shall be unlawful—(1) *for any person (A)—. . . except a licensed manufacturer . . . to engage in the business of manufacturing firearms . . .* Also, the GCA, § 923(a), includes the following statement: *No person shall engage in the business of . . . manufacturing . . . firearms . . . until he has filed an application with . . . and received a license to do so from the Attorney General . . . a separate fee being required for each place in which the applicant is to do business. . . . Please note that the GCA, § 921(a)(10), defines the term “manufacturer” as any person engaged in the business of manufacturing firearms or ammunition for purposes of sale or distribution. Further, per 27 CFR § 478.11, the term [manufacturer]*

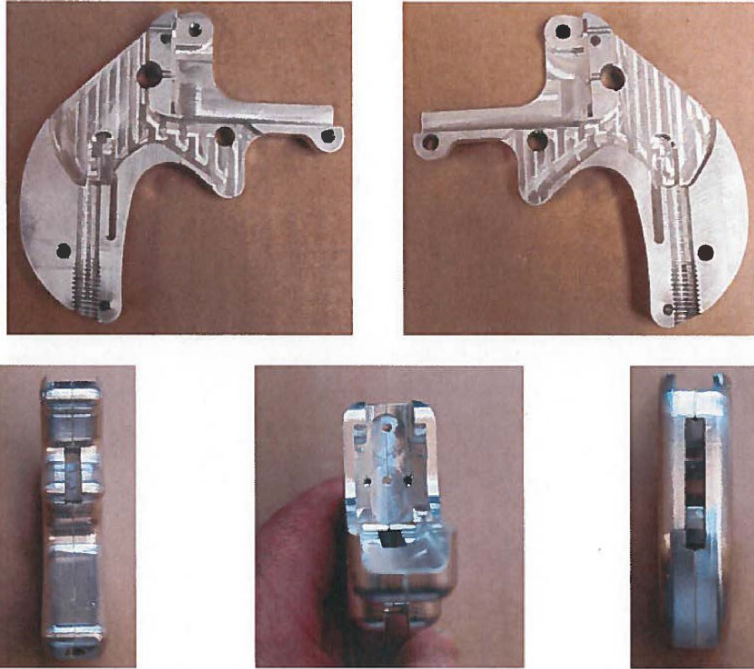
shall include any person who engages in such business on a part time basis. . . .

With respect to the phrase, “**being engaged in business,**” the GCA, § 921(a)(21)(A), specifies that when applied to a manufacturer of firearms, it includes a person who devotes time, attention, and labor to manufacturing firearms as a regular course of trade or business with the principal objective of livelihood and profit through the sale or distribution of the firearms manufactured.

Finally, the GCA, § 921(a)(22), states that the phrase, “*with the principal objective of livelihood and profit,*” means that the intent underlying the sale or disposition of firearms is predominantly one of obtaining livelihood and pecuniary gain, as opposed to other intents, such as improving or liquidating a personal firearms collection. . . .

Remington Elliot Double Derringer

The first of the two submitted samples is described in your correspondence as a replica of Remington Elliot’s double derringer frame, which was originally chambered in .41 rimfire. The item consists of two halves which are held together by screws.



Our courts have recognized that a part need not be 100% complete in order to be a “part”. It need only be manufactured to the point where a critical line has been crossed or critical feature(s) formed to make it recognizable for what it is. The following critical features have already been accomplished on the submitted sample:

- Drilled and tapped for barrel retaining screw.
- Drilled for barrel lock cam pin.
- Drilled for hammer block pin.
- Drilled and partially tapped for main spring cavity and mainspring screw.

- Drilled and tapped for breech face retaining screws.
- Drilled and tapped for two screws to retain the halves together.
- Drilled for two indexing pins.
- Recessed for hammer and trigger components.
- Drilled for alignment of pin/hammer block.
- Drilled for detent plunger of hammer block pin.

The FTISB examination of the submitted item confirmed that the following features have been omitted from the item:

- Trigger pin hole(s).
- Hammer pin hole(s).
- Firing pin hole(s).

Therefore, while the submitted sample is not 100% complete, it has clearly reached a stage in the manufacturing process where it is recognized and classified as a firearm frame or receiver; specifically, the frame for a Remington Elliot style double derringer.

For purposes of GCA serialization and marking requirements, the left half of the submitted sample is considered to be the frame for this firearm because it incorporates more completed machining operations than the corresponding right half; specifically, the three holes which are tapped to receive the barrel pivot screw and two assembly screws.

High Standard Rimfire Derringer

The second of the two submitted samples as described in your correspondence is a replica of a High Standard rimfire derringer frame. The item consists of one partially machined component.



The following features have already been accomplished on the submitted sample:

- Barrel mounting channel.
- Partially formed firing pin channel.
- Barrel latch post.
- Sear spring recess.

The FTISB examination of the submitted item confirmed that the following features have been omitted from the item:

- Barrel retaining pin hole.
- Hammer pin hole.
- Trigger pin hole.
- Sear pin hole.
- Firing pin hole (indexed but not complete).

Accordingly, it has been determined that the submitted item, as received, does not incorporate the required characteristics of a firearm receiver and is therefore not

classified as a “firearm frame or receiver” as defined in the GCA.

We thank you for your inquiry and trust the foregoing has been responsive. Should you have any additional questions, do not hesitate to contact us.

Sincerely yours,

/s/ MICHAEL R. CURTIS
MICHAEL R. CURTIS
Chief, Firearms Technology Industry
Service Branch



U.S. Department of Justice

Bureau of Alcohol, Tobacco,
Firearms and Explosives

Martinsburg, WV 25405 907010:WJS
www.atf.gov 3311/305402

Jan. 18, 2017

Mr. Jason Davis
The Law Offices of Davis & Associates
27201 Puerta Real, Suite 300
Temecula, California 92691

Mr. Davis:

This is in reference to your correspondence, with enclosed samples, to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), Firearms Technology Industry Services Branch (FTISB). In your letter, you asked for a classification of two Glock-type “PF940C Blank” on behalf of your client, Polymer 80 Incorporated (see enclosed photos). Specifically, you wish to know if each of these items would be classified as a “firearm” under the Gun Control Act of 1968 (GCA).

You state the submitted **PF940C** has critical machining operations not yet “implanted” as follows:

- *Drilling of the locking left and right block pin holes.*
- *Drilling of the left and right trigger pin holes.*
- *Drilling of the left and right trigger housing pin holes.*

- *Cutting of the left and right rail slots to allow for slide installation.*
- *Machining of the side walls that block slide installation.*
- *Machining of the cross walls that block barrel and recoil spring installation.*

As a part of your correspondence, you describe design features and the manufacturing process of the submitted “PF940C” to include the following statement:

- *The submitted PF940C blank is a solid core unibody design made out of a single casting without any core strengthening inserts. Moreover, it is void of any indicators that designate or provide guidance in the completion of the firearm.*

For your reference in this matter, the amended Gun Control Act of 1968 (GCA), 18 U.S.C. § 921(a)(3), defines the term “**firearm**” to include any weapon (including a starter gun) which will or is designed to or may be readily converted to expel a projectile by the action of an explosive . . . [and] . . . **the frame or receiver of ally such weapon . . .**

Also, 27 CFR Section 478.11 defines “**firearm frame or receiver**”. *That part of a firearm which provides housing/or the hammer, bolt or breechblock, and firing mechanism, and which is usually threaded at its forward portion to receive the barrel.*

Also, the AECA, 27 CFR Section 447.11, defines “**defense articles**” as—

. . . Any item designated in § 447.21 or § 447.22. This includes models, mockups, and other such items which

reveal technical data directly relating to § 447.21 or § 447.22.

The USMIL, Section 447.22, **FORGINGS, CASTINGS, and MACHINED BODIES** states:

Articles on the U.S. Munitions Import List include articles in a partially completed state (such as forgings, castings, extrusions, and machined bodies) which have reached a stage in manufacture where they are clearly identifiable as defense articles. If the end-item is an article on the U.S. Munitions Import List, (including components, accessories, attachments and parts) then the particular forging, casting, extrusion, machined body, etc., is considered a defense article subject to the controls of this part, except for such items as are in normal commercial use.

During the examination of your sample “PF940C”, FTISB personnel found that the following machining operations or design features present or completed:

1. Trigger slot.
2. Capable of accepting Glock 17 trigger mechanism housing.
3. Capable of accepting Glock 17 trigger bar.
4. Magazine well.
5. Magazine catch.
6. Accessory rail.
7. Slide-stop lever recess.
8. Magazine catch spring recess.

Machining operations or design features not yet present or completed:

1. Trigger-pin hole machined or indexed.
2. Trigger mechanism housing pin machined or indexed.
3. Locking block-pin hole machined or indexed.
4. Devoid of front or rear frame rails.
5. Barrel seat machined or formed.
6. Incapable of accepting Glock locking-block.

Note: *The dust cover, top of the barrel seat area and locking-block recess area became damaged during this evaluation.*

As a result of this FTISB evaluation, the submitted “PF940C” is not sufficiently complete to be classified as the frame or receiver of a firearm and thus is not a “firearm” as defined in the GCA. Consequently, the aforementioned items are therefore not subject to GCA provisions and implementing regulations.

To reiterate the conclusion of FTISB’s evaluation, our Branch has determined that the submitted Polymer 80, Incorporated Glock-type receiver blanks incorporating the aforementioned design features are not classified as the frame or receiver of a weapon designed to expel a projectile by the action of an explosive, thus each of these items are not a “firearm” as defined in GCA, 18 U.S.C. § 921(a)(3)(B).

Please be aware, while not classified as a “firearm”; the submitted items are each classified as a “defense article” as defined in 27 CFR Section 447.11. The U.S. Department of State (USDS) regulates all exports from, and particular imports into, the United States. Firearms, parts, and accessories for firearms are all grouped as “defense articles” by the USDS and over-

seen by their Directorate of Defense Trade Controls. Information regarding import/export of defense articles can be found on their web site at www.pmdrtc.state.gov.

Correspondence from our Branch is dependent upon the particular facts, designs, characteristics or scenarios presented. Please be aware that although other cases (submissions to our Branch) may appear to present identical issues, this correspondence pertains to a particular issue or item. We caution applying this guidance in this correspondence to other cases, because complex legal or technical issues may exist that differentiate this scenario or finding from others that only appear to be the same.

Please be aware, this determination is relevant to the item as submitted. If the design, dimensions, configuration, method of operation, processes or utilized materials, this classification would be subject to review and would require a submission to FTISB of a complete functioning exemplar.

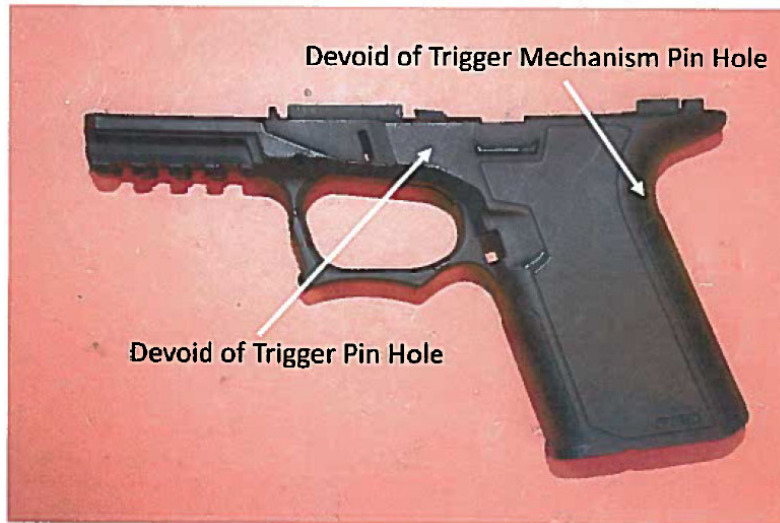
We thank you for your inquiry and trust the foregoing has been responsive to your evaluation request.

Sincerely yours,

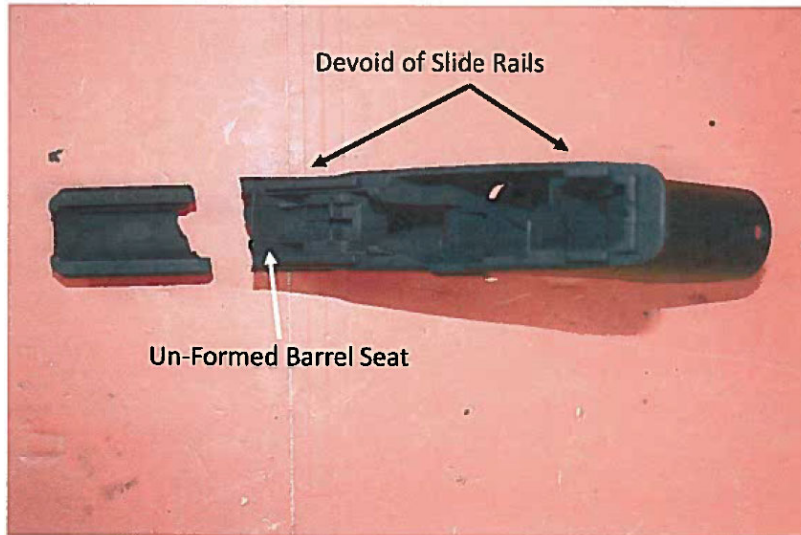
/s/ MICHAEL R. CURTIS
MICHAEL R. CURTIS
Chief, Firearms Technology Industry
Service Branch

Enclosure

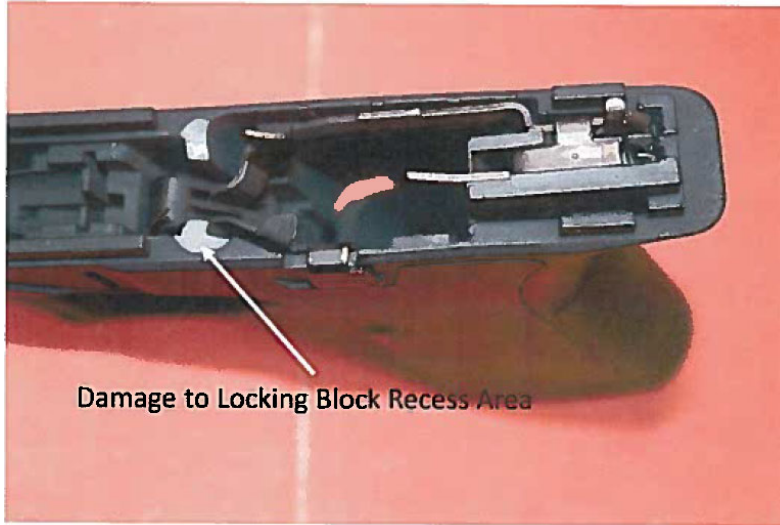
PF940C Blank, Submitted 10/6/16



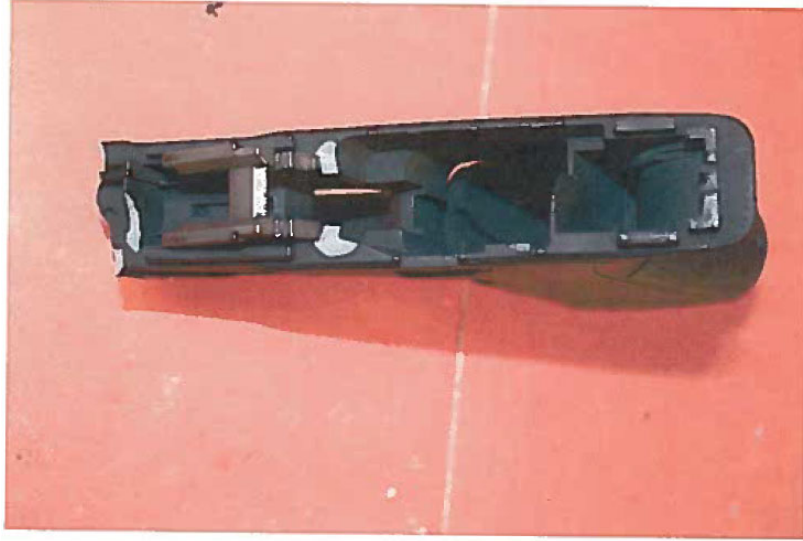
PF940C Blank, Dust Cover Area Damaged



**PF940C Blank, With Trigger Mechanism Housing and
Slide Stop Lever**



**PF940C Blank, Incapable of Accepting Glock
Locking Block**





October 28, 2013

Unfinished “80%” AR-15 Type Receivers

There are many unfinished AR-15 type receivers being marketed as so-called “80%” receivers. It is important to note that Federal firearms statutes and supplemental regulations do not employ the terms “80%,” “80% finished,” or “80% complete.”

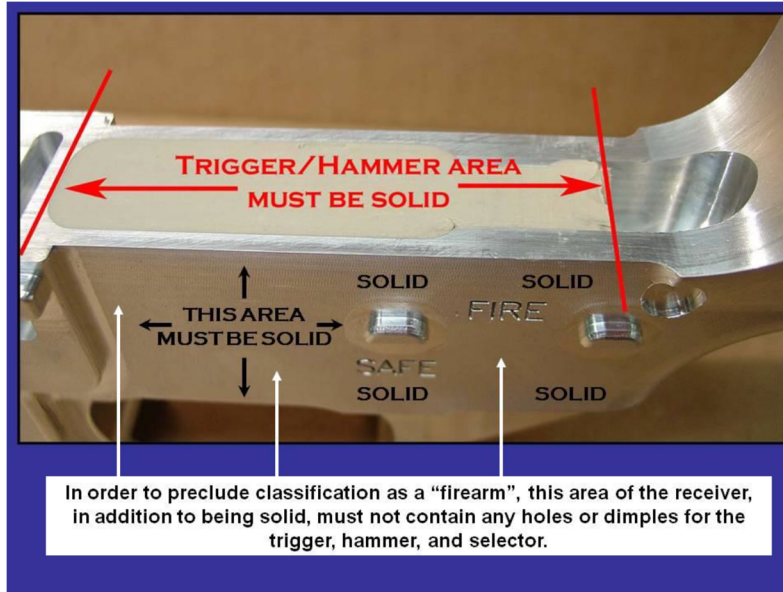
These terms are industry vernacular and are neither recognized nor defined in Federal firearms statutes and regulations. These marketing terms are used by the industry to indicate that, in their opinion, an unfinished receiver has not yet reached a point in the manufacturing process where it should be classified as a “firearm” as defined in the amended Gun Control Act of 1968 (GCA).

As background, the GCA, 18 U.S.C. § 921(a)(3), defines the term “firearm” to include *any weapon (including a starter gun) which will or is designed to or may be readily converted to expel a projectile by the action of an explosive . . . [and] . . . the frame or receiver of any such weapon. . . .*

Unfinished AR-15 type receivers that do not meet the definition of a “firearm” are not subject to regulation under GCA provisions; however, they are still considered defense articles per the U.S. Munitions Import

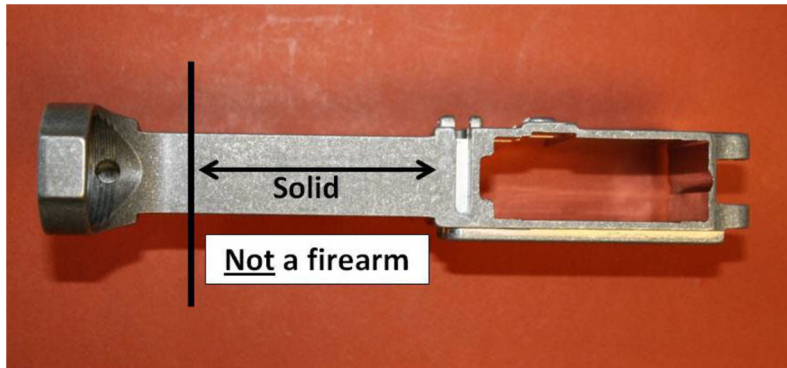
List and, therefore, require an ATF Form 6 for importation into the U.S.

The ATF Firearms Technology Branch (FTB) has previously determined that an AR-15 type receiver which has no machining of any kind performed in the area of the trigger/hammer (fire-control) recess (or cavity) might not be classified as a firearm. Such a receiver could have **all** other machining operations performed, including pivot-pin and takedown-pin hole(s) and clearance for the takedown-pin lug, but must be completely solid and un-machined in the fire-control recess/cavity area. We have determined that in order to be considered “completely solid and un-machined in the fire-control recess/cavity area,” the takedown-pin lug clearance area must be no longer than .800 inch, measured from immediately forward of the front of the buffer-retainer hole. (see photo below)



However, FTB has examined many "80%" AR-15 type receivers and has found that, in some cases, items being marketed as "80%" actually meet the definition of a "firearm" as defined.

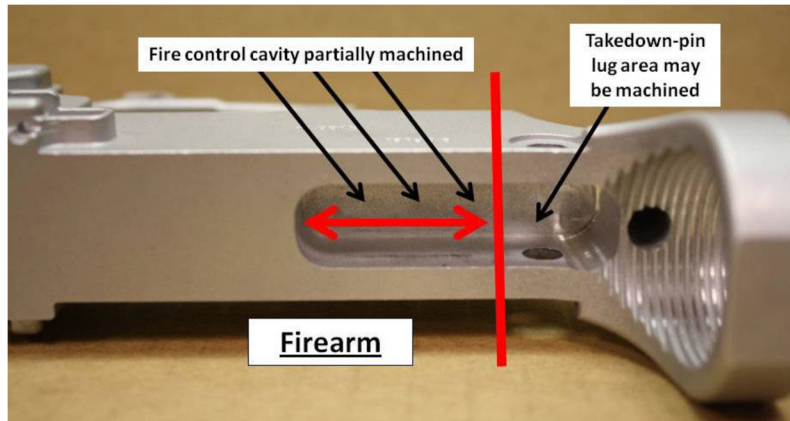
The following photos depict the most commonly encountered variations of unfinished "80%" AR-15 type firearm receivers and are provided to assist you in determining their classification status.



Example 1



Example 2



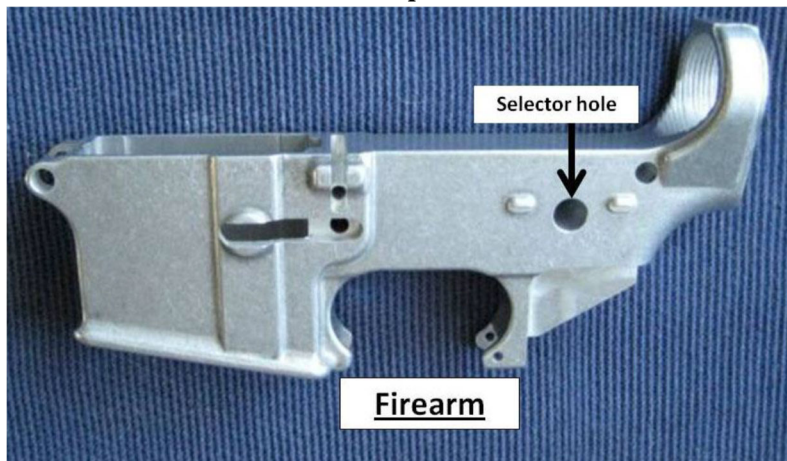
Example 3



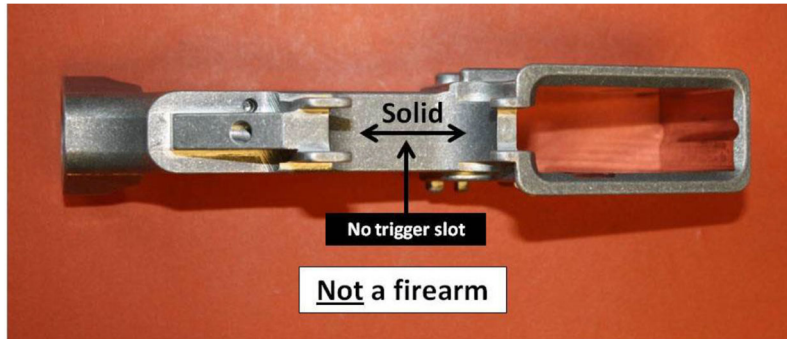
Example 4



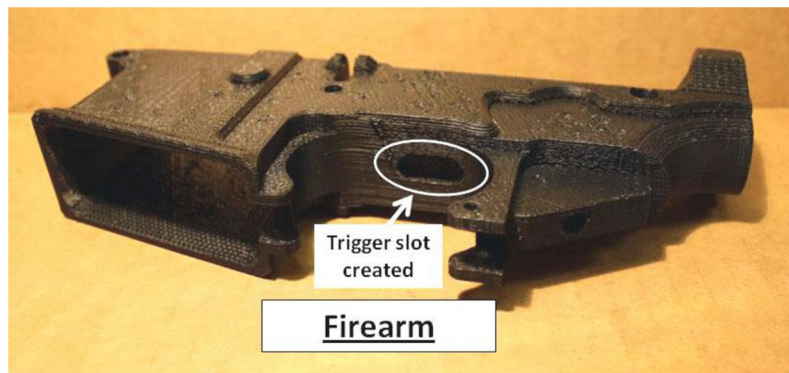
Example 5



Example 6



Example 7



Example 8

This general guidance is provided to assist ATF Special Agents and Industry Operations Investigators, but is not meant to be used in lieu of a formal determination. FTB cannot render a formal determination without physically examining a submitted sample.

If you encounter any variations not depicted or described in this bulletin, or, if you have any additional questions, please contact FTB.



November 1, 2013

Unfinished “80%” AR-15 Type Receivers

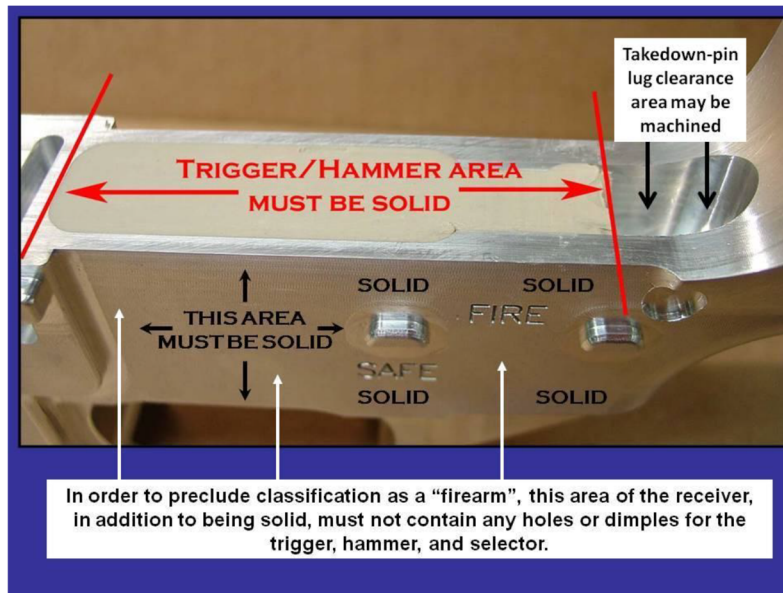
There are many unfinished AR-15 type receivers being marketed as so-called “80%” receivers. It is important to note that Federal firearms statutes and supplemental regulations do not employ the terms “80%,” “80% finished,” or “80% complete.”

These terms are industry vernacular and are neither recognized nor defined in Federal firearms statutes and regulations. These marketing terms are used by the industry to indicate that, in their opinion, an unfinished receiver has not yet reached a point in the manufacturing process where it should be classified as a “firearm” as defined in the amended Gun Control Act of 1968 (GCA).

As background, the GCA, 18 U.S.C. § 921(a)(3), defines the term “firearm” to include *any weapon (including a starter gun) which will or is designed to or may be readily converted to expel a projectile by the action of an explosive . . . [and] . . . the frame or receiver of any such weapon. . . .*

Unfinished AR-15 type receivers that do not meet the definition of a “firearm” are not subject to regulation under GCA provisions; however, they are still considered defense articles per the U.S. Munitions Import List and, therefore, require an ATF Form 6 for importation into the U.S.

The ATF Firearms Technology Branch (FTB) has previously determined that an AR-15 type receiver which has no machining of any kind performed in the area of the trigger/hammer (fire-control) recess (or cavity) might not be classified as a firearm. Such an unfinished receiver could have **all** other machining operations performed, including pivot-pin and takedown-pin hole(s) and clearance for the takedown-pin lug, but must be completely solid and un-machined in the fire-control recess/cavity area. We have determined that in order to

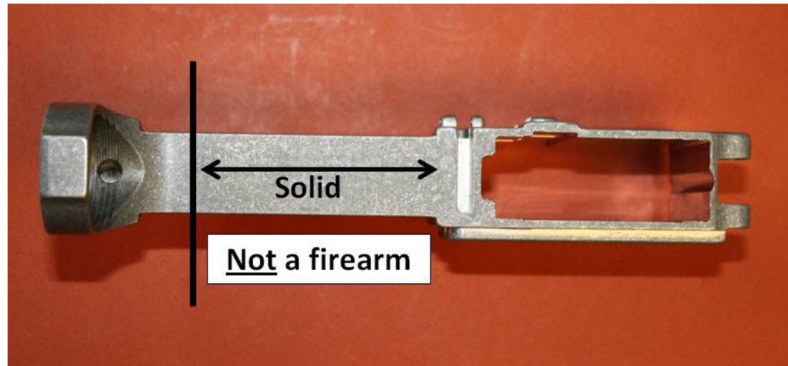


be considered “completely solid and un-machined in the fire-control recess/cavity area,” the takedown-pin lug clearance area must be no longer than .800 inch, measured from immediately forward of the front of the buffer-retainer hole. (See following photo.)

However, FTB has examined many unfinished “80%” AR-15 type receivers and has found that, in some cases,

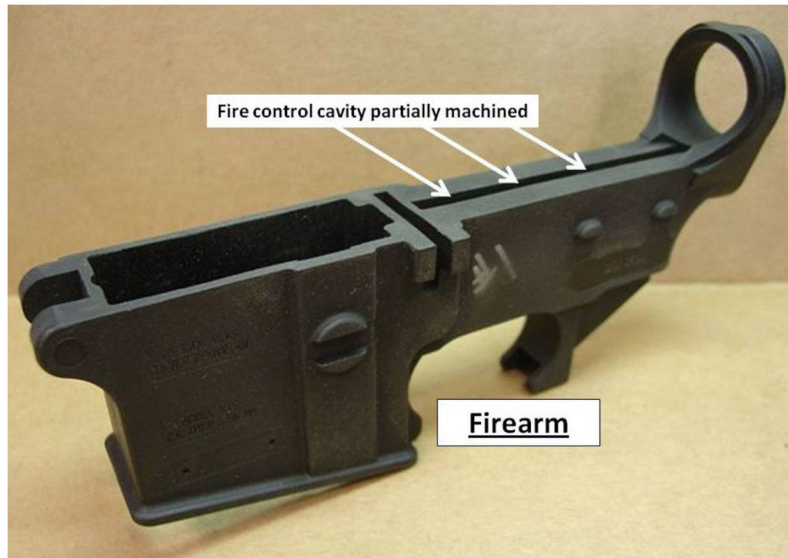
items being marketed as “80%” actually meet the definition of a “firearm” as defined.

The following photos depict the most commonly encountered variations of unfinished “80%” AR-15 type fire-

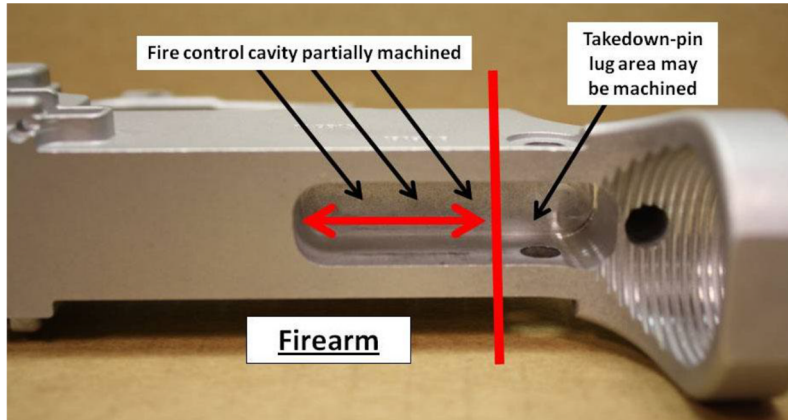


arm receivers and are provided to assist you in determining their classification status.

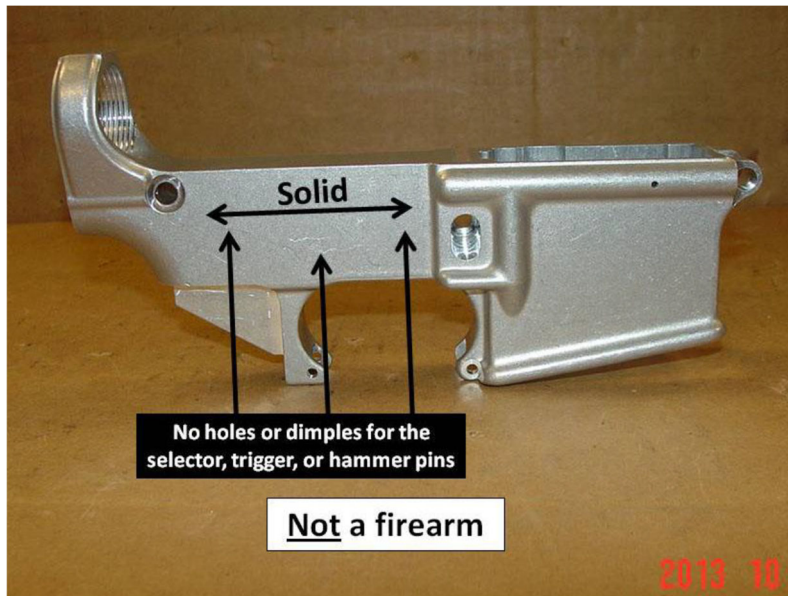
Example 1



Example 2



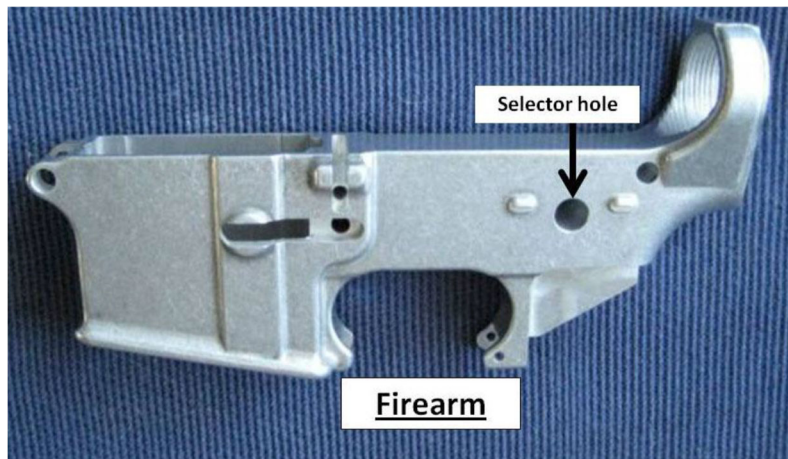
Example 3

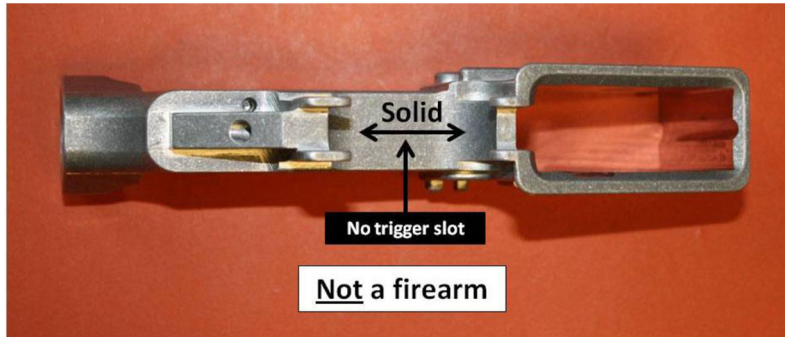
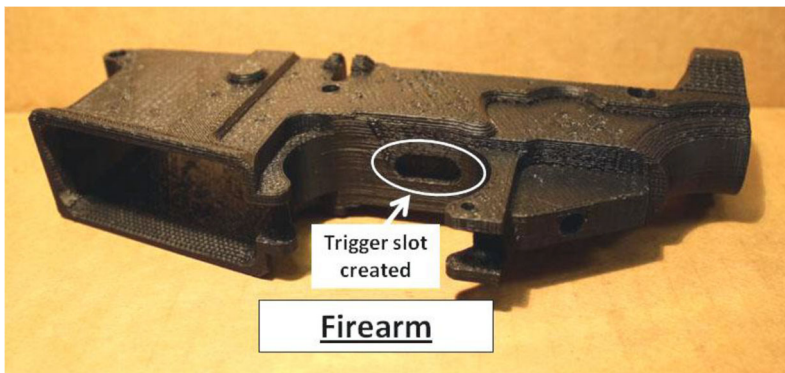


Example 4



Example 5



Example 6**Example 7****Example 8**

This general guidance is provided to assist ATF Special Agents and Industry Operations Investigators and our Federal, State and local law enforcement partners, but is not meant to be used in lieu of a formal determination. FTB cannot render a formal determination without physically examining a submitted sample.

If you encounter any variations not depicted or described in this bulletin, or, if you have any additional questions, please contact FTB at (304) 616-4300 or email LowerReceiver@atf.gov. This inbox also serves to collect information related to unfinished AR type re-

ceivers and firearms completed with unmarked AR type receivers that are recovered or encountered by ATF field personnel and our law enforcement partners.

Public Affairs
(202) 648-8500

April 9, 2014

Receiver Blanks Q & As

- 1. Is ATF aware of the receiver blanks, commonly referred to by the industry as 80% receivers?**

ATF routinely collaborates with the firearms industry and law enforcement to monitor new technologies and current manufacturing trends that could potentially impact the safety of the public.

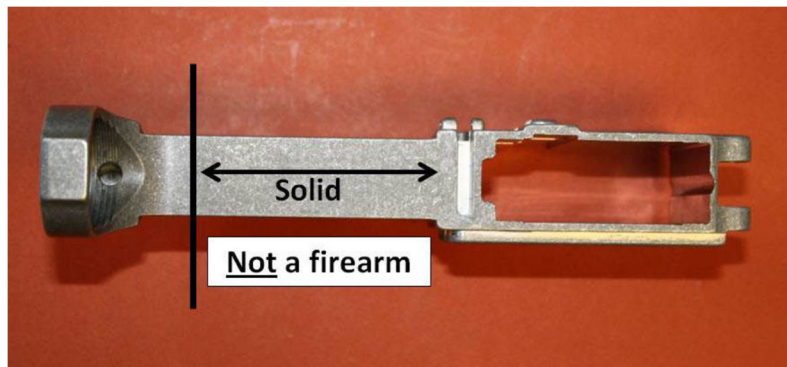
- 2. What is an “80%” or unfinished receiver?**

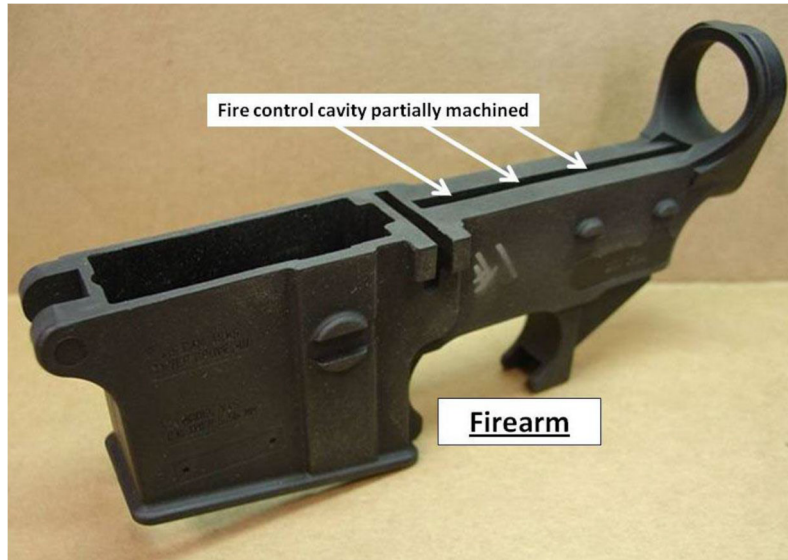
“80% Receiver,” “80% Finished,” “80% Complete”, “unfinished receiver” are all industry terms referring to an item that some may believe has not yet reached a stage of manufacture to meet the definition of firearm frame or receiver as defined by the Gun Control Act of 1968 (GCA). These are not terms that ATF employs or endorses.

- 3. Are “80%” or “unfinished” receivers illegal?**

Receiver blanks that do not meet the definition of a “firearm” are not subject to regulation under the GCA. The ATF Firearms Technology Branch (FTB) has long held that items such as receiver blanks, “castings” or “machined bodies” in which the fire-control cavity area is completely solid and un-machined—have not yet reached a “stage of manufacture” to be classified as a “firearm receiver.

One comparison example; see photos:





4. **Are there restrictions on who can purchase receiver blank?**

There are no restrictions imposed by the GCA.

5. **When does a receiver need to have markings and/or serial numbers?**

Receiver blanks do not meet the definition of a "firearm" therefore they are not required to have markings, including a serial number, which would be required under the GCA and 27 CFR § 478.92 (Firearm manufacturers marking requirements).

6. **Can functioning firearms made from receiver blanks be traced?**

ATF can generally successfully trace crime guns to the first retail purchaser. ATF starts with the manufacturer and goes through the entire chain of distribution to find who first bought the firearm from a licensed dealer. Since receiver blanks do

not have markings or serial numbers when firearms made from receiver blanks are found at a crime scene it is usually not possible to trace the firearm or determine its history, which hinders firearm trafficking investigations.

7. Have firearms made from receiver blanks been recovered after being used in a crime?

Yes, firearms which began as receiver blanks have been recovered after shooting incidents, from gang members and from prohibited people after they have been used to commit crimes.

8. Are some items being marketed as non-firearm “unfinished” or “80%” receivers actually considered firearms?

Yes, in some cases, items being marketed as unfinished or “80%” receivers actually meet the definition of a “firearm” as defined in the Gun Control Act of 1968 (GCA). Persons who are unsure about whether an item they are planning to buy or sell is considered a firearm under the GCA should contact ATF’s Firearms Technology Branch (FTB).

Manufacturing & Licensing

9. What is ATF doing in regards to people making firearms?

There are no Federal restrictions on an individual making a firearm for personal use, as long as it does not violate the GCA or NFA.

As background, the GCA, 18 U.S.C. § 921(a)(3), defines the term “firearm” to include *any weapon (including a starter gun) which will or is de-*

signed to or may be readily converted to expel a projectile by the action of an explosive . . . [and] . . . the frame or receiver of any such weapon.
 . . .

10. What is the National Firearms Act (NFA)?

The NFA imposes a tax on the making, transfer or import of certain firearms recognized to present a greater risk to public safety. The law also requires the registration of all NFA firearms as defined in title 26 USC 5845(a):

- (1) a shotgun having a barrel or barrels of less than 18 inches in length;
- (2) a weapon made from a shotgun if such weapon as modified has an overall length of less than 26 inches or a barrel or barrels of less than 18 inches in length;
- (3) a rifle having a barrel or barrels of less than 16 inches in length;
- (4) a weapon made from a rifle if such weapon as modified has an overall length of less than 26 inches or a barrel or barrels of less than 16 inches in length;
- (5) any other weapon, as defined in subsection (e);
- (6) a machinegun;
- (7) any silencer (as defined in section 921 of title 18, United States Code); and
- (8) a destructive device. Under the NFA the term “firearm” does not include an antique firearm or any device (other than a

machinegun or destructive device) which, although designed as a weapon, the [Attorney General] finds by reason of the date of its manufacture, value, design, and other characteristics is primarily a collector's item and is not likely to be used as a weapon.

11. Can an individual make large quantities of firearms and sell them?

If an individual is “engaged in the business” (defined below) as a manufacturer or seller of firearms then that person must obtain a federal firearms license.

Under 18 U.S.C. 921 (a)(21)(A), the term “**engaged in the business**” means—(A) as applied to a manufacturer of firearms, a person who devotes time, attention, and labor to manufacturing firearms as a regular course of trade or business with the principal objective of livelihood and profit through the sale or distribution of the firearms manufactured.

12. Can anyone make these firearms and sell them?

With certain exceptions, and subject to any state law that might apply, as long as an individual is not prohibited from possessing a firearm, he or she can make a firearm for personal use. If an individual wants to manufacture and sell firearms, he or she is required to obtain a license, and mark each firearm manufactured in accordance with 27 CFR 478.92. [18 U.S.C. 923(i), 26 U.S.C. 5822]

13. Who can obtain a Federal Firearms License (FFL)?

ATF will approve a properly executed application if the applicant:

- Submits fingerprint cards;
- Submits a frontal view photograph;
- Is 21 years of age or older;
- Is not prohibited from shipping, transporting, receiving or possessing firearms or ammunition in interstate or foreign commerce;
- Has not willfully violated the GCA or its regulations;
- Has not willfully failed to disclose material information or willfully made false statements concerning material facts in connection with his application;
- Has premises for conducting the business
- The applicant certifies that:
 - o the business to be conducted under the license is not prohibited by State or local law in the place where the licensed premises is located;
 - o within 30 days after the application is approved the business will comply with the requirements of State and local law applicable to the conduct of the business;
 - o the business will not be conducted under the license until the requirements

of State and local law applicable to the business have been met;

- o the applicant has sent or delivered a form to the chief law enforcement officer where the premises is located notifying the officer that the applicant intends to apply for a license; and
- o secure gun storage or safety devices will be available at any place in which firearms are sold under the license to persons who are not licensees (“secure gun storage or safety device” is defined in 18 U.S.C. 921(a)(34)).

[18 U.S.C. 923(d)(1), 27 CFR 478.47(b)]

Under federal law, an application shall be approved if an applicant for a federal firearms license or a manufacturing license meets all of the licensing requirements and criteria.

14. How does one apply for a Federal Firearms License?

Submit ATF Form 7 (5310.12), Application for License, with the appropriate fee in accordance with the instructions on the form to ATF.

More information on ATF can be found at www.atf.gov.

###

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Justice
Executive Office
for United States
Attorneys
Washington, DC
20530

Monty Wilkinson
Director

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Unfinished Lower Receivers

Shawn J. Nelson
Assistant United States Attorney
Deputy Chief, General Crimes Section
Central District of California

Wal-Mart, the nation's largest seller of firearms, may be phasing out sales of AR-15-type rifles, but there are still plenty of ways to get one. One increasingly popular way is to make your own. Just as home improvement stores and Web sites have flooded the market to help the do-it-yourself homeowner, businesses are moving to help and profit from the do-it-yourself firearms enthusiast.

The key piece that any do-it-yourself firearm maker needs is the frame or receiver of the firearm, the heart of the completed, functional firearm that contains the hammer, firing mechanism, and bolt or breechblock. In fact, the lower receiver of an AR-15-type firearm is so important that it is, by itself, defined as a firearm under the Gun Control Act. As a firearm, a fully machined AR-15-type lower receiver is subject to all Gun Control Act requirements relating to manufacture and sale. But an AR-15-type lower receiver that has no machining of any kind in the fire-control cavity, and no drilling or indexing for the trigger, hammer, or selector pin, generally is not a firearm and would not be subject to Gun Control Act requirements relating to manufacture or sale.

Which side of that line a particular lower receiver product falls on determines the manner in which it can be sold and who can sell it. Relatedly, there are important distinctions between who can take the lower receiver product across that line and how the lower re-

ceiver product crosses that line. Furthermore, not all of the self-made complete, functional firearms will be legal, not all self-makers will be able to legally possess a firearm, and not all of the processes employed to complete the lower receiver will be legal. Unravelling and addressing these legal issues will be important for federal prosecutors in the coming years. If you are faced with such a case, reach out to your local U.S. Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) field office, and particularly to your local ATF Counsel—their assistance can be invaluable.

I. Introduction to the AR-15

The AR-15-type rifle is the most common type of self-made firearm. A true “AR-15” is made by Colt Industries and is the civilian semi-automatic version of the M-16 machine gun used by the United States military. However, dozens of companies have made variants of the AR-15 under their own product names. Thus, throughout this article, I will refer to this type of firearm as an “AR-15-type.”

Figure 1: *The following photo is of a Bushmaster AR-15-type rifle:*



II. The legal background

The common understanding of a “firearm” is similar to its definition in Title 18—that is, “any weapon [] which will or is designed to or may readily be converted to expel a projectile by the action of an explosive.” 18 U.S.C.A. § 921(a)(3)(A) (2015). A completed, functioning firearm is depicted in the photograph above. This completed, functioning firearm is made up of many components, including the lower receiver, the upper receiver, the barrel, and the buttstock. Within these components are dozens of other, smaller parts.

The key part, or heart, of any completed, functional firearm is the frame or receiver. It is “that part of a firearm which provides housing for the hammer, bolt or breechblock, and firing mechanism, and which is usually threaded at its forward portion to receive the barrel.” 27 C.F.R. § 478.11 (2014). In fact, the Gun Control Act includes such a “frame or receiver” in the definition of a firearm. 18 U.S.C.A. § 921(a)(3)(B) (2015). Thus, the frame or receiver of a firearm is, itself, a firearm and is subject to all rules and restrictions applicable to firearms, including the requirements of having manufacturer’s or importer’s markings and bearing a serial number. It may not be sold without a completed ATF Form 4473 or background check.

Figure 2: *The following photo shows an unfinished lower receiver:*



Individuals may generally sell and purchase every other part of the completed functional firearm, as depicted in Figure 1 above, without restriction. Thus, the key piece to self-building a firearm is the lower receiver.

III. The desire for a self-made firearm and the industry response

Some firearms enthusiasts make their own firearms as a hobby. Others make firearms because they prefer that the guns not have serial numbers and, therefore, be untraceable. For others, especially felons or other prohibited persons, the desire is much more sinister.

To buy a completed lower receiver from a Federal Firearms Licensee, a purchaser must go through the same process as they would to purchase a completed, functioning firearm. Additionally, the lower receiver must be marked and serialized. This process is typically too time-intensive for many purchasers. Alternatively,

an individual could buy raw aluminum and manufacture it to function as a lower receiver. The latter option, however, is nearly impossible, even for the strongest firearms enthusiast or machinist.

Many sellers have formed a compromise between the two options by selling partially machined, or “80%,” lower receivers (it is important to note that “80% lower receiver” is industry jargon, and the ATF does not endorse or use the term or other similar terms). These types of firearms are “blanks” or castings of an AR-15-type lower receiver that are partially milled, as shown in the photo above.

Even though this item could never really be anything but an AR-15-type lower receiver, it is not yet a firearm because the fire-control cavity has not been machined.

Figure 3: *The following photo shows the difference in the fire-control cavity and other machining from left to right:*



IV. ATF's response

Apart from the authority discussed in Section II, *supra*, there are no statutory or regulatory provisions that govern the classification of AR-15 type firearms. Instead, the ATF makes a case-by-case analysis based on a Technical Bulletin, and takes the general position that an AR-15-type blank is classified as a firearm when it has been indexed for, or machined in, the fire-control recess area.

This general approach is outlined in ATF Firearms Technology Branch Technical Bulletin 14-01, issued November 1, 2013. ATF states that “an AR-15 type receiver which has *no machining of any kind performed in the area of the trigger/hammer (fire-control) recess (or cavity)* might not be classified as a firearm.” (Emphasis in original). An unfinished receiver “could have all other machining operations performed” but “must be completely solid and un-machined in the fire-control recess/cavity area.”

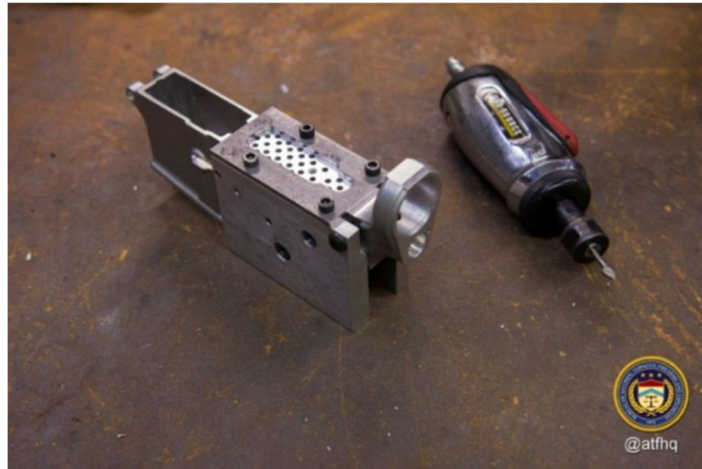
For a determination whether a lower receiver product is, in fact, a firearm, a manufacturer submits a sample lower receiver to ATF's Firearms Technology Branch in Martinsburg, West Virginia. The Firearms Technology Branch will examine the proposed lower receiver and make a determination. Basically, any modification, or even indexing of the fire control cavity, will cause the lower receiver to be determined to be a firearm. A company with a negative determination—that is, a determination that the sample is not a firearm—may sell the lower receiver free from the requirements of the Gun Control Act.

V. The process of finishing the lower receiver

Individuals can order partially completed AR-15 type lower receivers simply by entering the term “80% lower receiver” into a search engine and browsing among the many online firearms accessories dealers selling partially completed receivers. Once the purchaser makes sure that the dealer has a negative determination letter from the ATF, for as little as \$35, he or she can order and receive a partially completed AR-15 type lower receiver. With a few other tools, the purchaser can self-complete the lower receiver.

Once the purchaser receives the partially completed AR-15 type lower receiver, he or she must excavate the fire-control cavity and drill the holes for the selector pin, the trigger pin, and the hammer pin. There are various ways to do this: at the more entry-level end of the spectrum, this can be done with a jig, a few drill bits, a couple of carbide end mills, a drill or drill press, eye protection, and cutting fluid or lubricant.

Figure 4: *The following photo shows an unfinished lower receiver in a jig and ready to be machined:*



Once the purchaser has the necessary tools, supplies, and lower receiver, he is ready to begin by drilling some small, shallow guide holes with a smaller drill bit, and then a series of other holes before clearing out more of the cavity with a larger drill bit. At this point, by putting drill to the fire-control cavity and altering the fire control cavity area in any way, the lower receiver is considered a “firearm,” even though this receiver could not actually expel a projectile by means of an explosive if combined with an upper receiver and other parts.

After the initial drilling of the fire-control cavity, the purchaser must turn the jig and lower receiver on its side and drill the selector, hammer, and trigger pin holes. The fire-control cavity is complete once the purchaser slowly and carefully mills the cavity with end mills.

Figure 5: *The following photo shows a lower in that long, slow milling process:*



By the end of the process, the purchaser has a completed lower receiver. At that point, he or she can order a lower receiver parts kit, an upper receiver, barrel, and other parts necessary to assemble a completed firearm that will expel a projectile by an explosive. All of these accessories are readily available, and the purchaser will not be required to go through a background check to self-complete a firearm. Additionally, the purchaser will not have been required to file an ATF Form 4473 or any other state forms or process, the quality and reliability of the firearm is completely unknown, and the firearm has no serial number or any other manufacturer's mark. It is completely untraceable, a "ghost gun," and perfectly legal under federal law.

VI. The business of self-made firearms

While you can make your own firearm, it is illegal to engage in the business of making such firearms unless you have a license. 18 U.S.C.A. § 922(a)(1)(A) (2015). As applied to a manufacturer of firearms, the term "engaged in the business" means "a person who devotes time, attention, and labor to manufacturing firearms as a regular course of trade or business with the principal objective of livelihood and profit through the sale or distribution of the firearms manufactured." *Id.* § 921(a)(21)(A). Clearly a group of people working together to mill out partially completed lower receivers into completed lower receivers and selling them are engaged in the business of manufacturing and dealing firearms. The lure of these firearms is strong in the firearms community, so ingenuity is applied to finding ways around the law.

One method of attempting to skirt the law is to hold "build parties." These commonly occur when people

show up with their own partially completed lower receivers or purchase them on-site. The “customers” then bring their own tools or use tools provided by the “host,” and follow the “host’s” instructions and guidance to finish milling-out their lower receivers. ATF has determined that this practice constitutes engaging in the business of manufacturing firearms.

Other companies have sold the partially completed lower receivers and then “rented” time on their machining equipment to customers. ATF has determined this practice also constitutes engaging in the business of manufacturing firearms.

Other manufacturers have attempted creative workarounds, including the “backfill” method and the “build around” method. The “backfill” method involves making a completely milled lower receiver and then filling in the fire control cavity with a “biscuit” of another material that the purchaser can more easily mill out. ATF has determined a lower receiver made in this way is a firearm because that “biscuit” indexes the fire-control cavity. The “build around” method begins with that biscuit of another material formed into the shape of the fire control cavity, with the rest of the lower receiver formed around it. ATF has determined that a lower receiver made in this way is also a firearm as, again, the biscuit indexes the fire control cavity.

VII. Conclusion

Self-made firearms present a challenge to the continued regulation of firearms, and they are likely to become more prevalent. The manufacturing method described above is quickly becoming obsolete, replaced by a tabletop mill that can be purchased for about \$1,000 and can cheaply and easily be programmed to machine

an AR-15-type lower receiver automatically. Additionally, as 3-D printing technology develops, self-made non-metallic polymer receivers will be possible.

All of these self-made firearms will be unserialized and untraceable. If one is recovered at a crime scene, there is likely no way to trace it, and a valuable law enforcement tool is thus lost. As the firearm is untraceable and unserialized, it is easier to make into a National Firearms Act weapon, such as a short-barrel rifle or a machine gun. With no background check required to purchase an unfinished lower receiver, this presents an attractive avenue to a felon or other prohibited person to obtain a firearm “under the radar.” Furthermore, for federal prosecution purposes, determining the interstate nexus of such a firearm may well be impossible.

At the same time, it is completely legal for a law-abiding citizen to manufacture his or her own firearm. It is also lawful to later sell that firearm without a manufacturer’s mark or serial number, so long as it was originally made for personal use. Addressing the clear public safety challenges from these firearms while respecting the rights of law abiding citizens will be a challenge going forward. ❖

ABOUT THE AUTHOR

<p>❑ Shawn J. Nelson is an Assistant United States Attorney in the Central District of California. Shawn joined the Central District as a firearms-focused SAUSA in April 2005 from the Los Angeles City Attorney’s Office, and transitioned to being an AUSA in 2009. Shawn was the Central District’s PSN coordinator from 2008 through 2014 and is currently a Deputy Chief in the General Crimes Section.✘</p>

The author thanks ATF Los Angeles Field Office Division Counsel, Paul Ware, for his assistance in preparing this article.



Office of the Attorney General
Washington, D.C., 20530

Sept. 8, 2016

The Honorable Paul Ryan
Speaker
U.S. House of Representatives
Washington, DC 20515

Re: *United States v. Jimenez*, --- F. Supp. 3d ---,
2016 WL 3556810 (N.D. Cal. June 6, 2016)

Dear Mr. Speaker:

Consistent with 28 U.S.C. 530D, I write to call your attention to the above-referenced decision of the United States District Court for the Northern District of California. A copy of the decision is enclosed.

This case concerns the prosecution of Alejandro Jimenez for purchasing the lower receiver of an AR-15-style machine gun. The defendant was charged both with unlawful possession of a machinegun in violation of 18 U.S.C. 922(a) and with receiving and possessing a firearm not registered to him in the National Firearms Registration and Transfer Record in violation of 26 U.S.C. 5861(d). He moved to dismiss the indictment on the ground that the pertinent statutes and regulation were unconstitutionally vague as applied to him. As the district court explained, the “gist” of the defendant’s argument was that the AR-15 lower receiver he purchased did not fall within the regulatory definition of a “receiver.” *United States v. Jimenez*, -- F. Supp. 3d ---, 2016 WL 3556810, at* 3 (N.D. Cal. June 6, 2016). The court agreed and dismissed the indictment to the extent the prosecution was based on the defendant’s purchase

of a “receiver,” as that term is defined in the relevant regulation.

As background, the National Firearms Act defines the term “machinegun” as any weapon that shoots, is designed to shoot, or can be readily restored to shoot automatically, and provides that the term includes “the frame or receiver of any such weapon.” 26 U.S.C. 5845(b). The Act does not define the term “frame or receiver,” but Section 479.11 of title 27 of the Code of Federal Regulations does. Under that provision, a “[f]rame or receiver” is the “part of a firearm which provides housing for the hammer, bolt or breechblock and firing mechanism, and which is usually threaded at its forward portion to receive the barrel.” 27 C.F.R. 479.11.

AR-15s have split receivers. The upper receiver ordinarily houses the bolt or breechblock and is threaded to receive the barrel. The lower receiver houses the hammer and firing mechanism. In this case, the defendant purchased only a lower receiver. The indictment did not allege that he also possessed or received the upper portion of a split AR-15 receiver—the portion that houses the “bolt or breechblock” and that attaches to the barrel.

The government therefore conceded in response to the defendant’s motion to dismiss that the lower receiver purchased did “not perfectly fit the CFR section definition.” 2016 WL 3556810 at *3. The government relied instead on an IRS memorandum and an ATF letter from the early 1970s and a 1977 ATF letter about a different rifle to argue that the lower receiver alone is a machinegun. The district court held that these documents did not provide the defendant with notice that his

conduct violated the law. *Id.* at *3-4. The court also rejected, as unsupported by the record, the government’s argument that one of the undercover agents who sold the lower receiver provided actual notice. *Id.* at *5. The court accordingly “resolve[d] the vagueness challenge on the receiver issue in Jimenez’s favor.” *Id.* at *6.

Whether the district court’s decision is best understood as a vagueness ruling or, alternatively, as a conclusion that the relevant regulatory scheme did not cover the charged conduct, this case is not a suitable vehicle for appellate review. The relevant regulation indicates that a “[f]rame or receiver” provides housing for “the hammer, bolt or breechblock and firing mechanism.” The lower receiver in this case housed only the hammer and firing mechanism, not the bolt or breechblock. As a result, the district court held that the regulatory definition of “frame or receiver” did not provide the defendant with notice that his conduct violated the law. To the extent that the Bureau of Alcohol, Tobacco, Firearms and Explosives believes that the definition should encompass the lower receiver of an AR-15 or should otherwise be modified or clarified, the appropriate course is regulatory or administrative action, not an appeal of the district court’s decision in this case.

The government filed a notice of appeal as a protective matter. We intend to dismiss that appeal in 30 days. Please let me know if we can be of further assistance in this matter.

Sincerely,

/s/ LORETTA LYNCH
LORETTA LYNCH
Attorney General

Enclosure

Are there restrictions on who can purchase receiver blanks?

The Gun Control Act (GCA) does not impose restrictions on receiver blanks that do not meet the definition of a “firearm.”

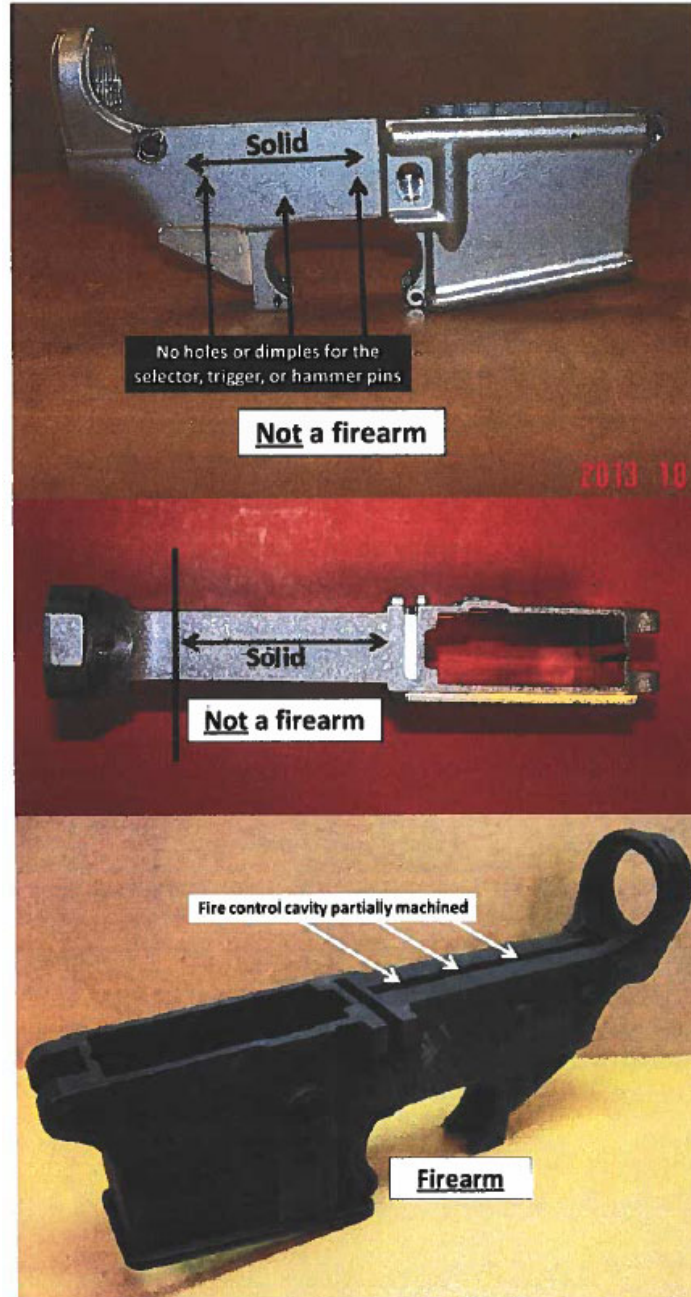
Please note that some items marketed as non-firearm “unfinished” or “80%” receivers are actually considered firearms.

Last Reviewed June 24, 2020

Are “80% or “unfinished” receivers illegal?

Receiver blanks that do not meet the definition of a “firearm” are not subject to regulation under the Gun Control Act (GCA). ATF has long held that items such as receiver blanks, “castings” or “machined bodies” in which the fire-control cavity area is completely solid and un-machined have not reached the “stage of manufacture” which would result in the classification of a firearm according to the GCA.

The following three photos are provided as examples. The first receiver has a solid, un-machined fire control cavity area with no holes or dimples for the selector, trigger, or hammer pins. It does not meet the GCA definition of a firearm. The second receiver, shown from the top, likewise has a solid, un-machined fire-control cavity area. It does not meet the GCA definition of a firearm. The third receiver has a partially machined fire-control cavity and does meet the GCA definition of a firearm.



Does an individual need a license to make a firearm for personal use?

No, a license is not required to make a firearm solely for personal use. However, a license is required to manufacture firearms for sale or distribution. The law prohibits a person from assembling a non-sporting semiautomatic rifle or shotgun from 10 or more imported parts, as well as firearms that cannot be detected by metal detectors or x-ray machines. In addition, the making of an NFA firearm requires a tax payment and advance approval by ATF.

[18 U.S.C. 922(o), (p) and (r); 26 U.S.C. 5822; 27 CFR 478.39, 479.62 and 479.105]

Last Reviewed March 17, 2020

What is ATF doing in regards to people making their own firearms?

An individual may generally make a firearm for personal use. However, individuals engaged in the business of manufacturing firearms for sale or distribution must be licensed by ATF. Additionally, there are certain restrictions on the making of firearms subject to the National Firearms Act.

Last Reviewed May 14, 2015



U.S. Department of Justice

Executive Office for United
States Attorneys

Office of the Director *Room 2261,
RFK Main Justice Building
(202) 252-1000
950 Pennsylvania Avenue, NW
Washington, DC 20530*

MEMORANDUM—Sent via Electronic Mail

DATE: July 20, 2020

TO: ALL UNITED STATES ATTORNEYS
 ALL FIRST ASSISTANT UNITED
 STATES ATTORNEYS
 ALL EXECUTIVE ASSISTANT
 UNITED STATES ATTORNEYS
 ALL CRIMINAL CHIEFS
 ALL APPELLATE CHIEFS
 ALL PROJECT SAFE NEIGHBOR-
 HOOD COORDINATORS

/s/ COREY F. ELLIS

FROM: Corey F. Ellis

SUBJECT: Prosecutions Involving Firearms
Frames and Receivers

ACTION REQUIRED: Ensure all charging decisions
and counts in pending indict-
ments involving standalone
firearms frames or receivers
comport with the current reg-

ulatory definition of a “frame or receiver.”

DUE DATE: Immediately.

CONTACT PERSON: Seth Adam Meinero
National Violent Crime
Coordinator
Legal Programs
[REDACTED]
[REDACTED]

Recent adverse district court decisions have addressed the issue whether the lower receiver of an AR-15-type firearm meets the definition of a “firearm” or “machinegun” under the Gun Control Act (GCA) and National Firearms Act (NFA), codified under Titles 18 and 26 of the United States Code, and under regulations promulgated by ATF that define the term “frame or receiver.”

EOUSA has consulted with the Appellate Section of the Department’s Criminal Division and ATF’s Office of Chief Counsel about the impact of these decisions on firearms prosecutions. We now recommend that in any matter or case relying on the theory that a frame or receiver, by itself, is a firearm, United States Attorneys’ offices (USAOs) ensure that their charging decisions and any counts in pending indictments comport with ATF’s current regulatory definition of a “frame or receiver.” USAOs should be particularly careful when considering counts that involve the lower receiver of an AR-15-type firearm or any other frame or receiver of a firearm that does not satisfy ATF’s regulatory definition.

As background, the GCA defines a “firearm” as:

(A) any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; (B) the *frame or receiver* of any such weapon; (C) any firearm muffler or firearm silencer; or (D) any destructive device. Such term does not include an antique firearm.

18 U.S.C. § 921(a)(3) (emphasis added). The statute does not further define “frame or receiver,” but ATF’s regulation at 27 C.F.R. § 478.11 defines “firearm frame or receiver” as “[t]hat part of a firearm which provides housing for *the hammer, bolt or breechblock, and firing mechanism*, and which is usually threaded at its forward portion to receive the barrel” (emphasis added).¹

In layperson’s terms, the receiver is generally considered the portion of a firearm that houses the firearm’s operative parts. Attaching a barrel, stock, trigger mechanism, or other external components—or fully assembling the firearm—makes the receiver a fully functional weapon. Many firearms have only one receiver, but the AR-15 has a split receiver comprising upper and lower parts. An AR-15-type lower receiver houses the weapon’s hammer and firing mechanism, and the upper receiver houses the bolt or breechblock and is threaded at its forward position to attach to the barrel.

¹ The NFA definition of “machinegun” provides that term includes “the frame or receiver of any such weapon.” 26 U.S.C. § 5845(b). The ATF regulation at 27 C.F.R. § 479.11, which implements provisions of the NFA, contains a nearly identical definition for the term “frame or receiver” as 27 C.F.R. § 478.11, except it omits a comma after the word “breechblock.”

For years, the law enforcement community and the firearms industry have widely accepted AR-15 lower receivers are “firearms” under applicable federal gun laws. But two recent district court decisions carefully scrutinized ATF’s definition of “frame or receiver” and found otherwise. These cases ruled that for an AR-15 lower receiver to qualify as a “frame or receiver” under ATF regulations, it must provide housing for three distinct components:

- (1) hammer;
- (2) bolt or breechblock; and
- (3) firing mechanism.

United States v. Jimenez, 191 F. Supp. 3d 1038, 1041 (N.D. Cal. 2016); *United States v. Rowold*, No. 18-cr-387, 2019 WL 6888154, *6 (N.D. Ohio Dec. 18, 2019).

Because the AR-15 lower receivers in these cases provided housing for only two of the components—the hammer and firing mechanism, but not the bolt or breechblock—the receivers the defendants acquired and possessed did not qualify as a “firearm” or a “machinegun” under the regulations and, by extension, the GCA and NFA. Therefore, the *Jimenez* court dismissed the indictment—which charged the defendant, who possessed an AR-15-style receiver modified for fully automatic firing, with possessing an unregistered machinegun (26 U.S.C. § 5861(d)), and possessing a machinegun with no serial number (18 U.S.C. § 922(o))—“to the extent the Government’s prosecution [was] based on the theory that defendant possessed a ‘frame or receiver.’” *Jimenez*, 191 F. Supp. 3d at 1046. The *Rowold* court dismissed the counts against the defendants charging them with making a false statement con-

nected to acquiring a firearm (18 U.S.C. § 922 (a)(6)), and possessing a firearm while a convicted felon (18 U.S.C. § 922(g)(1)). *Rowold*, 2019 WL at *7.

The Department declined to appeal the rulings in *Jimenez* and *Rowold*. ATF, the Criminal Division's Appellate Section, and EOUSA are unaware of any circuit decision addressing whether AR-15-type lower receivers meet the definition of "frame or receiver" under ATF's regulations. In addition, *Jimenez* and *Rowold* may have implications for prosecutions involving other types of frames or receivers, such as the frames for Glock pistols and the Sig Sauer P320, neither of which have all three components enumerated in ATF's regulatory definition.

The Department is considering whether to amend ATF's regulations to address issues the court decisions raised. In the meantime, EOUSA now recommends you take the following steps regarding your pending investigations and indictments:

- *For pending investigations:* [REDACTED]
- *For pending indictments:* [REDACTED]

We have attached the *Jimenez* and *Rowold* decisions for your reference. If you have any questions regarding whether a frame or receiver meets ATF's regulatory definition, please contact your local ATF Division Counsel. For all other questions, please contact Seth Adam Meinero, EOUSA's National Violent-Crime Coordinator, at [REDACTED] or [REDACTED]

Thank you for your outstanding work to prosecute gun crime and make communities safer.

Attachments

cc: All United States Attorneys' Secretaries



PF940C™ Pistol Frames, 80% Instructions

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If your questions can't be answered here, call support at 1-800-517-1243 Option 4 or send a Customer Support ticket through <https://www.polymer80.com/contact>

Please read the instructions completely before doing any work.

Introduction

Thanks for choosing our products, we appreciate your business. Polymer80 products are designed with quality in mind, but also with the idea that this should be a fun experience. The Polymer80 pistol frame that you build will be the pride and joy of your gun safe because you brought it to life with your own hands. Each time you pick up this firearm, you'll feel a sense of pride and accomplishment. You'll feel quality in the field, a smooth operating pistol that feels good in the hand, that has the latest in ergonomic features that make you a better shooter with a more accurate gun. It's the best of both worlds, and every person here at Polymer80 absolutely believes this to our core.

The following instructions are designed to work with the PF940C only.

The instructions are critical to understanding the details of how to build the pistol frame properly. **These instructions override any Polymer80 produced video or any other online videos/reviews.** because videos are difficult to update and control in terms of current versioning. Therefore, this is the control document which guarantees you the latest information required to finish your pistol project properly.

These instructions will guide you through the process of milling and installing the locking block rail system

(LBRS) and rear rail module (RRM). There are many different techniques utilized to build our frames but in general. Remember to read these instructions completely before completing any work.

There are key details concerning how to mill and drill in this document that may surprise even the most experienced gunsmith or machinist. Please read the instructions to ensure your project is completed with quality and satisfaction. Below you can see the Polymer80 PF Series Family photo.



Warnings & Issues That Impact Warranty Coverage

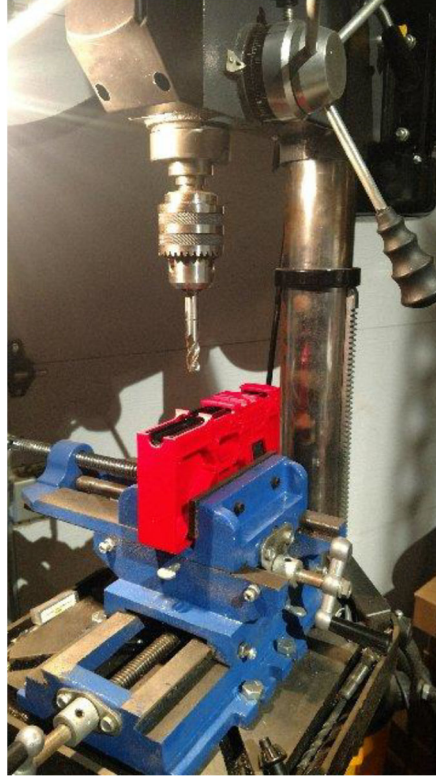
Polymer80, Inc. stands by our product and offers excellent no-hassle warranty coverage. However, there are limits to coverage, particularly when the customer damages the product through poor craftsmanship or improper control during the milling process, and when they drill holes using the wrong tools. Additionally, after the milling is completed, the build process seems to be where most people get into trouble, particularly during assembly and cleaning. Here are key areas that you need to watch for:

1. Drill the pin holes using our jig, hand drill and a drill press vise. **DO NOT** use a drill press either

with or without a drill press vise or cross slide vise to drill your holes. Testing has shown while using a drill press the bit will not self-center in the jig and will result in poorly placed or irregular pin holes.

2. Only use Loctite that is approved for contact with polymer-based products. Super Glue versions are not to be used on the polymer.
3. Chemicals: Generally, you do not use penetrating lubricants on polymer products, they can damage the material.
 - a. **Do not put acetone on the receiver.** Acetone will generally instantly destroy, tarnish, or weaken any polymer-based product.
 - b. Many oils are combined with rust penetrants or some other type of penetrant which can damage polymer-based products. Regular gun oil, high quality grease or simple household oils can be used.
 - c. Do not utilize brake cleaner (it has acetone in it) or rust penetrants, they penetrate through polymer.
4. **Do not overtighten the jig in any vise**, you can adversely adjust placement of holes to the pistol frame. Pin hole drill placements are critical on the pistol frame function. Taping the jig closed with Blue painters' tape or black electrical tape also helps hold the jig together.
5. Using a cross slide vise and end mill bit (End mill bit no longer provided) to remove the front and rear tabs to allow for the installation of the Lock-

ing Block Rail System (LBRS) and Rear Rail Module (RRM) remains our preferred method.



P80-940C Series Frames—Parts List

Part Description	ITEM SKU	Qty per Kit
PF940C Pistol Frame Lower	PF80-PF940C	1
Red Jig for the PF940C	P80-PG940C-JIG	1
Locking Block Rail System Pin, 3mm diameter x 25mm long	MSC-PFP-PIN-3MM	1
Trigger Mechanism Housing Pin, 3mm diameter x 25mm long pins	MSC-PFP-PIN-3MM	1
Locking Block Rail System	P80-LBRS-940Cv1	1
Rear Rail Module	P80-PFP-940RRM1	1
M3 Drill Bit—For drilling the Trigger Mechanism Housing pin hole	MKI-Drill-M3	1
M4 Drill Bit—For drilling the trigger pin hole	MKI-Drill-M4	1



Methods of Finishing your PF940C Receiver:

The goal of finishing your PF940C receiver is to execute the following with the assistance of the jig:

- a. Drill the holes for the pins, on each side of the receiver.
- b. Remove the barrel block and smooth out the top of the receiver (Start with 220 Sandpaper and work your way up) to allow the barrel and slide fit later in the build process.
- c. Remove the front and rear tabs to allow for the installation of the Locking Block Rail System (LBRS) and Rear Rail Module (RRM)
- d. Install the Polymer80 Locking Block Rail System (LBRS) provided with the kit.
- e. Install the Rear Rail Module provided with the kit.

These instructions will guide you through the process of milling and installing the locking block rail system (LBRS) and rear rail module (RRM). There are many different techniques utilized to build our frames but in general, we will cover utilizing a drill press which has a cross vise installed on the drill press table. We will not go into much detail for those who have milling machines; the assumption is that a user at this level would already have strong milling and technical skills, allowing them to adapt to the following instructions.

Multiple techniques:

Different techniques will result in different qualities of finish. The evolution of the milling process has changed over the years. Our preferred method remains to use an end mill (The end mill bit is not included). Again, we prefer you utilize a drill press with a cross vise because it is faster, requires less time to set up, and you have absolutely the most control if you use the cross vise properly.

In all cases, use the included jig and drill bits and always level the jig in your vise:

Drill the pin holes using our jig, hand drill and a drill press vise. **DO NOT** use a drill press either with or without a drill press vise or cross slide vise to drill your holes. Testing has shown while using a drill press the bit will not self-center in the jig and will result in poorly placed or irregular pin holes.

For finish work, we prefer to use hand tools and sheets of sandpaper (Wet sanding works best, start at 220 grit and work your way up) rather than a Dremel tool for clean up because of the precision control and feel that is required. **A Dremel tool in the untrained hands can dam-**

age your new build extremely fast. So be careful if you chose to use a different technique.

Example Tools

Example Tools	Additional Information
Cross Slide Vise	Accurately moves your work in a horizontal and longitudinal for precise positioning
Drill Press Vise	Holds your work firmly while reducing vibration when drilling
Drill Press	Ensures the end mill will be held precisely for milling the taps and removing the barrel block area.
Level	Utilized to ensure the drill press table is flat
Sandpaper	220 grit to fine tune milled areas and to clean up any rough edges of the nylon blended polymer utilized in the frame (Wet sanding works best)
Bench Vise	Utilized to hold the jig in place during the drilling process
Hand Drill	Used to drill the pin holes
Small Hammer and Punch	To install the pins

Additional tools to help refine the fit and finish of the frame to the slide: Small hand files, flat sharpening stone,

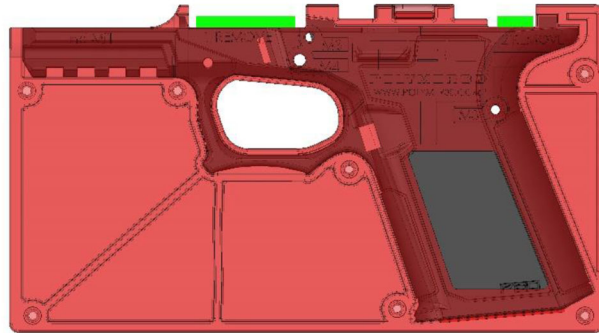
220 grit sandpaper to clean up any areas that were left rough cut, or a Dremel tool with fine sanding wheel.



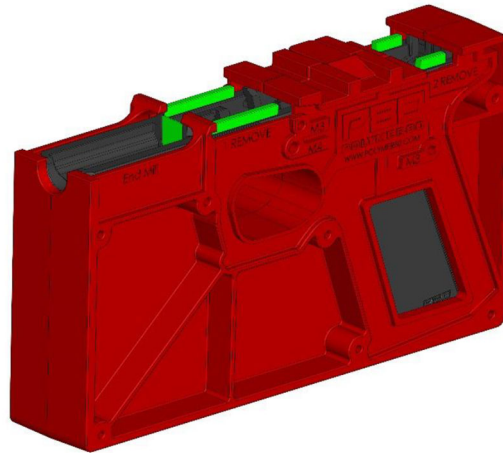
The Features and Description of the Jig

The Jig features a numerical system with indicators and drill bit sizes imbedded in the jig. There are three holes on each side of the jig. Make sure to use the appropriately sized drill bits that are included to drill the pin holes.

The top jig features are designed to guide you. Remove only the exposed frame slide guards shown in green below. You **should not** cut into the red ABS polymer of the jig along the top of the jig. You will be **ONLY** removing the green colored areas shown below. If you remove any red, then you are milling outside of the intended areas and will permanently damaging the frame.



Be sure the PF940C frame is inserted into the jig properly before any drilling and milling procedures are conducted.



The large end mill is used to clear the temporary rails (Shown in green) along the top and barrel block which is located where the recoil spring assembly will eventually be installed, inside the pistol frame.

Critical Do's and Don'ts

1. Make sure the jig is free of any burrs along the edges of the jig. You may need to remove any rough edges along the jig to ensure the jig closes properly.
2. Drill the pin holes using our jig, hand drill and a drill press vise. **DO NOT** use a drill press either with or without a drill press vise or cross slide vise to drill your holes. Testing has shown while using a drill press the bit will not self-center in the jig and will result in poorly placed or irregular pin holes. The biggest problems from our builds came when testers attempted to drill the two pin holes (The front and rear rails) using the jig in the upright position in a drill press or table vise. The jig should be placed flat in a drill press vise and tighten (**Do not squeeze or over tighten any vise used**) from the top and bottom when **hand drilling** the pin holes.
3. When drilling the pin holes, you **don't** need to squeeze the jig to the point of deformation or crushing. **Snug, not crushed** is what you are trying to achieve. Taping the jig closed with Blue painters' tape or black electrical tape also helps hold the jig together.

Preparation

(Assumes you are using a Drill Press, a Cross Slide Vise, Drill Press Vise or a Bench Vise)

1. Prep the drill press. When using a drill press, the spinning chuck head of the drill press needs to be firmly attached by slamming it with a mallet up into the press, or the vibration of the below procedure can sometimes make the entire head fall out (Destroying things in the process).
2. The table of the drill press must be level.
3. If you decide to use our preferred method and use an end mill with a cross slide vise installed on the drill is the absolute fastest and most secure way to finish this part. Using tools like a fret cutter, X-Acto Knife, Zip Sander or a Dremel can provide you an accurate build as well in properly trained hands.

Side Note: We utilize the cross slide vise in various ways and for different projects, as it's a great tool that can be mounted on the drill press table semi-permanently by bolting it down (drill holes and mount with nut/bolt combo's or thread the holes and bolt it down. It can be utilized for many other projects.

Final Mental Prep: Building a firearm takes craftsmanship and pride, **so don't be in a hurry!** Slow down and work precisely and methodically, **Measuring Twice and Cutting Once!!** After you drill something out, you can't put it back. Therefore, approach things conservatively. In my personal experience, if I'm feeling like I may be lacking patience, I just stop. I'll put the tools down, walk away from the bench and

go take care of whatever made me be in a hurry in the first place. This sounds sort of simple, but I've destroyed too many things in the past from my lack of patience.

High Level Steps

1. **PERFORM THIS STEP FIRST!** Drill the holes **FIRST!** Do not start the tab or barrel block area removal process until the holes have been drilled properly.
2. Drill the holes in a drill press vise; you can and should use a **hand drill** to finish the holes.
3. You can use our preferred end mill bit method or one of the many other proven ways to take off the top rails.
4. Removing the interior barrel block area in the designated indented area only to carefully remove a slot that will allow the spring and guide rod on your Slide to move freely.
5. Install the Locking Block Rail System which includes the slide rails; and then use one of the provided pins to pin down the front legs of the locking block.
6. On the Rear Rail Module (the stainless-steel rear rails), slide that around the Trigger Mechanism Housing (not included as part of this kit) and install using the second pin that is included with the kit.
7. Assemble your firearm (Instructions for assembling a PF940C are not included in this document) by finishing the installation of the trigger, trigger pin, slide lock, slide stop, etc. to finish the

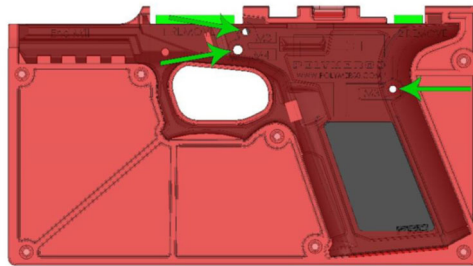
entire build of the lower frame. Again, we aren't providing full instructions on how to assemble the entire PF940C Frame, but much of that information is found online.

Pin Hole Drilling Procedure (PERFORM THIS STEP FIRST!)

4. Insert the Pistol Frame in the Red Jig. Drill the side holes as indicated below using a Drill Press vise and hand drill. The drill bits are provided in the kit. Remember to make sure the jig is free of any burrs along the edges of the jig. You may need to remove any rough edges along the jig to ensure the jig closes properly. Taping the jig closed with Blue painters' tape or black electrical tape also helps hold the jig together.
 - a) You can **and should** use hand a drill to finish the three side holes on each side (Total 6 holes).
 - b) Drill one side at a time **DO NOT** attempt to drill through both sides of the frame from one side of the jig. In other words, flip the jig to the other side in the vise once the first side is done, and drill the other side independently.
 - c) Do this for all six holes, pay attention to the M3 vs M4 hole indicators on the Jig.

Drilling Tips:

- Make sure the jig is free of any burrs along the edges.
- While you are drilling, make sure the jig is not over tightened.
- Over tightening will displace the drill holes if you are crushing the jig. Snug, not crushed.
- **Make sure the drill chuck is not hitting the vise itself while drilling.**

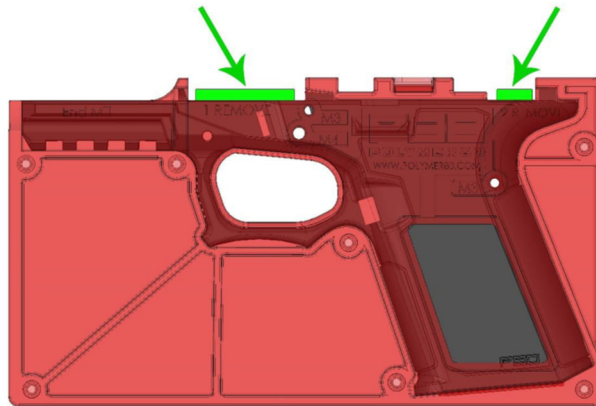
**Top Rail Block Milling Procedure**

Using an end mill “bit”, otherwise called “end mill” is the preferred method.

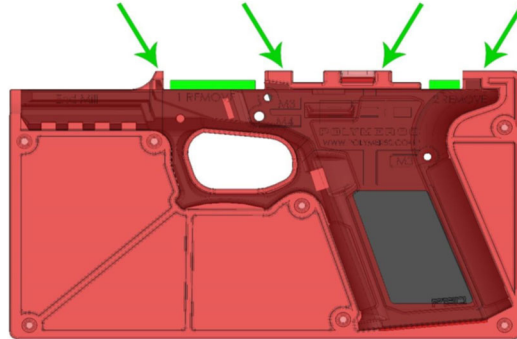
1. Leave the frame in the jig and place the jig into our cross slide vise. Install the end mill in the Drill Press, adjusting the table so you don’t necessarily need to move the chuck head up or down. Get it even with the top of the frame but leave a little bit of room and slowly mill away the polymer where the green arrows are indicated below.

2. There is no need to get overly aggressive at this stage. You can always leave a little extra material to sand down by hand or use a Dremel with a fine sanding wheel to refine the top part of the frame to attain a smooth and clean finish. **Remember the use of a Dremel in the untrained hands can cause a lot of damage.**

During this procedure, you are only removing the material that protrudes above this area in green:



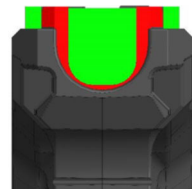
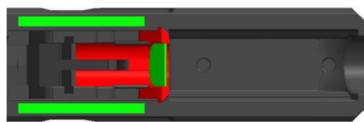
DO NOT REMOVE THESE RED TOWERS.
Don't mill the red jig on the top.



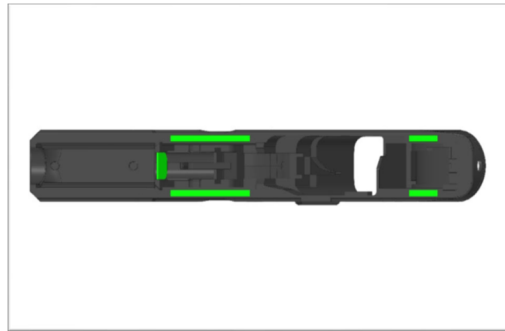
Barrel Block Milling Procedure

Using an end mill to mill out the Barrel Block is probably the most complex procedure, so please pay careful attention to the areas that need to be removed vs the areas that should not be removed: You can also use one of the many other proven ways to remove the interior barrel block. **DO NOT REMOVE THE DUST COVER AREA AS INDICATED IN RED.** Only remove the green colored areas.

- 1) **DO NOT REMOVE THE POLYMER INDICATED IN RED BELOW.**



- 2) Adjust the drill press so you can put the Jig and Frame upright (pictured below), so the end mill is pointing down through the nose of the jig and frame and facing you. Make sure the end mill and the chuck do not interfere with the jig as you plunge carefully down and slowly mill out the green area. You can leave a little bit of material and finish with a 1/4inch round file later. Remove **ONLY THE GREEN AREA**.



Remove only the green area on the barrel block. There's a relief in the material that's visible on both sides. This indicates the edge of the milling area.



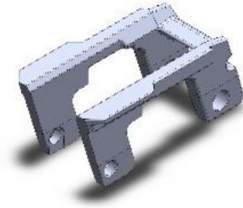
Remove only the green area on the barrel block. There's a relief in the material that's visible on both sides. This indicates the edge of the milling area.

Installing the Locking Block Rail System (LBRS)

Once you are finished with the milling, it's time to install the Locking Block Rail System. The patent pending system is a hardened stainless-steel component with a black nitride surface treatment. The LBRS features a multi-functional design efficiently incorporating the locking block and slide rails, and it provides the strength behind the slide stopping block buffer.

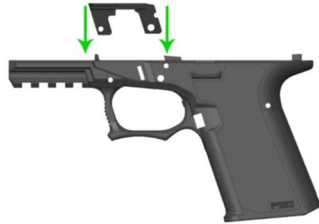
- a. Install the locking block by lightly tapping it into place. Align it as indicated below (**Some slight hand fitment maybe necessary**)

- b. Utilize one of the provided 3mm x 25mm black pins. Tap the pin with a hammer all the way through the side hole and front legs of the LBRS. The pin should be equally distributed across the pistol frame.



LBRS

Step a:



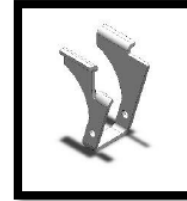
Step b: Tap the small P80 pin into the front hole



Installing the Frame Parts Kit (not included with this kit) and the Rear Rail Module (RRM)

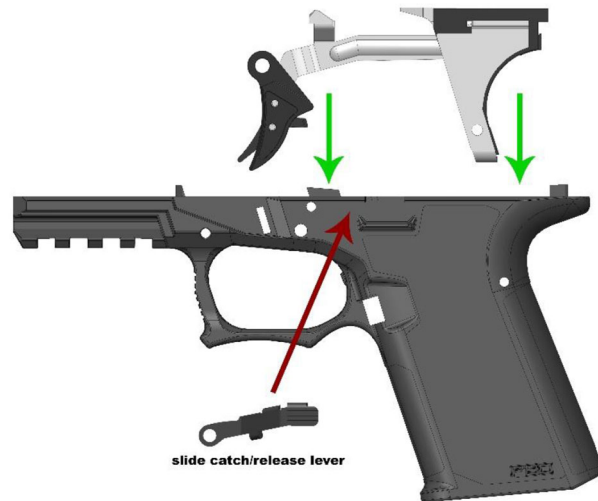
(To complete this process, you'll need a Frame Parts Kit with the trigger kit, trigger mechanism housing and all other parts are sold separately).

- 1) After the LBRS has been installed, as described in the previous instructions, install the Magazine Catch Spring, gently tapping the pin into the hole inside the magwell with a hammer and punch. The pin sticks up into the Magazine Catch area approximately 2mm when completed. Install the Magazine Catch using long needle nose pliers to nudge the pin in place on the inserted Mag Catch until it snaps into the safety switch hole.



RRM

- 2) Install Trigger Mechanism Housing and Trigger:
 - a) Slide the RRM around the trigger mechanism housing. Install the entire unit (Including the trigger, trigger bar, etc.) into the rear housing hole and the trigger hole (Assuming the trigger bar and trigger are already attached to the trigger mechanism housing).



- 3) Install the Slide Release Lever, sliding it alongside the Trigger and aligning the hole on the Lever with the hole on the Trigger and Trigger Pin hole on the side of the frame (The trigger pin will be found in the frame parts kit you ordered).
 - a) Now tap the Trigger Pin (4mm by 25mm pin) through the Trigger Pin hole. Remember to make sure your slide release lever is lined up properly.
 - b) This is the toughest installation step because a small hammer and punch may be required to line up the trigger and slide release lever.

The system should be ready to test with your slide and barrel now. Make sure no loaded magazine are used!!—**BE SAFE, TEST WITH UNLOADED GUN!**

Final Pistol Build, Tuning and Fitment

As mentioned above, to complete the PF940C pistol frame builds, you'll need a frame parts kit, a slide and barrel and possibly the slide parts kit if the slide doesn't already come complete. The use of a flat sharpening stone to polish the locking block and rear rails may be necessary in the final steps of tuning. This is mainly due to variances in slide and barrel tolerances, **some hand fitting and polishing may be required of your rails.**

Tight Fitting Rear Rail Module with the Trigger Mechanism Housing:

When putting the RRM (rear rail module) and Trigger Mechanism Housing together in the frame, it can be very tight. Here's the basic procedure you should follow to complete the frame.

- 1) Ensure all parts are fully seated and held secure during installation of pins
- 2) Attempt to install pin normally from one side with all parts (frame/RRM/trigger housing)
- 3) Attempt to install pin normally from **other** side with all parts (frame/RRM/trigger housing)
- 4) Attempt to install pin while using second pin for alignment from opposite side with all parts (frame/RRM/trigger housing)
- 5) Attempt to install pin without trigger housing (This will allow the pin to "set" the RRM in the frame without the constraint of aligning the trigger housing)
- 6) Re-attempt installation of pin normally or while using alignment pin from opposite side with all parts (frame/RRM/trigger housing)

Finally: If the rail module and the pins with the frame cannot be installed (With **no** trigger mechanism housing installed), do the following:

- 7) Take the RRM out of the frame. Take the small M3 drill bit (Installed on your drill), push all the way through and pull out of the RRM to clean up the holes. **DO NOT** re-drill your frame at this point. You can clean up your holes with a deburr tool and lightly wet sand the holes without enlarging the holes. This is only to cleans out the holes.
- 8) Attempt re-installation of all parts put together.
- 9) If the plating on the RRM starts to chip and come off during this process it normally will not affect the guns performance, you can lightly sand the area and remove the rest of the plating. **Removing the plating does not affect the structural integrity.**

Fitment to Slide and Testing

MAKE SURE THE GUN IS NOT LOADED!

Once you put the slide and frame together it could be slightly stiff at first, therefore use gun lubricant along the slide rails and other touch points to get things working smoothly. If you're familiar with how a frame and slide feel, then you'll have a baseline for the feel that you're attempting to achieve of your new Polymer80 build. Remember it may take a few hundred rounds to get the desired feel after proper break-in.

Don't put the magazine in while testing this, and don't use a loaded magazine. BE CAREFUL, ensure that the pistol is unloaded.

Again, you'll want to test without the magazine at first. Rack the slide back and forth, get the kinks worked out and finally test to make sure the pistol is going into battery. Battery position is when the slide moves all the way forward, bringing the barrel up and into its proper position flush with the top surface of the slide.

It should go into battery, even when you pull the slide back one inch, and cleanly let go.

Now point the gun upwards making gravity the enemy and continue pulling back one inch and letting go. It should go into battery each time. At the very beginning, it's possible that it doesn't go into battery each time but keep racking it back and forth with lubricant to get the roughness worked out. Remember due to variances in slide and barrel tolerances, some hand fitting and polishing may be required of your rails.

Now it's time to go the range and test with live ammunition. Have fun, be careful and put several hundred rounds down range to allow the system to work smoothly together, especially if you are using a new slide/barrel combo.

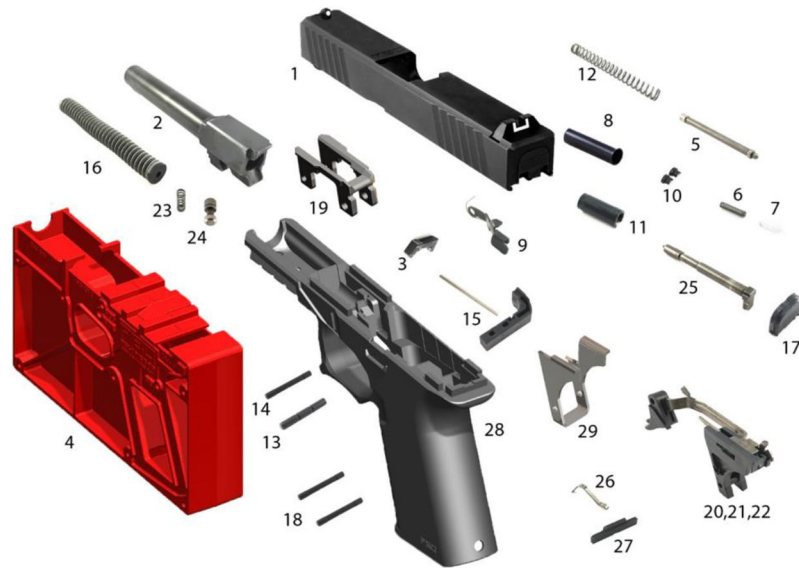
Note: Most of the issues we see in testing are related to a **new barrel**, whether that be in combo with a new slide or even a factory slide. If that's the case, and if you happen to have a compatible known working slide and barrel combo, use that combo to isolate whether or not a new barrel/slide combo is the source of any battery failure modes.

Congratulations! You are now the proud owner of a PF940C pistol frame, a pistol that you built and tuned yourself. Welcome to our growing 2nd Amendment family. You are purposefully exercising your rights to own, build and operate firearms.

Parts List

(Not all parts are included within the Polymer80 standard 80% kit)

Provided below is a convenient complete list of parts that are needed to finish your own PF940 series pistol frame. We have included a list of retailers that offer the necessary parts on our website. Make sure you purchase the correct kit for the size of pistol frame you are building.



Complete Pistol Parts List with P80 Frame, Jig and Custom Components	
1) Polymer80 PF940C Slide (sights sold separately)	16) Recoil Spring/Guide Rod Assembly
2) Barrel	17) Slide Cover Plate
3) Extractor	18) Polymer80 front and rear pins
4) Jig	19) Locking Block Rail System (LBRS) (provided by Polymer80)
5) Extractor Depressor	20) Trigger Mechanism Housing 21) Trigger, 22) Trigger Bar
6) Extractor Depressor Spring	23) Firing Pin Safety
7) Spring Loaded Bearing	24) Firing Pin Safety Spring
8) Firing Pin Channel Liner	25) Firing Pin
9) Slide Stop Lever	26) Slide Locking Lever Spring (The compact slide lock spring is smaller than the standard size slide lock spring)
10) Spring Cups	27) Slide Locking Lever
11) Firing Pin Spacer Sleeve	28) Frame (Polymer80 PF940 series frame kit)
12) Firing Pin Spring	29) Rear Rail Module (RRM)
13) Trigger Pin	

14) Polymer80 Trigger Mechanism Housing Pin
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15) Magazine Release and Spring

CHECK BACK ON OUR INSTRUCTIONS SECTION OF THE WEBSITE PERIODICALLY. WE CONTINUE TO ADD INFORMATION THAT WILL EXPAND AND RE-FINE THE INSTRUCTIONS OVER TIME.

If your questions can't be answered here, call support at 1-800-517-1243 Option 4 or send a Customer Support ticket through

<http://www.polymer80.com/contact>

Unclassified

**FBI Criminal Justice Information Services (CJIS)/
National Instant Criminal Background Check System
(NICS) Section Additional Information**

General Comments: The FBI's Criminal Justice Information Services (CJIS) Division National Instant Criminal Background Check System (NICS) Section has reviewed the Bureau of Alcohol, Tobacco, Firearms and Explosives' (ATF's) redline draft edits to the draft Final Rule filed under Regulation Identifier Number 1140-AA52 and entitled "Definition of 'Frame or Receiver' and Identification of Firearms" which seeks, to ". . . provide new regulatory definitions of "firearm frame or receiver" and "frame or receiver. . . ."

In its previous review, the CJIS Division submitted a general comment noting an anticipated increase in NICS checks and the potential for a NICS point-of-contact (POC) state or states to relinquish this status, thereby, causing a potentially unmanageable increase in NICS checks. The CJIS Division noted potential impacts to POC jurisdictions, and asked ATF, while noting some similar historical considerations, if the ATF had surveyed POC states about potential conflicts between state and federal law that may arise due to the expanded definitions. The Department of Justice Civil Litigation Branch's comment regarding the definition of a firearm and ATF's attempt to include items such as parts kits within that definition underscore the CJIS Division's concern. If a POC state or states were to conclude that a "firearm" under this expanded definition is not, for whatever reason, within their purview to conduct NICS checks upon, this would result in those NICS checks falling back to the NICS Section.

Impact to NICS: Accordingly, the CJIS Division reiterates its original question of whether ATF has conducted any research as to the conflict between the definition of firearm at the federal and state level in light of this final rule and whether the POC states would be able to continue to conduct NICS checks on all categories of firearms. The CJIS Division continues to believe that this rule creates the potential for confusion and duplication of NICS checks, particularly within partial-POC states in which multiple NICS checks may be required for different types of firearms purchased from the same sale.

The CJIS Division also notes ATF's response to the FBI lab that ". . . gunsmiths do not need to complete an ATF Form 4473 or NICS background check when a marked firearm is returned to the person from whom it was received because it is a "customization" of the firearms for an individual unlicensed customer. See 86 Fed. Reg. 27731; 27 CFR 478.124(a). . . ." and the associated footnote added.

Based on this guidance, the CJIS Division agrees that its use of an example involving a gunsmith conducting a NICS check should be more narrowly tailored as gunsmiths and federal firearms licensees ". . . for the sole purpose of repair or customizing when such firearm or a replacement firearm is returned to the person from whom received. . . ." are exempted from this requirement under 27 CFR 478.124(a). The CJIS Division's response, however, only noted this scenario as one of many examples in which the inclusion of "privately manufactured firearms," "frames," and "receivers" within the ATF definition of "firearm" will likely result in a substantial increase in NICS checks.

Despite this retailoring, the CJIS Division remains concerned that an increased number of NICS checks will result from this rule change, which would be exacerbated if one or more POC states were to modify or even abandon POC status based on this rule. Accordingly, the CJIS Division respectfully requests OLP note the FBI's concerns to the Office of Management and Budget to ensure the NICS Section's potential needs are addressed within the impact and budget effects analysis of the final rule.

ATF Response to FBI CJIS Comments:

Because ATF anticipates that there will be less demand for, and production of, weapon parts kits or other items that would need to be regulated under the new definition of "frame or receiver," ATF does not believe the final rule will significantly impact NICS.

First, while the NPRM would have expanded the definition of "frame or receiver" to include more firearm parts for which background checks might have been required, the Final Rule only regulates a single housing as a "frame or receiver" like current regulations.

Second, while the rule would regulate firearm parts kits with partially complete frames or receivers as "firearms," there is no reason to believe that regulation of these kits will result in increased *demand* for them from retail FFLs. These kits/PMFs are currently desired because they are perceived as unregulated, and are not marked with serial numbers. Because retail FFLs may not anticipate a profit after incurring the cost of marking and selling serialized kits/PMFs, FFLs may no longer wish to acquire and therefore continue to sell them. In fact, comments received have indicated that many parts kit manufacturers and dealers will go out of

business. It is also anticipated that some FFLs may destroy their existing inventories of parts kits/PMFs rather than incurring the cost of serializing them because the market demand for these kits/PMFs largely depends on them being unserialized and untraceable.

Even assuming some FFLs choose to accept serialized parts kits/PMFs into inventory, or serialize their existing inventories, there is nothing to suggest that this rule would cause an increase in *purchaser* demand for parts kits/PMFs resulting in more NICS background checks. To the contrary, PMFs available at FFLs are an alternative to commercially produced firearms. Should FFLs already have them, or choose to accept them into inventory, their customers would now have the choice between purchasing serialized, likely cheaper but perhaps unreliable, privately made firearms, and serialized, likely more expensive but safer, commercially produced firearms. The demand merely shifts one way or the other. Other than a natural increase in NICS checks that occurs from year to year as reported by the FBI, the rule itself likely does nothing to increase the *overall demand* for firearms that would result in more NICS/POC background checks.

Furthermore, under the GCA, 18 U.S.C. 922(t), background checks through NICS/POCs are required for all “firearms” acquired and sold by FFLs. The GCA has defined the term “firearm” to include “frames or receivers” since its enactment in 1968. *See* 18 U.S.C. 921(a)(3)(B). POCs are required to deny a person who is prohibited from receiving or possessing a “firearm,” not only under State law, but also under *Federal law*. 28 CFR 25.2 (“A POC will receive NICS background check requests from FFLs, check state or local record systems, perform NICS inquiries, determine whether

matching records provide information demonstrating that an individual is disqualified from possessing a firearm under *Federal* or state law and respond to FFLs with the results of a NICS background check.”) (Emphasis added).

Because POC States are required to determine eligibility for receiving or possessing firearms under Federal law, ATF sees no conflict between Federal and State law as a result of any changes to the Federal definition of “firearm.” ATF is aware that some POC States (*see e.g.*, Illinois, 430 ILCS 65/1) have never defined the term “firearm” to include “frames or receivers,” which may be sold separately or included in firearm parts kits. However, irrespective of this rule, these States are required to determine whether a person is prohibited from possessing “firearms” under Federal law and therefore they must rely on the Federal definition of “firearm” to do so. For example, Illinois law requires background check approval if receipt of the firearm would not violate “federal law.” 430 ILCS 65/3.1(c). Likewise, ATF sees no reason why State POCs would abandon their POC status because of this rule. If POCs had concerns about their State laws not including “frames or receivers,” they likely would have abandoned their POC status long ago.



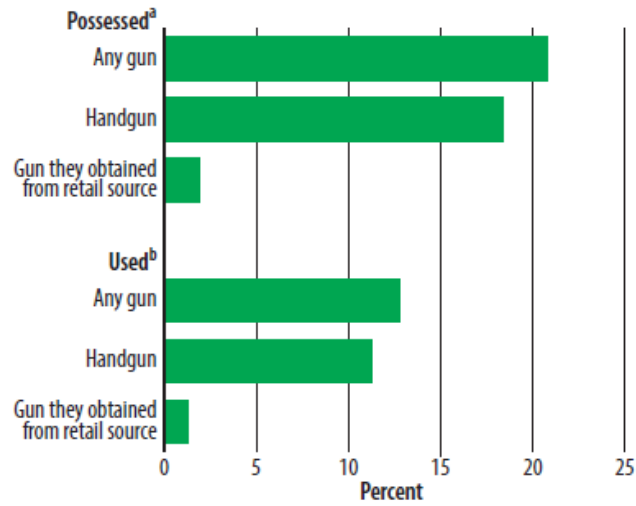
Source and Use of Firearms Involved in Crimes: Survey of Prison Inmates, 2016

Mariel Alper, Ph.D., and Lauren Glaze, *BJS Statisticians*

Based on the 2016 Survey of Prison Inmates (SPI), about 1 in 5 (21%) of all state and federal prisoners reported that they had possessed or carried a firearm when they committed the offense for which they were serving time in prison (**figure 1**). More than 1 in 8 (13%) of all prisoners had used a firearm by showing, pointing, or discharging it during the offense for which they were imprisoned. Fewer than 1 in 50 (less than 2%) of all prisoners had obtained a firearm from a retail source and possessed, carried, or used it during the offense for which they were imprisoned.

An estimated 287,400 prisoners had possessed a firearm during their offense. Among these, more than half (56%) had either stolen it (6%), found it at the scene of the crime (7%), or obtained it off the street or from the underground market (43%). Most of the remainder (25%) had obtained it from a family member or friend, or as a gift. Seven percent had purchased it under their own name from a licensed firearm dealer.

FIGURE 1
Percent of all state and federal prisoners who had possessed or used a firearm during their offense, 2016



Note: See appendix table 1 for standard errors.

^aIncludes prisoners who carried or possessed a firearm during the offense.

^bIncludes prisoners who showed, pointed, or discharged a firearm during the offense.

Source: Bureau of Justice Statistics, Survey of Prison Inmates, 2016.

HIGHLIGHTS

- About 21% of state and 20% of federal prisoners said they possessed a gun during their offense, while 79% of state and 80% of federal prisoners did not.
- About 29% of state and 36% of federal prisoners serving time for a violent offense possessed a gun during the offense.
- About 1.3% of prisoners obtained a gun from a retail source and used it during their offense.
- Handguns were the most common type of firearm possessed by state and federal prisoners (18% each); 11% of all prisoners used a handgun.
- Among prisoners who possessed a gun during their offense, 90% did not obtain it from a retail source.
- Among prisoners who possessed a firearm during their offense, 0.8% obtained it at a gun show.
- About 1 in 5 state and federal prisoners who possessed a firearm during their offense obtained it with the intent to use it during the crime.
- Among state prisoners who possessed a gun during their offense, 27% killed someone with it, another 12% injured someone, 7% fired the gun but did not injure anyone, and 54% did not fire it.
- State prisoners with no military service were more likely to possess a gun during their offense (21%) than prisoners who had served in the military (16%).

Statistics in this report are based on self-reported data collected through face-to-face interviews with a national sample of state and federal prisoners in the 2016 SPI. (See *Methodology*.)

The 2016 SPI data collection was conducted from January through October 2016. The SPI was formerly known as the Survey of Inmates in State and Federal Correctional Facilities (SISFCF). The Bureau of Justice Statistics (BJS) has periodically conducted the survey since the 1970s, with the most recent iteration fielded in 2004. The survey collects information from prisoners on a variety of topics, including firearm possession during the crime for which a prisoner was serving time and how the firearm was used during the crime. It also collects information on the method, source, and process that prisoners used to obtain the firearm. (See appendix 1, *Questions related to firearms in the Survey of Prison Inmates, 2016.*)

Terms and definitions

- **Firearm**—a weapon that uses gunpowder to shoot a bullet. Primary types are handguns, rifles, and shotguns:¹
 - **Handgun**—a firearm which has a short stock and is designed to be held and fired by the use of a single hand.
 - **Rifle**—a firearm intended to be fired from the shoulder and designed to use the energy of an explosive to fire only a single projectile through a rifled bore for each single pull of the trigger.
 - **Shotgun**—a firearm intended to be fired from the shoulder and designed to use the energy of an explosive to fire through a smooth bore ei-

¹ The definitions of types of firearms in this section were taken from 18 U.S.C. § 921 (2009). They have been edited for length.

ther a number of ball shot or a single projectile for each pull of the trigger.

- **Firearm possession**—carrying or possessing at least one firearm when the offense for which prisoners were serving a sentence was committed.
- **Firearm use**—showing a firearm to or pointing a firearm at anyone or discharging a firearm during the offense for which a prisoner was serving time.
- **Source of the firearm**—from where and how prisoners reported obtaining the firearm they possessed during the crime for which they were imprisoned—
 - ***Purchased or traded from a retail source***—includes a gun shop or store, pawn shop, flea market, or gun show.
 - **Gun shop or store**—a business establishment that sells firearms in an open shopping format.
 - **Pawn shop**—a business that offers secured loans to customers, with personal property used as collateral. This personal property is sold to the public if the loan is not repaid.
 - **Flea market**—a market that rents space to individuals to sell or barter merchandise.
 - **Gun show**—a temporary market where licensed dealers and unlicensed sellers can rent tables or booths to sell firearms.
 - ***Obtained from an individual***—includes purchasing, trading, renting, or borrowing from a family or friend. Also includes when the firearm was gifted to or purchased for the person.

- ***Off the street or underground market***—illegal sources of firearms that include markets for stolen goods, middlemen for stolen goods, criminals or criminal enterprises, or individuals or groups involved in sales of illegal drugs.
- ***Theft***—includes stealing the firearm during a burglary or from a retail source, family member, friend, or another source.
- ***Other sources***—includes a firearm that a prisoner obtained or found at the location of the crime, including one that belonged to a victim or that someone else brought to the location of the crime. This category also includes sources for which there were few responses, such as for guns bought online, and other sources that did not fit into one of the existing categories. This also includes instances where there was not enough information to categorize the source, such as when a firearm was purchased from an unknown source or obtained from another person by an unknown method.

Controlling-offense characteristics

About 29% of state and 36% of federal prisoners serving a sentence for a violent offense in 2016 possessed a firearm during the crime (table 1). About a quarter of state (23%) and federal (25%) prisoners serving time for a violent offense used a firearm during the crime. “Firearm use” is defined in this report as showing, pointing, or discharging a firearm during the offense for which a prisoner was serving a sentence.

Among prisoners serving time for homicide, more than 2 in 5 (44%) state prisoners and more than 1 in 3 (36%)

federal prisoners had possessed a firearm during the crime. About 37% of state and 28% of federal prisoners serving time for homicide used a firearm during the homicide.

Among those serving time for robbery, more than 2 in 5 state prisoners (43%) and federal prisoners (46%) possessed a firearm during the offense, and nearly a third of state (31%) and federal (32%) prisoners used a firearm during the robbery. Firearm possession was less common among state prisoners serving a sentence for rape or sexual assault (2%). Less than 1% of state prisoners serving time for rape or sexual assault used a firearm in the commission of their crime.

TABLE 1
Firearm possession and use among state and federal prisoners during the offense for which they were serving time, by type of controlling offense, 2016

Controlling offense ^a	Estimated number of state prisoners ^b	Percent of state prisoners who—		Estimated number of federal prisoners ^b	Percent of federal prisoners who—	
		Possessed a firearm ^b	Used a firearm ^c		Possessed a firearm ^b	Used a firearm ^c
Total	1,211,200	20.9%	13.9%	170,400	20.0%	5.0%
Violent^a	667,300	29.1%	23.0%	20,900	36.2%	25.3%
Homicide ^d	191,400	43.6	37.2	3,800	35.9	28.4
Rape/sexual assault	144,800	2.0	0.8	2,400	:	:
Robbery	149,600	43.3	31.5	10,700	46.3	32.1
Assault	149,400	25.0	20.6	2,900	29.0	18.1
Other violent ^e	32,200	17.0	12.6	1,200	34.1	:
Property	186,100	4.9% †	2.0% †	12,000	2.6% †	:
Burglary	88,100	6.7	3.2	300	:	:
Other property ^f	98,000	3.3	1.0	11,800	2.4	:
Drug	180,800	8.4% †	0.8% †	80,500	12.3% †	0.6% †
Trafficking ^g	130,500	9.4	0.9	72,300	12.9	0.7
Possession	45,900	6.1	:	3,500	:	:
Other/unspecified drug	4,300	:	:	4,700	:	:
Public order	158,300	21.5% †	5.6% †	52,900	30.2%	5.3% †
Weapons ^h	43,800	67.2	15.7	22,200	66.9	11.3
Other public order ⁱ	114,400	4.0	1.7	30,700	3.6	:
Other	3,900	:	:	1,800	:	:
Unknown	14,900	4.3% †	:	2,200	:	:

Note: See appendix table 2 for standard errors.

^aComparison group.

†Difference with comparison group is significant at the 95% confidence level across main categories, and no testing was done on subcategories (e.g., homicide).

:

^aSee *Methodology* for information on how controlling offense was measured.

^bExcludes 3.0% of state prisoners and 1.7% of federal prisoners who were missing responses on firearm possession. Includes prisoners who were missing responses on firearm use.

^cExcludes 3.0% of state prisoners and 1.7% of federal prisoners who were missing responses on firearm possession, and an additional 0.6% of state prisoners and 0.7% of federal prisoners who were missing responses on firearm use.

^dIncludes murder and both negligent and non-negligent manslaughter.

^eIncludes kidnapping, blackmail, extortion, hit-and-run driving with bodily injury, child abuse, and criminal endangerment.

^fIncludes larceny, theft, motor vehicle theft, arson, fraud, stolen property, destruction of property, vandalism, hit-and-run driving with no bodily injury, criminal tampering, trespassing, entering without breaking, and possession of burglary tools.

^gIncludes possession with intent to distribute.

^hIncludes being armed while committing a crime; possession of ammunition, concealed weapons, firearms and explosive devices; selling or trafficking weapons; and other weapons offenses. Among federal prisoners, weapons offense include violations of federal firearms and explosives.

ⁱIncludes commercialized vice, immigration crimes, DUI, violations of probation/parole, and other public-order offenses.

Source: Bureau of Justice Statistics, Survey of Prison Inmates, 2016.

State and federal prisoners serving time for a violent offense were much more likely to have possessed a firearm during the offense (29% state, 36% federal) than prisoners serving time for a property (5% state, 3% federal) or drug (8% state, 12% federal) offense. Among prisoners serving time for a public-order offense, about 1 in 5 (21%) state prisoners and nearly 1 in 3 (30%) federal prisoners reported that they possessed a firearm during the crime, and about 1 in 20 reported they had used it. About two-thirds of state and federal prisoners sentenced for a weapons offense said they possessed a firearm during the crime.²

Extent of firearm use among prisoners during the crime

State and federal prisoners in 2016 who had possessed a firearm during their offense were about equally likely to report that they had obtained the firearm with the intent to use it during the offense (19% state, 20% federal) (**table 2**). However, state prisoners (68%) who possessed a firearm were more than 2.5 times as likely as federal prisoners (26%) who possessed a firearm to have used it during the crime.

Nearly half of state prisoners (46%) serving a sentence for a crime during which they possessed a firearm discharged the firearm when they committed the crime, compared to 12% of federal prisoners. Among state prisoners who possessed a firearm during their offense, 27% killed a victim with the firearm and another 12%

² In addition to prisoners serving a sentence in state or federal prison in 2016 who possessed a firearm during the offense, weapons offenses include prisoners who were convicted of trafficking firearms but did not possess them at the time of the offense and prisoners who were convicted of a weapons offense that did not involve a firearm.

injured or shot a victim but did not kill him or her. Federal prisoners who possessed a firearm when they committed their offense were much less likely to have killed (4%) or injured (2%) a victim with the firearm than state prisoners.

TABLE 2
Among state and federal prisoners who possessed a firearm during the offense for which they were serving time, extent of firearm use, 2016

Firearm use	State prisoners*		Federal prisoners		State prisoners		Federal prisoners	
	100%	Violent offense*	100%	Violent offense*	100%	Non-violent offense*	100%	Non-violent offense*
Total	100%	100%	100%	100%	100%	100%	100%	100%
Obtained firearm because planned to use in controlling offense^b								
Yes	19.3%	19.7%	19.7%	17.7%	17.7%	24.6% †	26.4%	18.0%
No	80.7	80.3	80.3	82.3	82.3	75.4 †	73.6	82.1
Used firearm^c	68.0%	25.9% †	25.9% †	81.0%	81.0%	24.8% †	72.5%	12.9% †
Discharged	46.5%	11.9% †	11.9% †	55.9%	55.9%	15.4% †	27.3%	7.5% †
Killed victim	27.1	4.1 †	4.1 †	35.0	35.0	:	16.5	:
Injured/shot victim but did not kill victim	12.4	2.2 †	2.2 †	14.5	14.5	5.3 †	:	:
Discharged firearm but did not shoot anyone	7.0	5.6	5.6	6.4	6.4	9.0	5.7	5.4
Did not discharge ^d	21.5%	14.0% †	14.0% †	25.2%	25.2%	9.4% †	45.3%	5.4% †
Did not use firearm	32.0%	74.1% †	74.1% †	19.0%	19.0%	75.2% †	27.5%	87.1% †
Estimated number of prisoners who possessed a firearm (with valid data)^e	245,400	32,900	32,900	187,800	187,800	57,000	7,200	25,600

Note: Percentages are based on data reported on firearm possession, use, and controlling offense. Excludes 3.1% of state prisoners and 3.5% of federal prisoners who possessed a firearm during the offense and were missing responses on firearm use and 0.3% of state prisoners and 0.7% of federal prisoners who possessed a firearm and were missing a controlling offense. The sum of violent offense and non-violent offense does not equal the total number of state and federal prisoners who possessed a firearm in this table due to an estimated 600 state and 100 federal prisoners whose offense type was unknown. See appendix table 3 for standard errors.

*Comparison group.
 †Difference with comparison group is significant at the 95% confidence level.
 : Not calculated. Too few cases to provide a reliable estimate, or coefficient of variation is greater than 50%.
 a) Includes property, drug, public order, and other non-violent offenses.
 b) Percentages are based on the 246,200 state and 32,600 federal prisoners who reported they carried or possessed a firearm and whether they obtained a firearm to use during the offense.
 c) Includes prisoners who showed a firearm to anyone, pointed a firearm at anyone, or discharged the firearm during the offense.
 d) Includes prisoners who showed or pointed a firearm at anyone during the offense but did not discharge it.
 e) Includes prisoners who reported they carried or possessed a firearm. Excludes prisoners who were missing responses on firearm possession or use. For violent offense and non-violent offense, also excludes prisoners who were missing a controlling offense.
 Source: Bureau of Justice Statistics, Survey of Prison Inmates, 2016.

Among prisoners who possessed a firearm during a violent offense, a large majority of both state (81%) and federal (73%) prisoners used the firearm during the offense, far more than the percentages for non-violent offenders (25% state, 13% federal). More than half (56%) of state prisoners serving time for a violent offense who possessed a firearm during the crime discharged it, compared to fewer than a sixth (15%) of non-violent offenders in state prison who possessed a firearm. Violent offenders (27%) in federal prison who possessed a firearm during the crime were about 3.5 times as likely to discharge it as non-violent offenders (8%). Among state prisoners who had possessed a firearm during their offense, however, non-violent offenders (25%) were more likely than violent offenders (18%) to have planned to use the firearm during the offense.

Type of firearm possessed by prisoners during offense

Handguns were by far the most common type of firearm possessed or used by prisoners during the crime for which they were sentenced. About 18% of all state and federal prisoners in 2016 reported that they had possessed a handgun during the crime for which they were serving a sentence (**table 3**). Two percent or fewer possessed a rifle or a shotgun. Twelve percent of state and 5% of federal prisoners used a handgun during their offense. Most state (79%) and federal (80%) prisoners did not possess any type of firearm during the crime for which they were imprisoned.

TABLE 3
Firearm possession and use among state and federal prisoners during the offense for which they were serving time, by type of firearm, 2016

Type of firearm	Percent of prisoners who possessed a firearm			Percent of prisoners who used a firearm ^a		
	All prisoners	State ^c	Federal	All prisoners	State ^c	Federal
Total	100%	100%	100%	100%	100%	100%
Firearm ^b	20.9%	20.9%	20.0%	12.8%	13.9%	5.0% †
Handgun	18.4	18.4	18.3	11.2	12.2	4.5
Rifle	1.5	1.4	2.0 †	0.8	0.8	0.4 †
Shotgun	1.5	1.6	1.7	1.1	1.2	0.4 †
No firearm	79.2%	79.1%	80.0%	87.2%	86.1%	95.0%
Estimated number of prisoners (with valid data) ^c	1,378,200	1,208,100	170,100	1,378,200	1,208,100	170,100

Note: Details on type of firearm may not sum to totals because prisoners could report more than one type of firearm. Percentages exclude missing data. Excludes 3.0% of state prisoners and 1.7% of federal prisoners who were missing responses on firearm possession during the offense and an additional 0.3% of state prisoners and 0.2% of federal prisoners who were missing responses on type of firearm. See appendix table 4 for standard errors.

^a Comparison group.

[†] Difference with comparison group is significant at the 95% confidence level.

^b Percentages exclude 0.6% of state prisoners and 0.7% of federal prisoners who were missing responses on firearm use.

^c Includes prisoners who reported a type of firearm that did not fit into one of the existing categories and those who did not provide enough information to categorize the type of firearm. About 0.1% of state prisoners and 0.2% of federal prisoners reported another type of firearm or did not report enough information to specify the type of firearm.

^d Excludes prisoners who were missing responses on firearm possession or type of firearm. Counts are weighted to totals from the 2015 National Prisoner Statistics Program; see *Methodology: Survey of Prison Inmates, 2016* (NCJ 252210, BJS web, July 2019).

Source: Bureau of Justice Statistics, Survey of Prison Inmates, 2016.

Demographic characteristics

Male prisoners were more likely than female prisoners to have possessed a firearm during their crime. About a fifth of male state and federal prisoners serving a sentence in 2016 possessed a firearm during the crime (**table 4**). Males in state prisons in 2016 were about 2.5 times as likely (22%) as females in state prisons (9%) to have possessed a firearm during the crime for which they were imprisoned. In federal prisons, males (21%) were about three times as likely as females (7%) to have possessed a firearm during their crime. Almost 3 in 10 (29%) black prisoners serving a sentence in state prison in 2016 possessed a firearm during their crime. White (12%) and Hispanic (21%) state prisoners were less likely to have possessed a firearm during their crime. Similarly, white (17%) and Hispanic (13%) federal prisoners serving a sentence in 2016 were less likely to have possessed a firearm during the crime than black (29%) federal prisoners. State prisoners who served in the military were less likely to have possessed a firearm during their crime (16%) than state prisoners who had not served in the military (21%).

TABLE 4
Firearm possession among state and federal prisoners during the offense for which they were serving time, by demographic characteristics, 2016

Demographic characteristic	State		Federal	
	Number of prisoners	Percent of prisoners who possessed a firearm during the offense	Number of prisoners	Percent of prisoners who possessed a firearm during the offense
Sex				
Male*	1,174,200	21.8%	159,800	20.9%
Female	87,000	9.5 †	10,600	6.6 †
Race/Hispanic origin*				
White	383,300	12.4%	35,400	16.6%
Black*	401,500	29.1	53,800	29.2
Hispanic	247,200	21.5 †	62,600	12.6 †
American Indian/Alaska Native	17,200	14.8 †	2,800	23.8
Asian/Native Hawaiian/Other Pacific Islander	10,700	22.8	2,600	-
Two or more races	133,100	19.1 †	10,900	29.3
Age at time of survey				
18–24*	123,800	31.7%	8,200	30.1%
25–34	389,100	24.4 †	47,700	27.4
35–44	318,800	19.3	58,800	19.0
45–54	224,800	14.6 †	36,700	14.1 †
55 or older	154,800	16.0 †	19,000	12.2 †
Marital status				
Married*	168,500	16.7%	36,800	14.4%
Widowed/widowhood	34,300	18.3	3,100	21.7
Separated	58,300	12.7	9,600	12.8
Divorced	233,300	14.5	30,900	15.2
Never married	715,900	21.8	90,000	24.6
Education^b				
Less than high school*	450,500	23.1%	94,900	22.7%
High school graduate	273,700	19.6 †	36,500	19.4
Some college	133,900	14.7 †	23,100	18.8
College degree or more	43,600	11.0	12,700	6.3
Citizenship				
U.S. citizen*	1,156,800	21.0%	127,500	24.2%
Non U.S. citizen	53,100	18.5	42,400	7.2 †
Military service				
Yes*	95,200	15.6%	9,700	15.9%
No	1,115,000	21.4 †	161,200	20.3

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Note: Percentages and counts exclude missing data. Excludes 3.0% of state prisoners and 1.7% of federal prisoners who were missing responses on firearm possession during the offense. Details for counts may not sum to totals due to missing data. See appendix table 5 for standard errors.
 *Comparison group.
 †Difference with comparison group is significant at the 95% confidence level.
 | Not calculated. Too few cases to provide a reliable estimate, or coefficient of variation is greater than 50%.
 | Excludes persons of Hispanic/Latino origin, unless specified.
 † Based on highest year of education completed.
 Source: Bureau of Justice Statistics, Survey of Prison Inmates, 2016.

In general, the likelihood of state and federal prisoners having possessed a firearm during their crime decreased with age. Firearm possession among state prisoners ages 18 to 24 (32%) in 2016 was more common than among older prisoners. Federal prisoners ages 18 to 24 (30%) were more likely to possess a firearm than those age 35 or older (16%, not shown in table).

The difference in firearm possession between U.S. citizens (21%) and non-citizens (18%) in state prisons in 2016 was not statistically significant. Among federal prisoners serving a sentence in 2016, firearm possession was more than three times as high among U.S. citizens (24%) as non-citizens (7%).

Method, source, and process used to obtain the firearm

Among prisoners who possessed a firearm when they committed the offense for which they were imprisoned and who reported the source from which they obtained it, the most common source (43%) was off-the-street or the underground market (table 5). Another 7% of state and 5% of federal prisoners stole the firearm, and 7% of state and 8% of federal prisoners reported that they obtained the firearm at the location of the crime.

TABLE 5
Among state and federal prisoners who had possessed a firearm during the offense for which they were serving time, sources and methods used to obtain a firearm, 2016

Source and method to obtain firearm	All prisoners	State	Federal
Purchased/traded at retail source	10.1%	9.7%	13.7%
Gun shop/store	7.5	7.2	9.6
Pawn shop	1.6	1.5	2.2
Fluxa market	0.4	:	:
Gun show	0.8	0.8	1.4
Obtained from individual	25.3%	26.0%	20.5%
Purchased/traded from family/friend	8.0	7.9	9.1
Rented/borrowed from family/friend	6.5	7.0	3.0
Gift/purchased for prisoner	10.8	11.7	8.4
Off the street/underground market ^a	43.2%	43.2%	42.9%
Theft ^b	6.1%	6.0%	4.7%
From burglary	1.5	1.5	:
From retail source	0.2	:	:
From family/friend	1.6	1.8	:
Unspecified theft ^c	3.1	3.3	1.8
Other source	17.4%	17.1%	20.1%
Found at location of crime/victim	6.9	6.7	7.9
Brought by someone else	4.0	4.7	3.6
Other ^d	5.9	5.6	8.5
Multiple sources ^e	2.5%	2.6%	2.0%
Estimated number of prisoners who possessed a firearm, excluding prisoners who did not report source ^f	256,400	227,100	29,300

Note: Prisoners were asked to report all sources and methods of obtaining any firearm they possessed during the offense, so details may not sum to 100%. Each source is included in this table when multiple sources were reported. See Methodology. Percentages exclude missing data. Excludes 10.3% of state prisoners and 14.1% of federal prisoners who possessed a firearm during the offense and were missing responses on either source or method of obtaining the firearm. These prisoners were excluded either because they did not provide a valid response or they did not receive the questions due to providing an open ended response to the previous question about type of weapon. See appendix Table 6 for standard errors.

^a Not calculated. Too few cases to provide a reliable estimate, or coefficient of variation is greater than 50%.
^b Illegal sources of firearms that include markets for stolen goods, middlemen for stolen goods, criminals or criminal enterprises, or individuals or groups involved in sales of illegal drugs.
^c Excludes theft from victim.

^d Includes theft where the source could not be identified and theft other than from a burglary, retail location, family, or friend.
^e Included if no source specified in the table was reported. Includes sources that did not fit into one of the existing categories, sources for which there were few responses such as bought online, or if there was not enough information to categorize the source. Examples of other sources include bought from an unknown source or obtained from a friend by an unknown method.

^f Includes prisoners who reported multiple sources or methods that fit into more than one of the categories. Each reported source is included in the categories above.

^g Includes prisoners who reported they carried or possessed a firearm and prisoners who reported a source or method.
 Source: Bureau of Justice Statistics, Survey of Prison Inmates, 2016.

Among prisoners who possessed a firearm during the offense for which they were imprisoned, 7% of state and 10% of federal prisoners serving a sentence in 2016 bought or traded for the firearm from a gun shop or gun store. About 1% bought or traded for the firearm at a gun show. About a quarter (26%) of state prisoners and about a fifth (21%) of federal prisoners obtained a firearm that they possessed during their offense from an individual in a non-retail setting, such as a friend or family member.

Prisoners who reported that they had purchased or traded a firearm at a retail source were asked if they had obtained the firearm from a licensed dealer or private seller. Among prisoners who had possessed a firearm during the offense for which they were serving time, 8% of state and 11% of federal prisoners had purchased it from or traded with a licensed firearm dealer at a retail source (**table 6**).

Prisoners who reported that they had purchased a firearm from a licensed firearm dealer at a retail source were further asked whether they bought the firearm under their own name and whether they knew a background check was conducted. Among those who had possessed a firearm during the offense for which they were imprisoned, 7% of state and 8% of federal prisoners had purchased it under their own name from a licensed firearm dealer at a retail source, while approximately 1% of state and 2% of federal prisoners had purchased a firearm from a licensed dealer at a retail source but did not purchase it under their own name (not shown in table).

Among all prisoners who purchased or traded a firearm from a licensed firearm dealer at a retail source (8.2%),

the majority reported that a background check was conducted (6.7%).

TABLE 6
Among state and federal prisoners who had possessed a firearm during the offense for which they were serving time, processes used to obtain a firearm, 2016

Process to obtain firearm	All prisoners	State	Federal
Total	100%	100%	100%
Not purchased or traded at retail source	89.9%	90.3%	86.3%
Purchased or traded at retail source ^a	10.1%	9.7%	13.7%
Licensed firearm dealer at retail source	8.2	7.9	10.9
Purchased under own name ^b	6.9	6.8	8.4
Background check was reportedly conducted ^c	6.7	6.3	9.4
Private seller at retail source ^d	1.2	1.1	2.3
Unknown ^e	0.7	0.8	:
Estimated number of prisoners who possessed a firearm (with valid data)^f	256,400	227,100	29,300

Note: Percentages exclude missing data. Excludes 10.3% of state prisoners and 14.1% of federal prisoners who possessed a firearm during the offense and were missing responses on source or method of obtaining the firearm. See appendix table 7 for standard errors.

: Not calculated. Too few cases to provide a reliable estimate, or coefficient of variation is greater than 50%.

^aIncludes prisoners who purchased or traded from a retail source, including a retail store, pawn shop, flea market, or gun show.

^bIncludes prisoners who purchased from a retail source, including a retail store, pawn shop, flea market, or gun show. Excludes prisoners who traded for a firearm from a retail source.

^cIncludes prisoners who purchased from a retail source, including a retail store, pawn shop, flea market, or gun show. Excludes prisoners who traded for a firearm from a retail source and prisoners who reported that a background check was not conducted or who were unaware as to whether one was conducted.

^dExcludes private sellers other than at a retail source.

^eIncludes prisoners who purchased or traded a firearm from a retail source and were missing responses on whether a firearm was purchased or traded from a licensed firearm dealer or a private seller at a retail source.

^fIncludes prisoners who reported they carried or possessed a firearm and prisoners who reported a source or method.

Source: Bureau of Justice Statistics, Survey of Prison Inmates, 2016.

Use and source of firearms among all state and federal prisoners

About 1% of all state and federal prisoners used a firearm during the offense that they obtained from a retail source (**table 7**). About 2% of prisoners possessed a firearm that they obtained from a retail source, including a retail store, pawn shop, flea market, or gun show.

Thirteen percent of all state and federal prisoners used a firearm during the offense for which they were serving time in 2016.

TABLE 7
Firearm possession and use among all state and federal prisoners during the offense for which they were serving time, by type of controlling offense and source, 2016

Controlling offense ^a	Percent of state and federal prisoners who—		Percent of state and federal prisoners who—	
	Possessed a firearm ^b	Possessed a firearm that they obtained from a retail source ^c	Used a firearm ^d	Used a firearm that they obtained from a retail source ^e
Total	20.8%	1.9%	12.8%	1.3%
Violent*	29.3%	2.8%	23.1%	2.3%
Homicide ^f	43.5	5.9	37.0	5.2
Robbery	43.5	1.8	31.5	1.3
Property	4.8% †	0.5% †	1.9% †	:
Drug	9.6% †	1.0% †	0.8% †	0.1% †
Public order	23.6% †	1.7% †	5.5% †	0.6% †

Note: Percentages exclude missing data. Excludes 2.8% of prisoners who were missing responses on firearm possession during the offense and 1.2% of prisoners who had a valid response to firearm possession but were missing a controlling offense. Retail source includes purchasing or trading the firearm from a retail store, pawn shop, flea market, or gun show. Use includes prisoners who showed a firearm to anyone, pointed a firearm at anyone, or discharged a firearm during the controlling offense. See appendix table 8 for standard errors.

*Comparison group.

† Difference with comparison group is significant at the 95% confidence level across main categories, and no testing was done on subcategories (e.g., homicide).

^a See *Methodology* for more information on how controlling offense was measured.

^b Includes state and federal prisoners who reported a valid response to firearm possession.

^c Includes state and federal prisoners who reported a valid response to firearm possession and source.

^d Includes state and federal prisoners who reported a valid response to firearm possession and use.

^e Includes state and federal prisoners who reported a valid response to firearm possession, source, and use.

^f Includes murder and both non-negligent and negligent manslaughter.

Source: Bureau of Justice Statistics, *Survey of Prison Inmates*, 2016.

Methodology

Survey of Prison Inmates

The findings in this report are primarily based on data collected through the 2016 Survey of Prison Inmates (SPI). The SPI is a periodic, cross-sectional survey of the state and sentenced federal prison populations. Its primary objective is to produce national statistics of the state and sentenced federal prison populations across a variety of domains, including—but not limited to—demographic characteristics, current offense and sentence, incident characteristics, firearm possession and sources, criminal history, socioeconomic characteristics, family background, drug and alcohol use and treatment, mental and physical health and treatment, and facility programs and rule violations. RTI International served as BJS's data collection agent for the 2016 SPI under a cooperative agreement (award no. 2011-MU-MU-K070). From January through October 2016, data were collected through face-to-face interviews with prisoners using computer-assisted personal interviewing (CAPI).

Prior iterations of the SPI were known as the Survey of Inmates in State and Federal Correctional Facilities (SISFCF), which was renamed with the 2016 implementation. The first survey of state prisoners was fielded in 1974 and thereafter in 1979, 1986, 1991, 1997, and 2004. The first survey of federal prisoners was fielded in 1991, along with the survey of state prisoners, and since then both surveys have been conducted at the same time using the same questionnaire and administration.

The target population for the 2016 SPI was prisoners ages 18 and older who were held in a state prison or had

a sentence to federal prison in the United States during 2016. Similar to prior iterations, the 2016 survey was a stratified two-stage sample design in which prisons were selected in the first stage and prisoners within sampled facilities were selected in the second stage. The SPI sample was selected from a universe of 2,001 unique prisons (1,808 state and 193 federal) that were either enumerated in the 2012 Census of State and Federal Adult Correctional Facilities or had opened between the completion of the census and July 2014 when the SPI sample of prisons was selected. A total of 364 prisons (306 state and 58 federal) participated in the 2016 survey out of the 385 selected (324 state and 61 federal) for interviewing. The first-stage response rate (i.e., the response rate among selected prisons) was 98.4% (98.1% among state prisons and 100% among federal prisons).³ A total of 24,848 prisoners participated (20,064 state and 4,784 federal) in the 2016 SPI based on a sample of 37,058 prisoners (30,348 state and 6,710 federal). The second-stage response rate (i.e., the response rate among selected prisoners) was 70.0% (69.3% among state prisoners and 72.8% among federal prisoners).⁴

Responses from interviewed prisoners in the 2016 SPI were weighted to provide national estimates. Each in-

³ A total of 15 prisons (12 state and 3 federal) that were sampled were deemed ineligible for the 2016 SPI. For more information, see *Methodology: Survey of Prison Inmates, 2016* (NCJ 252210, BJS web, July 2019).

⁴ There were 10,661 sampled prisoners who were eligible for the survey but did not participate. Another 1,549 sampled prisoners were deemed ineligible for the survey. For more information, see *Methodology: Survey of Prison Inmates, 2016* (NCJ 252210, BJS web, July 2019).

interviewed prisoner was assigned an initial weight corresponding to the inverse of the probability of selection within each sampled prison. A series of adjustment factors were applied to the initial weight to minimize potential bias due to non-response and to provide national estimates.

For more information on the 2016 SPI methodology, see *Methodology: Survey of Prison Inmates, 2016* (NCJ 252210, BJS web, July 2019).

Standard errors and tests of significance

When national estimates are derived from a sample, as with the SPI, caution must be used when comparing one estimate to another or when comparing estimates between years. Although one estimate may be larger than another, estimates based on a sample rather than a complete enumeration of the population have some degree of sampling error. The sampling error of an estimate depends on several factors, including the size of the estimate, the number of completed interviews, and the intracluster correlation of the outcome within prisons. When the sampling error around an estimate is taken into account, estimates that appear different may not be statistically different. One measure of the sampling error associated with an estimate is the standard error. The standard error may vary from one estimate to the next. Standard errors in this report were estimated using Taylor Series Linearization to account for the complex design of the SPI in producing the variance estimates.

Readers may use the estimates and standard errors of the estimates provided in this report to generate a 95% confidence interval around the estimates as a measure of the margin of error. Typically, multiplying the stand-

ard error by 1.96 and then adding or subtracting the result from the estimate produces the confidence interval. This interval expresses the range of values with which the true population parameter is expected to fall 95% of the time if the same method is used to select different samples.

For small samples and estimates close to 0%, the use of the standard error to construct the 95% confidence interval may not be reliable. Therefore, caution should be used when interpreting the estimates. Caution should also be used if constructing a 95% confidence interval, which would include zero in these cases, because the estimate may not be distinguishable from zero.

The standard errors have been used to compare estimates of firearm possession during the offense, firearm use during the crime, and type of firearm possessed. They have also been used to compare firearm possession among selected groups of prisoners that have been defined by demographic characteristics and controlling offense. To facilitate the analysis, rather than provide the detailed estimates for every standard error, differences in the estimates for subgroups in the relevant tables in this report have been tested and notated for significance at the 95% level of confidence. Readers should reference the tables for testing on specific findings. Unless otherwise noted, findings described in this report as higher, lower, or different passed a test at the 0.05 level of statistical significance (95% confidence level).

Measurement of firearm possession and source

The 2016 SPI was restricted to prisoners age 18 or older at the time of the survey. Firearms analyses in this report were restricted to state and federal prisoners who were sentenced or state prisoners who were convicted

but were awaiting sentencing. This report excludes prisoners who were awaiting trial (i.e., unconvicted) or a revocation hearing or who were held for other reasons. Unconvicted prisoners, such as those awaiting trial or being held for other reasons like safekeeping or a civil commitment, were excluded from this report because they were not asked questions about firearm possession to protect against self-incrimination. (See appendix 1, *Questions related to firearms in the Survey of Prison Inmates, 2016*.) Of the estimated 1,421,700 state and federal prisoners in 2016, an estimated 287,400 were armed with a firearm, 1,094,200 were not armed with a firearm, 23,800 did not know or refused to answer the question, and 16,300 were not asked the question because they were not convicted or they stopped the interview before responding to the question.⁵

To determine whether prisoners possessed a firearm at the time of the offense for which they were serving time in prison, respondents were first asked whether they had carried, possessed, or used a weapon when the controlling offense occurred. Respondents could report that they carried, possessed, or used a firearm or another weapon such as a toy or BB gun, knife, other sharp object, or blunt object. Weapons other than firearms, including toy and BB guns, were excluded from this report. Multiple weapons and firearms could be reported by respondents.

Of the respondents who were asked about possessing a firearm during the offense for which they were impris-

⁵ The SPI sample was weighted to the state and federal prison populations that were eligible to be sampled in the survey. See *Methodology: Survey of Prison Inmates, 2016* (NCJ 252210, BJS web, July 2019).

oned, about 3.0% of state and 1.7% of federal prisoners in 2016 were missing responses on firearm possession. These prisoners were excluded from the analyses in this report. All prisoners who reported they carried, possessed, or used a firearm during the offense were asked whether they had obtained the firearm because they were planning to carry, possess, or use it during the offense. They were also asked whether they showed, pointed, or fired the firearm during the offense. Respondents who reported that they fired the firearm were also asked whether they shot anyone and, if so, whether anyone they shot had died. Of the respondents who possessed a firearm during the offense, about 3.1% of state and 3.5% of federal prisoners in 2016 were missing responses on how they used the firearm. These prisoners were excluded from the analyses in figure 1, tables 1 through 3, and table 7.

To measure the type of firearm possessed by prisoners, respondents were asked whether they had carried, possessed, or used a handgun, rifle, shotgun, or some other type of firearm during the offense for which they were imprisoned. About 0.3% of state prisoners and 0.2% of federal prisoners in 2016 were missing responses on the type of firearm that they possessed. These prisoners, along with prisoners who were missing a response on firearm possession, were excluded from the analyses in table 3.

To measure the source and method of obtaining the firearm possessed by prisoners during their crime, two separate questions were asked in the survey. The first question asked how the prisoners obtained the firearm, and multiple responses could be reported in the 2016 SPI. Possible responses included stole it, rented it, borrowed it from or were holding it for somebody, traded

something for it, bought it, someone bought it for them, someone gave it as a gift, found it or it was at the location where the offense occurred, it was brought by someone else, or other. If respondents specified an “other” method of obtaining the firearm, then the field interviewers entered the respondents’ answers into a text field. These responses originally reported as “other” were coded to one of the existing response categories if possible.

The second question asked where prisoners obtained the firearm, and multiple responses could be reported in the 2016 SPI. Respondents received this question if they reported that they stole, rented, borrowed from or were holding for somebody, traded something for, or bought the firearm. Possible responses included gun shop or gun store; pawn shop; flea market; gun show; from a victim, family member, or friend; from a fence (a middleman for stolen goods) or underground market; off the street or from a drug dealer; in a burglary; online or the internet; or other. Fewer than 1% of state and federal prisoners reported obtaining a firearm online. These responses were included in table 5 in the “other” category due to the small number of sample cases. If respondents specified an “other” source of obtaining a firearm, then the field interviewers entered the respondents’ answers into a text field. Responses originally reported as “other” were coded to one of the existing response categories if possible.

The responses from these two questions were used to create the source and method categories in figure 1 and tables 5 through 7. Approximately 10.3% of state and 14.1% of federal prisoners in 2016 who possessed a firearm during the offense for which they were serving a sentence were missing responses on source or method

of obtaining the firearm. These prisoners were excluded from figure 1 and tables 5 through 7.

Prisoners who reported purchasing or trading a firearm from a retail source (gun shop or gun store, pawn shop, flea market, or gun show) were asked if they purchased or traded it from a licensed firearm dealer or a private seller. Prisoners who reported they purchased a firearm from a retail source were further asked whether they bought the firearm under their own name and whether the seller did a firearm purchase background check before selling them the firearm. About 1% of the respondents who possessed a firearm during the offense purchased or traded it from a retail source and were missing responses on whether they bought the firearm from a licensed dealer or private seller. About 1% of respondents who possessed a firearm during the offense purchased it from a retail source and were missing responses on whether the firearm was purchased under their own name or whether a background check was conducted.

Measurement of controlling offense

The way controlling offense was measured through the 2016 SPI, and reflected in this report, varies by sentence status and the number of offenses of prisoners:

- For sentenced prisoners and those awaiting sentencing with one offense, that offense is the controlling offense.
- For sentenced prisoners with multiple offenses and sentences, the controlling offense is the one with the longest sentence.
- For sentenced prisoners with multiple offenses and one sentence and those awaiting sentencing with

multiple offenses, the controlling offense is the most serious offense. For this report, violent offenses are considered most serious, followed by property, drug, public-order, and all other offenses.

For prisoners who were convicted but awaiting sentencing, the controlling offense is the most serious offense.

Appendix 1. Questions related to firearms in the Survey of Prison Inmates, 2016
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This appendix includes the questions from the 2016 SPI that were used to measure the firearms' constructs in this report. Text that appears in capital letters in the questions was not read out loud to respondents. That text reflects programming instructions for the CAPI instrument, instructions to field interviewers who conducted the interviews, or response options that were not read out loud to respondents but were coded by the field interviewers during the interviews.

Questions

CJ39. (ASK IF RESPONDENT REPORTED BEING SENTENCED IN CJ1 OR CJ3 OR IF RESPONDENT REPORTED HE/SHE WAS AWAITING SENTENCING IN CJH2A.) Did you carry, possess, or use a weapon when the (INSERT CONTROLLING OFFENSE) occurred?

- YES
- NO (SKIP TO NEXT SECTION)

CJH1. How many weapons did you carry, possess, or use when the (INSERT CONTROLLING OFFENSE) occurred?

- ONE
- TWO OR MORE

CJH2. What (INSERT “kind of weapon was it?” OR “kinds of weapons were they?”) CHECK ALL THAT APPLY.

- FIREARM

- TOY OR BB GUN (INCLUDE FAKE OR REPLICAS GUNS)
- KNIFE
- OTHER SHARP OBJECT (SCISSORS, ICE PICK, AX, ETC.)
- BLUNT OBJECT (ROCK, CLUB, BLACKJACK, ETC.)
- ANOTHER WEAPON
 - What kinds of weapons were they?
 - INTERVIEWER: RECORD RESPONSE VERBATIM.

CJH3. (ASK IF RESPONDENT REPORTED “FIREARM” IN CJH2.) How many firearms did you carry, possess, or use when the (INSERT CONTROLLING OFFENSE) occurred?

- ENTER NUMBER OF FIREARMS

CJH4. (ASK IF RESPONDENT REPORTED “FIREARM” IN CJH2.) What (INSERT “type of firearm was it?” OR “types of firearms were they?”) CHECK ALL THAT APPLY.

- A HANDGUN
- A RIFLE
- A SHOTGUN
- SOME OTHER TYPE OF FIREARM
 - What type of firearm?
 - INTERVIEWER: RECORD RESPONSE VERBATIM.

CJH5. (ASK IF RESPONDENT REPORTED “FIRE-ARM” IN CJH2.) How did you obtain the (INSERT “firearm” OR “firearms”) that you carried, possessed, or used during the (INSERT CONTROLLING OFFENSE)? Any others? CHECK ALL THAT APPLY.

- STOLE IT (GO TO CJH6)
- RENTED IT (GO TO CJH6)
- BORROWED FROM OR WAS HOLDING FOR SOMEBODY (GO TO CJH6)
- TRADED SOMETHING FOR IT (GO TO CJH6)
- BOUGHT IT (GO TO CJH6)
- SOMEONE BOUGHT IT FOR ME (GO TO CJH7)
- SOMEONE GAVE IT TO ME AS A GIFT (GO TO CJH9)
- FOUND IT/WAS AT LOCATION WHERE OFFENSE OCCURRED (GO TO CJH9)
- WAS BROUGHT BY SOMEONE ELSE (GO TO CJH9)
- OTHER
 - How did you obtain the firearm that you carried, possessed, or used during the offense?
 - INTERVIEWER: RECORD RESPONSE VERBATIM.

CJH6. (ASK IF RESPONDENT REPORTED “FIRE-ARM” IN CJH2 AND REPORTED IN CJH5 HE/SHE “STOLE IT”, “RENTED IT”, “BORROWED FROM OR WAS HOLDING FOR SOMEBODY”, “TRADED SOMETHING FOR IT”, OR “BOUGHT IT”.) Where

did you obtain the (INSERT TYPE OF FIREARM REPORTED IN CJH4)? CHECK ALL THAT APPLY.

- GUN SHOP OR GUN STORE (GO TO CJH6A)
- PAWN SHOP (GO TO CJH6A)
- FLEA MARKET (GO TO CJH6A)
- GUN SHOW (GO TO CJH6A)
- FROM THE VICTIM(S) (GO TO CJH9)
- FROM A FAMILY MEMBER (GO TO CJH9)
- FROM A FRIEND (GO TO CJH9)
- FROM A FENCE/BLACK MARKET SOURCE (GO TO CJH9)
- OFF THE STREET/FROM A DRUG DEALER (GO TO CJH9)
- IN A BURGLARY (GO TO CJH9)
- ONLINE/THE INTERNET (GO TO CJH9)
- OTHER

◦ Where did you obtain the (INSERT TYPE OF FIREARM REPORTED IN CJH4)?

— INTERVIEWER: RECORD RESPONSE VERBATIM.

CJH6a. (ASK IF RESPONDENT REPORTED IN CJH6 THAT THE FIREARM WAS FROM A “GUN SHOP OR GUN STORE”, “PAWN SHOP”, “FLEA MARKET”, OR “GUN SHOW”.) When you obtained the (INSERT TYPE OF FIREARM REPORTED IN CJH4) was it from a licensed firearm dealer or a private seller?

- LICENSED FIREARM DEALER

■ PRIVATE SELLER

CJH6b. (ASK IF RESPONDENT REPORTED IN CJH5 THAT HE/SHE “BOUGHT IT” AND IN CJH6 REPORTED THAT THE FIREARM WAS FROM A “GUN SHOP OR GUN STORE”, “PAWN SHOP”, “FLEA MARKET”, OR “GUN SHOW”.) Did you buy the (INSERT TYPE OF FIREARM REPORTED IN CJH4) under your own name?

■ YES

■ NO

■ NO PAPERWORK WAS REQUIRED

CJH6c. (ASK IF RESPONDENT REPORTED IN CJH5 THAT HE/SHE “BOUGHT IT” AND REPORTED IN CJH6 THAT THE FIREARM WAS FROM A “GUN SHOP OR GUN STORE”, “PAWN SHOP”, “FLEA MARKET”, OR “GUN SHOW”.) Did the seller do a firearm purchase background check before selling you the gun?

■ YES

■ NO

CJH6d. (ASK IF RESPONDENT REPORTED IN CJH5 THAT HE/SHE “BOUGHT IT” AND REPORTED IN CJH6 THAT THE FIREARM WAS FROM A “GUN SHOP OR GUN STORE”, “PAWN SHOP”, “FLEA MARKET”, OR “GUN SHOW”.) Did you buy the (INSERT TYPE OF FIREARM REPORTED IN CJH4) directly or did someone else buy it for you?

■ INMATE BOUGHT

■ SOMEONE ELSE BOUGHT

CJH7. (ASK IF RESPONDENT REPORTED “SOMEONE ELSE BOUGHT IT FOR ME” IN CJH5.) Where did that person obtain the (INSERT TYPE OF FIREARM REPORTED IN CJH4)?

- GUN SHOP OR GUN STORE
- PAWN SHOP
- FLEA MARKET
- GUN SHOW
- FROM THE VICTIM(S)
- FROM A FAMILY MEMBER
- FROM A FRIEND
- FROM A FENCE/BLACK MARKET SOURCE
- OFF THE STREET/FROM A DRUG DEALER
- IN A BURGLARY
- ONLINE/THE INTERNET
- OTHER
 - Where did that person obtain the (INSERT TYPE OF FIREARM REPORTED IN CJH4)?

— INTERVIEWER: RECORD RESPONSE VERBATIM.

CJH8. (ASK IF RESPONDENT REPORTED “SOMEONE ELSE BOUGHT IT FOR ME” IN CJH5.) Why did someone else obtain the (INSERT TYPE OF FIREARM REPORTED IN CJH4) for you? CHECK ALL THAT APPLY.

- COULD NOT TRAVEL TO WHERE THE SELLER WAS

- NOT ALLOWED BECAUSE TOO YOUNG
- NOT ALLOWED BECAUSE OF CRIMINAL RECORD
- THEY COULD GET IT MORE QUICKLY OR EASILY
- DID NOT WANT TO BE LINKED TO FIREARM PURCHASE
- OTHER
 - Why did someone else obtain the (INSERT TYPE OF FIREARM REPORTED IN CJH4) for you?
 - INTERVIEWER: RECORD RESPONSE VERBATIM.

CJH9. Did you get the (INSERT TYPE OF FIREARM REPORTED IN CJH4) because you were **planning** to carry, possess, or use it during the (INSERT CONTROLLING OFFENSE)?

- YES
- NO

CJH10. Did you show or point (INSERT “the firearm” OR “any of the firearms”) at anyone during the (INSERT CONTROLLING OFFENSE)?

- YES
- NO

CJH11. Did you fire (INSERT “the firearm” OR “any of the firearms”) during the (INSERT CONTROLLING OFFENSE)?

- YES
- NO (SKIP TO NEXT SECTION)

CJH12. Did you shoot anyone?

- YES
- NO (SKIP TO NEXT SECTION)

CJH13. Did anyone you shot die?

- YES
- NO

APPENDIX TABLE 1

Standard errors for figure 1: Percent of all state and federal inmates who had possessed or used a firearm during their offense, 2016

Characteristic	Possessed	Used
Any gun	0.64%	0.51%
Handgun	0.59	0.46
Gun they obtained from retail source	0.13	0.12

Source: Bureau of Justice Statistics, Survey of Prison Inmates, 2016.

APPENDIX TABLE 2

Standard errors for table 1: Firearm possession and use among state and federal prisoners during the offense for which they were serving time, by type of controlling offense, 2016

Controlling offense	Percent of state prisoners who—		Percent of federal prisoners who—	
	Estimated number of state prisoners	Possessed a firearm	Estimated number of federal prisoners	Possessed a firearm
Total	31,100	0.69%	6,300	1.76%
Violent	22,400	0.90%	2,700	2.83%
Homicide	10,900	1.16	700	6.53
Rape/sexual assault	9,900	0.36	600	;
Robbery	6,700	1.32	1,600	3.73
Assault	5,000	1.34	700	5.15
Other violent	2,100	2.03	300	8.02
Property	7,800	0.53%	2,000	0.83%
Burglary	3,900	0.80	100	;
Other property	5,800	0.58	2,000	0.81
Drug	11,400	0.68%	5,400	0.87%
Trafficking	9,700	0.83	5,000	0.88
Possession	5,000	1.06	600	;
Other/unspecified drug	700	;	600	;
Public order	8,400	1.35%	3,600	3.55%
Weapons	3,000	2.02	2,700	2.02
Other public order	7,200	0.70	3,800	0.89
Other	600	;	300	;
Unknown	1,400	1.81%	400	;

;. Not calculated. Too few cases to provide a reliable estimate, or coefficient of variation is greater than 50%.
Source: Bureau of Justice Statistics, Survey of Prison Inmates, 2016.

APPENDIX TABLE 3
Standard errors for table 2: Among state and federal prisoners who possessed a firearm during the offense for which they were serving time, extent of firearm use, 2016

Firearm use	State prisoners		Federal prisoners		State prisoners		Federal prisoners	
	Violent offense	Non-violent offense	Violent offense	Non-violent offense	Violent offense	Non-violent offense	Violent offense	Non-violent offense
Obtained firearm because planned to use in controlling offense								
Yes	0.81%	1.57%	0.81%	2.00%	4.01%	1.88%	4.01%	1.88%
No	0.81	1.57	0.81	2.00	4.01	1.88	4.01	1.88
Used firearm								
Discharged	1.11%	1.92%	0.85%	1.83%	3.86%	1.57%	3.86%	1.57%
Killed victim	1.34%	1.17%	1.36%	1.47%	3.58%	1.14%	3.58%	1.14%
Injured/shot victim but did not kill victim	1.28	0.75	1.40	0.89	2.49	:	2.49	:
Discarged firearm but did not shoot anyone*	0.73	0.55	0.80	0.89	:	:	:	:
Did not discharge	0.47	0.98	0.51	1.17	2.16	1.02	2.16	1.02
Did not use firearm	0.97%	1.60%	1.21%	1.24%	4.95%	0.87%	4.95%	0.87%
Estimated number of prisoners who possessed a firearm (with valid data)	1,118	1,926	856	1,833	3,866	1,576	3,866	1,576
	10,100	3,100	9,200	3,400	1,200	2,200	1,200	2,200

* Not calculated. Too few cases to provide a reliable estimate or coefficient of variation is greater than 50%.

Source: Bureau of Justice Statistics, Survey of Prison Inmates, 2016.

APPENDIX TABLE 4
Standard errors for table 3: Firearm possession and use among state and federal prisoners during the offense for which they were serving time, by type of firearm, 2016

Type of firearm	Percent of prisoners who possessed a firearm			Percent of prisoners who used a firearm		
	All prisoners	State	Federal	All prisoners	State	Federal
Firearm	0.61	0.69%	1.76%	0.51	0.57%	0.71%
Handgun	0.59	0.64	1.63	0.46	0.51	0.67
Rifle	0.10	0.10	0.28	0.07	0.08	0.13
Shotgun	0.11	0.12	0.22	0.09	0.10	0.09
No firearm	0.61	0.69	1.76	0.51	0.57	0.71
Estimated number of prisoners (with valid data)	32,100	31,000	8,300	32,100	31,000	8,300

Source: Bureau of Justice Statistics, Survey of Prison Inmates, 2016.

APPENDIX TABLE 5
Standard errors for table 4: Firearm possession among state and federal prisoners during the offense for which they were serving time, by demographic characteristics, 2016

Demographic characteristic	State		Federal	
	Number of prisoners	Percent of prisoners who possessed a firearm during the offense	Number of prisoners	Percent of prisoners who possessed a firearm during the offense
Sex				
Male	30,700	0.74%	8,700	1.88%
Female	5,200	0.96	1,300	1.00
Race/Hispanic origin				
White	16,500	0.64%	3,900	2.28%
Black	16,200	0.91	5,600	2.07
Hispanic	12,400	1.26	8,000	1.70
American Indian/Alaska Native	2,500	2.94	800	5.18
Asian/Native Hawaiian/Other Pacific Islander	1,600	1.69	600	:
Two or more races	5,000	1.19	1,700	3.50
Age at time of survey				
18–24	8,200	1.71%	1,000	5.69%
25–31	13,700	1.00	3,200	2.57
32–44	9,500	0.94	3,400	1.68
45–54	9,100	0.76	2,400	1.68
55 or older	7,700	1.02	2,200	2.02
Marital status				
Married	6,300	1.06%	3,100	1.77%
Widowed/widowed	2,000	2.10	400	5.93
Separated	2,700	1.31	1,200	3.11
Divorced	10,600	0.97	2,200	1.58
Never married	20,100	0.81	5,800	2.10
Education				
Less than high school	21,500	0.83%	6,000	2.18%
High school graduate	8,500	0.88	2,100	1.69
Some college	5,000	0.96	2,000	2.08
College degree or more	2,500	1.43	2,000	1.83
Citizenship				
U.S. citizen	30,000	0.69%	10,700	1.87%
Non U.S. citizen	3,700	2.04	9,500	1.09
Military service				
Yes	4,800	1.07%	1,700	2.98%
No	28,700	0.72	8,200	1.80

: Not calculated. Too few cases to provide a reliable estimate, or coefficient of variation is greater than 50%.
Source: Bureau of Justice Statistics, Survey of Prison Inmates, 2016.

APPENDIX TABLE 6

Standard errors for table 5: Among state and federal prisoners who had possessed a firearm during the offense for which they were serving time, sources and methods used to obtain a firearm, 2016

Source and method to obtain firearm	All prisoners	State	Federal
Purchased/traded at retail source	0.66%	0.70%	2.07%
Gun shop/store	0.54	0.56	1.87
Pawn shop	0.27	0.29	0.62
Flea market	0.13	:	:
Gun show	0.16	0.17	0.44
Obtained from individual	0.87%	0.94%	2.02%
Purchased/traded from family/friend	0.59	0.65	1.27
Rented/borrowed from family/friend	0.47	0.52	0.54
Gift/purchased for prisoner	0.69	0.75	1.40
Off the street/underground market	1.07%	1.13%	3.26%
Theft	0.48%	0.53%	0.79%
From burglary	0.22	0.24	:
From retail source	0.07	:	:
From family/friend	0.26	0.29	:
Unspecified theft	0.31	0.34	0.53
Other source	0.78%	0.85%	1.80%
Found at location of crime/victim	0.50	0.53	1.31
Brought by someone else	0.45	0.49	0.87
Other	0.51	0.55	1.40
Multiple sources	0.27%	0.29%	0.50%
Estimated number of prisoners who possessed a firearm, excluding prisoners who did not report source	9,900	9,500	2,800

: Not calculated. Too few cases to provide a reliable estimate, or coefficient of variation is greater than 50%.

Source: Bureau of Justice Statistics, Survey of Prison Inmates, 2016.

APPENDIX TABLE 7

Standard errors for table 6: Among state and federal prisoners who had possessed a firearm during the offense for which they were serving time, processes used to obtain a firearm, 2016

Process to obtain firearm	All prisoners	State	Federal
Not purchased or traded at retail source	0.66%	0.70%	2.07%
Purchased or traded at retail source	0.66%	0.70%	2.07%
Licensed firearm dealer at retail source	0.60	0.63	2.08
Purchased under own name	0.54	0.57	1.89
Backgroundcheck was reportedly conducted	0.54	0.56	1.93
Private seller at retail source	0.19	0.20	0.63
Unknown	0.21	0.24	:
Estimated number of prisoners who possessed a firearm (with valid data)	9,900	9,500	2,800

: Not calculated. Too few cases to provide a reliable estimate, or coefficient of variation is greater than 50%.

Source: Bureau of Justice Statistics, Survey of Prison Inmates, 2016.

APPENDIX TABLE 8

Standard errors for table 7: Firearm possession and use among all state and federal prisoners during the offense for which they were serving time, by type of controlling offense and source, 2016

Controlling offense	Percent of state and federal prisoners who—		Percent of state and federal prisoners who—	
	Possessed a firearm	Possessed a firearm that they obtained from a retail source	Used a firearm	Used a firearm that they obtained from a retail source
Total	0.64%	0.13%	0.51%	0.12%
Violent	0.88%	0.23%	0.72%	0.21%
Homicide	1.14	0.63	1.10	0.62
Robbery	1.25	0.29	1.22	0.25
Property	0.50%	0.15%	0.30%	:
Drug	0.52%	0.17%	0.15%	0.04%
Public order	1.35%	0.27%	0.48%	0.17%

: Not calculated. Too few cases to provide a reliable estimate, or coefficient of variation is greater than 50%.

Source: Bureau of Justice Statistics, Survey of Prison Inmates, 2016.



The Bureau of Justice Statistics of the U.S. Department of Justice is the principal federal agency responsible for measuring crime, criminal victimization, criminal offenders, victims of crime, correlates of crime, and the operation of criminal and civil justice systems at the federal, state, tribal, and local levels. BJS collects, analyzes, and disseminates reliable statistics on crime and justice systems in the United States, supports improvements to state and local criminal justice information systems, and participates with national and international organizations to develop and recommend national standards for justice statistics. Jeffrey H. Anderson is the director.

This report was written by Mariel Alper and Lauren Glaze of BJS. Mariel Alper conducted statistical analyses. Marcus Berzofsky and John Bunker of RTI International provided statistical review. Danielle Kaeble, Laura Maruschak, Todd Minton, and Stephanie

Mueller verified the report. Lauren Glaze was the BJS project manager for the 2016 Survey of Prison Inmates.

Eric Hendrixson and Jill Thomas edited the report.

Tina Dorsey and Morgan Young produced the report.

January 2019, NCJ 251776



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Firearms Trace Data—2019 (<https://www.atf.gov/resource-center/firearms-trace-data-2019>)

A key component of the Bureau of Alcohol, Tobacco, Firearms and Explosives' (ATF) enforcement mission is the tracing of firearms on behalf of thousands of federal, state, local and foreign law enforcement agencies. Firearms trace data is critically important information developed by ATF. ATF has prepared the following state-by-state reports utilizing trace data which is intended to provide the public with insight into firearms recoveries.

Firearms tracing is designed to provide investigative leads to law enforcement to linking a suspect to a firearm in a criminal investigation, to identify illegal firearms traffickers, and to identify trends and patterns in the flow of illegal firearms. Firearms tracing is only conducted at the request of a law enforcement agency engaged in a bona fide criminal investigation where a firearm has been used or is suspected to have been used in a crime. Although not all firearms used in crimes that are recovered by law enforcement are traced, ATF encourages every agency to comprehensively trace each of those firearms.

The firearms selected for tracing are not chosen for purposes of determining which types, makes or models of firearms are used for illicit purposes. The firearms selected do not constitute a random sample and should not be considered representative of the larger universe of all firearms used by criminals, or any subset of that universe. Firearms are normally traced to the first retail seller, and sources reported for firearms traced do not necessarily represent the sources or methods by which firearms in general are acquired for use in crime.

- Alabama
- Alaska
- Arizona
- Arkansas
 - Little Rock, AR
- California
 - Los Angeles, CA
 - San Francisco, CA
 - Stockton, CA
- Colorado
- Connecticut
- Delaware
- District of Columbia
 - Washington, DC
- Florida
- Georgia
- Guam/Northern Mariana Islands
- Hawaii
- Idaho
- Illinois
 - Chicago, IL
- Indiana
- Iowa
- Missouri
 - Kansas City, MO
 - Springfield, MO
 - St. Louis, MO
- Montana
- Nebraska
- Nevada
- New Hampshire
- New Jersey
- New Mexico
 - Albuquerque, NM
- New York
 - New York City, NY
- North Carolina
- North Dakota
- Ohio
 - Cleveland, OH
- Oklahoma
- Oregon
- Pennsylvania
- Puerto Rico
- Rhode Island
- South Carolina
- South Dakota

- Kansas
 - Kentucky
 - Louisiana
 - Maine
 - Maryland
 - Baltimore, MD
 - Massachusetts
 - Michigan
 - Detroit, MI
 - Minnesota
 - Mississippi
 - Tennessee
 - Memphis, TN
 - Texas
 - U.S. Virgin Islands
 - Utah
 - Vermont
 - Virginia
 - Washington
 - West Virginia
 - Wisconsin
 - Wyoming
-
- Top Calibers Recovered and Traced in the United States and Territories (xcl)
 - Categories Associated with Firearms Recovered and Traced in the United States and Territories (xcl)
 - Age of Possessor—Firearms Recovered and Traced in the United States and Territories (xcl)
 - Number of Firearms Sourced and Recovered in the United States and Territories (xcl)
 - Time-to-Crime—Firearms Recovered and Traced in the United States and Territories (xcl)
 - Time-to-Crime—Firearms Sourced and Recovered in the United States and Territories (xcl)
 - Firearm Types Recovered and Traced in the United States and Territories (xcl)

- FFL Theft/Loss Reports Matching Firearms Subsequently Recovered and Traced (xcl)

Last Reviewed May 17, 2022



U.S. Department of Justice
Bureau of Alcohol, Tobacco,
Firearms and Explosives
*Office of Enforcement Programs and
Services*
Washington, DC 20226
www.atf.gov

September 27, 2022

**OPEN LETTER TO ALL FEDERAL FIREARMS
LICENSEES**

**Impact of Final Rule 2021-05F on Partially Complete
AR-15/M-16 Type Receivers**

The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) is issuing this open letter to further assist the firearms industry and the public in understanding whether a “partially complete, disassembled, or non-functional” receiver of an AR-15/M-16 variant weapon has reached a stage of manufacture such that it “may readily be completed, assembled, restored, or otherwise converted” to a functional receiver, and is therefore classified as a “**frame or receiver**” or “**firearm**” in accordance with the final rule titled “Definition of ‘Frame or Receiver’ and Identification of Firearms (Final Rule 2021R-05F)”, which became effective August 24, 2022. In particular, the following addresses items that are clearly identifiable as an unfinished component part of a weapon—specifically, partially complete, disassembled, or nonfunctional AR-type receivers (also known as receiver ‘billets’ or ‘blanks’).

Summary

As stated in Final Rule 2021-05F and the regulatory text, a partially complete AR-type receiver with no in-

dexing or machining of any kind performed in the area of the fire control cavity is not classified as a “**frame or receiver**” or “**firearm**” provided that it is not sold, distributed, or marketed with any associated templates, jigs, molds, equipment, tools, instructions, or guides, such as within a receiver parts kit. 27 CFR 478.12(c), Example 4. Consistent with Final Rule 2021R-05F and the regulatory text, ATF is providing the visual aids below to further illustrate the section of an “unfinished” item that, with further manufacture, machining, or processing, will constitute the “fire control cavity;” the second set of visual aids illustrates the stage of manufacture or machining at which that item becomes a receiver as defined in Final Rule 2021R-05F.

Background

The Gun Control Act (GCA) defines the term “**firearm**” as: “. . . (A) any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; (B) **the frame or receiver of any such weapon**; (C) any firearm muffler or firearm silencer; or (D) any destructive device. Such term does not include an antique firearm.” 18 U.S.C. § 921(a)(3). The GCA implementing regulations now define the terms “frame” and “receiver” by describing a single housing or structural component for one specific fire control component of a given weapon—for example, a single housing is specified for particular weapons such as a “handgun” and a “rifle.” 27 CFR 478.12(a). Moreover, 27 CFR 478.12(f)(1) also provides that the terms “frame” and “receiver” “shall include the specific part of a complete weapon . . . determined (classified) by the Director to be defined as a firearm frame or receiver prior to April 26, 2022.” As explicitly set out in the regulations, 27

CFR 478.12(f)(1)(i), for AR-15/M-16 variant firearms, “[t]he receiver is the lower part of the weapon that provides housing for the trigger mechanism and hammer (i.e., lower receiver).”

A current regulation, 27 CFR 478.12(c), explains when a clearly identifiable component of a weapon that is partially complete, disassembled, or nonfunctional is a “**frame**” or “**receiver**”:

The terms ‘frame’ and ‘receiver’ shall include a partially complete, disassembled, or nonfunctional frame or receiver, including a frame or receiver parts kit, that is designed to or may readily be completed, assembled, restored, or otherwise converted to function as a frame or receiver, i.e., to house or provide a structure for the primary energized component of a handgun, breech blocking or sealing component of a projectile weapon other than a handgun, or internal sound reduction component of a firearm muffler or firearm silencer, as the case may be. The terms shall not include a forging, casting, printing, extrusion, unmachined body, or similar article that has not yet reached a stage of manufacture where it is clearly identifiable as an unfinished component part of a weapon (e.g., unformed block of metal, liquid polymer, or other raw material). When issuing a classification, the Director may consider any associated templates, jigs, molds, equipment, tools, instructions, guides, or marketing materials that are sold, distributed, or possessed with the item or kit, or otherwise made available by the seller or distributor of the item or kit to the purchaser or recipient of the item or kit.

Sections 478.11 and 479.11 also define “**readily**” as:

A process, action, or physical state that is fairly or reasonably efficient, quick, and easy, but not necessarily the most efficient, speediest, or easiest process, action, or physical state. With respect to the classification of firearms, factors relevant in making this determination include the following:

- (a) Time, i.e., how long it takes to finish the process;*
- (b) Ease, i.e., how difficult it is to do so;*
- (c) Expertise, i.e., what knowledge and skills are required;*
- (d) Equipment, i.e., what tools are required;*
- (e) Parts availability, i.e., whether additional parts are required, and how easily they can be obtained;*
- (f) Expense, i.e., how much it costs;*
- (g) Scope, i.e., the extent to which the subject of the process must be changed to finish it; and*
- (h) Feasibility, i.e., whether the process would damage or destroy the subject of the process, or cause it to malfunction.*

The above list of factors is a non-exhaustive list, but represents factors that have been identified by Federal courts as being relevant to a “readily” analysis with respect to firearms.

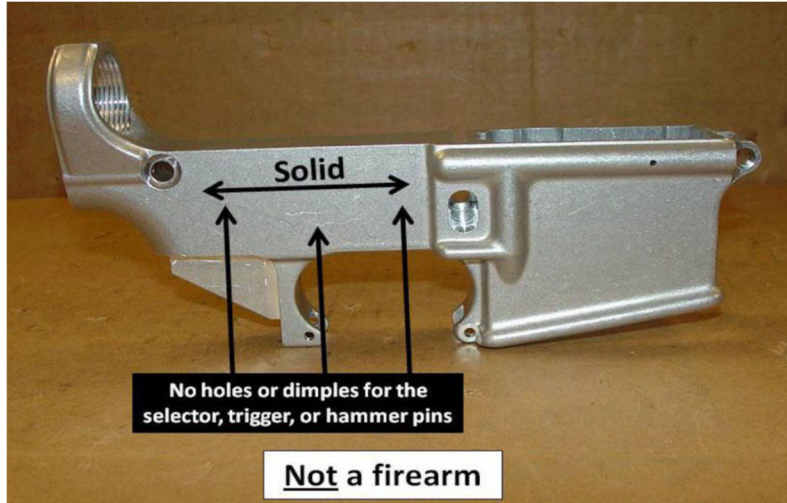
Analysis

There are many partially complete, disassembled, or nonfunctional AR-type “receivers” being marketed as so-called “80%” receivers. However, Federal firearms statutes and supplemental regulations do not employ

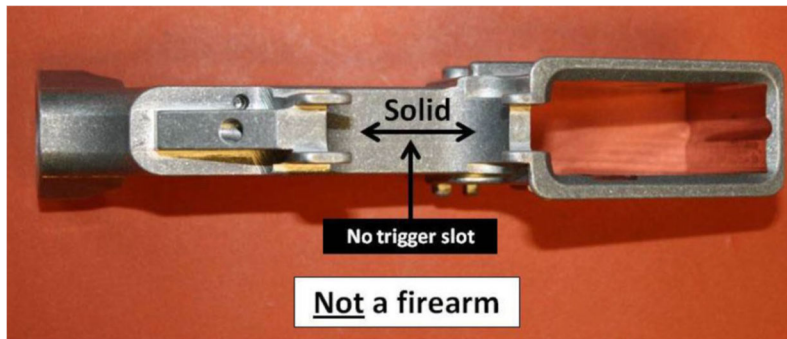
terms such as “80%,” “80% finished,” or “80% complete.” These are merely terms used by some to market these items; they are not based upon application of the term “**readily**” in the GCA or Final Rule 2021-05F. As used in the GCA and the Final Rule, the term “readily” does not involve evaluation of a percentage of completion for an item that, when completed, will function as a frame or receiver. Rather, the analysis examines how efficiently, quickly, and easily a clearly identifiable component part of a weapon can be completed, assembled, restored, or otherwise converted to house or provide a structure for the applicable fire control component.

In an AR-15 variant weapon, the “fire control cavity” is the critical area of the receiver because this area “provides housing for the trigger mechanism and hammer.” 27 CFR 478.12(f)(1)(i). To be a “functional” receiver, an AR-type receiver must include a cavity sufficient to house the relevant internal parts, including a hole for a selector and 2 pin holes (trigger pin and hammer pin) in precise locations. Removing or indexing any material in this critical area, or completing or indexing any of these holes, is therefore a crucial step in producing a functional receiver.

Thus, in order not to be considered “**readily**” completed to function, ATF has determined that a partially complete AR-type receiver must have no indexing or machining of any kind performed in the area of the trigger/hammer (fire control) cavity. A partially complete AR-type receiver with no indexing or machining of any kind performed in the area of the fire control cavity is not classified as a “receiver,” or “firearm,” if not sold, distributed, or marketed with any associated templates, jigs, molds, equipment, tools, instructions, or guides, such as within a receiver parts kit.



(if not sold, distributed, or marketed with any associated templates, jigs, molds, equipment, tools, instructions, or guides)

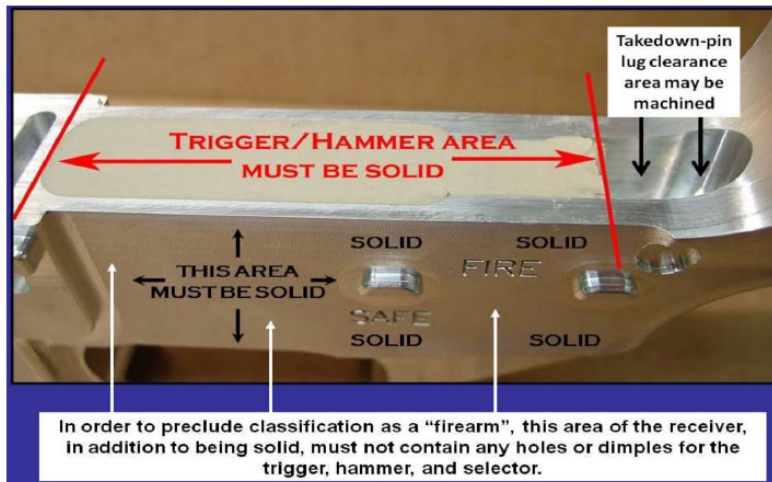


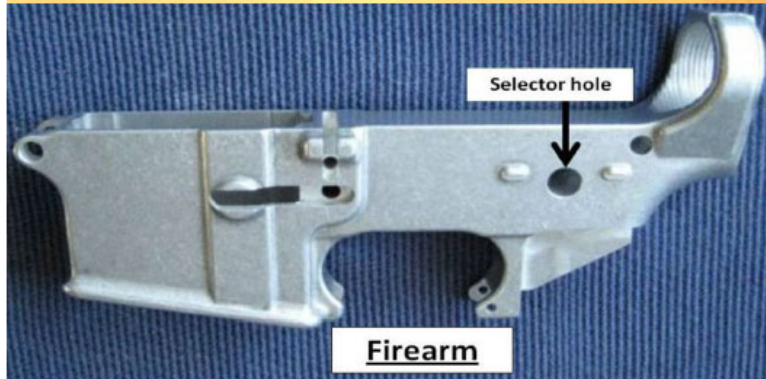
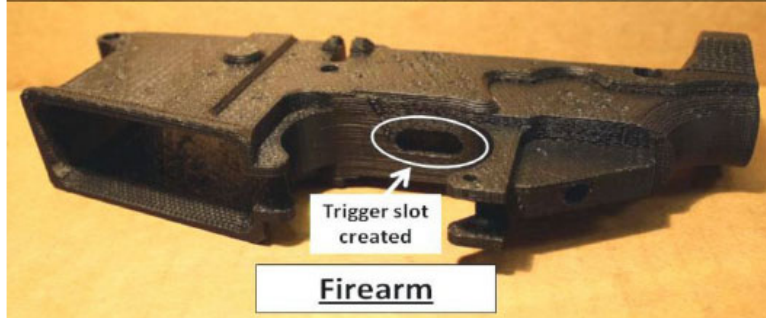
(if not sold, distributed, or marketed with any associated templates, jigs, molds, equipment, tools, instructions, or guides)

Because the front of the takedown-pin lug clearance area merges with the back of the fire control cavity in a functional AR-type receiver, it was necessary for ATF to determine the point at which the takedown-pin lug

clearance area stops, and the fire control cavity begins. ATF has determined that drilling or milling a standard 0.800-inch takedown-pin area, measured from immediately forward of the front of the buffer retainer hole next to the fire control cavity, does not impact the ability of the fire control cavity to house the trigger mechanism and hammer. Provided this length is not exceeded, the fire control cavity remains “*without critical interior areas having been indexed, machined, or formed*” as stated in 27 CFR 478.12(c), Example 4.

The following illustration demonstrates the fire control cavity of an AR-type receiver:





However, the above analysis only applies to partially complete, disassembled, or nonfunctional frames or receivers without any associated templates, jigs, molds, equipment, tools, instructions, guides, or marketing materials. Pursuant to Final Rule 2021R-05F, partially complete, disassembled, or nonfunctional frames or receivers that are sold, distributed, possessed with such items (or made available by the seller or distributor to the same person) may change the analysis, including those distributed as frame or receiver parts kits. 27 CFR 478.12(c). For example, jigs, templates, or instructions can provide the same indexing as if it were placed directly on the unfinished frame or receiver.



Firearm



Firearm

It is important that persons engaged in the business of manufacturing, importing, or dealing in these items do not take any steps to avoid licensing (18 U.S.C. §§ 922(a)(1), 923(a)), serialization (§ 923(i); 27 CFR 478.92(a)(2)), recordkeeping (§ 923(g)(1)(A); 27 CFR 478/125(i)), and other requirements and prohibitions of the law by selling or shipping the parts or parts kits in

more than one box or shipment to the same person, or by conspiring with others to do so (18 U.S.C. §§ 2, 371).

Further, although unfinished frames or receivers that do not meet the definition of a “firearm” are not subject to regulation under GCA provisions, they are still considered “defense articles” on the U.S. Munitions Import List and, therefore, require an approved Application and Permit for Importation of Firearms, Ammunition and Implements of War (ATF Form 6) for importation into the United States under 27 CFR 447.41; 447.22, and are also subject to export controls.¹

This information is provided to assist the firearms industry and general public in understanding whether a partially complete AR-type receiver has reached the stage of manufacture where it is classified as a “receiver” or “firearm.” If persons remain unclear with respect to a specific model or configuration, they can voluntarily submit a request, under penalty of perjury, with a sample to ATF in accordance with 27 CFR 478.92(c) (GCA) or 479.102(c) (NFA). If you have any questions, please contact the Firearms & Ammunition Technology Division at fire_tech@atf.gov or (304) 616-4300.

/s/ ANDREW GRAHAM
ANDREW GRAHAM
Acting Assistant Director
Enforcement Programs and Services

/s/ WILLIAM HENDERSON
WILLIAM HENDERSON
Acting Assistant Director
Field Operations

¹ Exporters should consult with the U.S. Departments of Commerce and State to determine applicable requirements.



U.S. Department of Justice
 Bureau of Alcohol, Tobacco,
 Firearms and Explosives
*Office of Enforcement Programs and
 Services*
 Washington, DC 20226
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December 27, 2022

**OPEN LETTER TO ALL FEDERAL FIREARMS
 LICENSEES**

**Impact of Final Rule 2021-05F on Partially Complete
 Polymer80, Lone Wolf, and Similar Semiautomatic
 Pistol Frames**

The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) is issuing this open letter to assist the firearms industry and the public in understanding whether a “partially complete, disassembled, or nonfunctional” frame of a Polymer80, Lone Wolf, or similar semiautomatic, striker-fired pistol (sometimes generally referred to as “Glock-type” pistols) has reached a stage of manufacture such that it “may readily be completed, assembled, restored, or otherwise converted” to a functional frame, and is therefore classified as a “frame” or “firearm” in accordance with the final rule titled *Definition of ‘Frame or Receiver’ and Identification of Firearms* (Final Rule 2021R-05F), which became effective August 24, 2022. In particular, the following addresses partially complete, disassembled, or nonfunctional semiautomatic striker-fired pistol frames or parts kits manufactured, sold, or distributed by Polymer80 (known as ‘Poly80’ or ‘P80’ frames or blanks), Lone Wolf (known as ‘Freedom Wolf 80%’ frames), and others, with the characteristics described below.

Summary

Applying the regulatory text of Final Rule 2021-05F, partially complete Polymer80, Lone Wolf, and similar striker-fired semiautomatic pistol frames, including, but not limited to, those sold within parts kits, have reached a stage of manufacture where they “*may readily be completed, assembled, restored, or otherwise converted*” to a functional frame. This definition of “readily” applies to each and every classification of a partially complete frame or receiver under this Rule, whether sold alone or as part of a kit. Therefore, *even without* any associated templates, jigs, molds, equipment, tools, instructions, guides, or marketing materials, these partially complete pistol frames are “**frames**” and also “**firearms**” as defined in the GCA and its implementing regulations, 18 U.S.C. § 921(a)(3)(B) and 27 CFR 478.12(a)(1), (c).

Background

The Gun Control Act (GCA) defines the term “**firearm**” as: “ . . . (A) *any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; (B) the frame or receiver of any such weapon; (C) any firearm muffler or firearm silencer; or (D) any destructive device. Such term does not include an antique firearm.*” (Emphasis added.) 18 U.S.C. § 921(a)(3). The GCA implementing regulations define the terms “frame” and “receiver” by describing a single housing or structural component for one specific fire control component of a given weapon—for example, a single housing is specified for particular weapons such as a “handgun” and a “rifle.” 27 CFR 478.12(a).

The regulation defines the term “**frame**” in 27 CFR 478.12(a)(1), as “*the part of a handgun, or variants thereof, that provides housing or a structure for the component (i.e., sear or equivalent) designed to hold back the hammer, striker, bolt, or similar primary energized component prior to initiation of the firing sequence, even if pins or other attachments are required to connect such component (i.e., sear or equivalent) to the housing or structure.*”

Further, 27 CFR 478.12(c) explains when a partially complete, disassembled, or nonfunctional frame or receiver, including a frame or receiver parts kit, is regulated as a “**frame**” or “**receiver**”:

The terms ‘frame’ and ‘receiver’ shall include a partially complete, disassembled, or nonfunctional frame or receiver, including a frame or receiver parts kit, that is designed to or may readily be completed, assembled, restored, or otherwise converted to function as a frame or receiver, i.e., to house or provide a structure for the primary energized component of a handgun, breech blocking or sealing component of a projectile weapon other than a handgun, or internal sound reduction component of a firearm muffler or firearm silencer, as the case may be. The terms shall not include a forging, casting, printing, extrusion, unmachined body, or similar article that has not yet reached a stage of manufacture where it is clearly identifiable as an unfinished component part of a weapon (e.g., unformed block of metal, liquid polymer, or other raw material). When issuing a classification, the Director may consider any associated templates, jigs, molds, equipment, tools, instructions, guides, or marketing materials that are sold, distributed, or possessed

with the item or kit, or otherwise made available by the seller or distributor of the item or kit to the purchaser or recipient of the item or kit.

Section 478.11 defines “readily” as:

A process, action, or physical state that is fairly or reasonably efficient, quick, and easy, but not necessarily the most efficient, speediest, or easiest process, action, or physical state. With respect to the classification of firearms, factors relevant in making this determination include the following:

- (a) Time, i.e., how long it takes to finish the process;*
- (b) Ease, i.e., how difficult it is to do so;*
- (c) Expertise, i.e., what knowledge and skills are required;*
- (d) Equipment, i.e., what tools are required;*
- (e) Parts availability, i.e., whether additional parts are required, and how easily they can be obtained;*
- (f) Expense, i.e., how much it costs;*
- (g) Scope, i.e., the extent to which the subject of the process must be changed to finish it; and*
- (h) Feasibility, i.e., whether the process would damage or destroy the subject of the process or cause it to malfunction.*

The above list of factors is a non-exhaustive list but represents factors that have been identified by federal courts as being relevant to a “readily” analysis with respect to firearms. For each and every assessment of whether any partially complete frame (in the case of a handgun) or receiver (in the case of a long gun)—

whether assessed individually, or in conjunction with other items—is a “firearm” under the GCA, parties must consider the above definition, including all factors that are relevant to that assessment. This is true for all frames and receivers.

Analysis

There are many partially complete, disassembled, or nonfunctional semiautomatic pistol “frames” being marketed as so-called “partially complete” or “80%” frames. The Federal firearms statutes and regulations, however, do not employ terms such as “80%,” “80% finished,” or “80% complete.” These are merely terms used by some to market these items; they are not based upon application of the term “readily” in the GCA or Final Rule 2021-05F. As used in the GCA and the Final Rule, the term “readily” does not involve evaluation of a percentage of completion for an item that, when completed, will function as a frame or receiver. Rather, the analysis examines how efficiently, quickly, and easily a clearly identifiable component part of a weapon can be completed, assembled, restored, or otherwise converted to house or provide a structure for the applicable fire control component. Such analysis may include consideration of any associated templates, jigs, molds, equipment, tools, instructions, guides, or marketing materials that are, directly or indirectly, sold, distributed, possessed, or marketed with the component part or kit. As outlined in the above definition, the analysis must consider all factors that are relevant to the assessment.

On the above mentioned “partially complete” pistol frames and products manufactured by Polymer80, Lone Wolf, and similar “partially complete” frames used to assemble semiautomatic, striker-fired pistols, the criti-

cal areas of the “**frame**” are the front and rear fire control cavities. The front and rear cavities are critical because these areas provide housing for the sear. *See* 27 CFR 478.12(a)(1), (a)(4)(iii). As further explained and illustrated below, removing or indexing any material in these critical areas, or completing or indexing any of the pin holes necessary to install the sear, are therefore crucial steps in producing a functional frame.



Figure 1

In a pistol based on a Glock design, the trigger is housed in the front fire control cavity, and the sear, which is connected by the trigger bar, is located in the rear cavity.



Figure 2

For reference, in a pistol based on a Glock design, the trigger bar assembly contains the sear. The trigger bar assembly operates as a single unit.

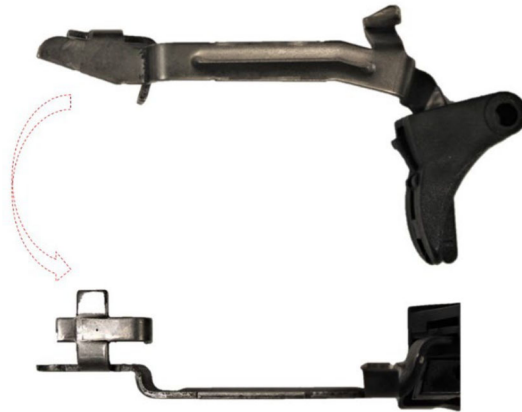


Figure 3

The trigger bar assembly (side view and top view) is a single unit. The frame cannot house or provide a structure for the sear without both the front and rear cavities.

In addition, many front and rear cavities of pistol frames using this internal design incorporate slide rails that have pin holes designed to secure the trigger mechanism and sear in precise locations. Specifically, in the Polymer80 design, the front cavity also provides housing for a front slide rail module (known as the “Locking Block Rail System” or “LBRs”), and the rear cavity provides housing for a rear slide rail module (known as the “Rear Rail Module” or “RRM”). Under the Final Rule, these slide rail components are “attachments . . . required to connect” the sear to the frame. *See* 27 CFR 478.12(a)(1).

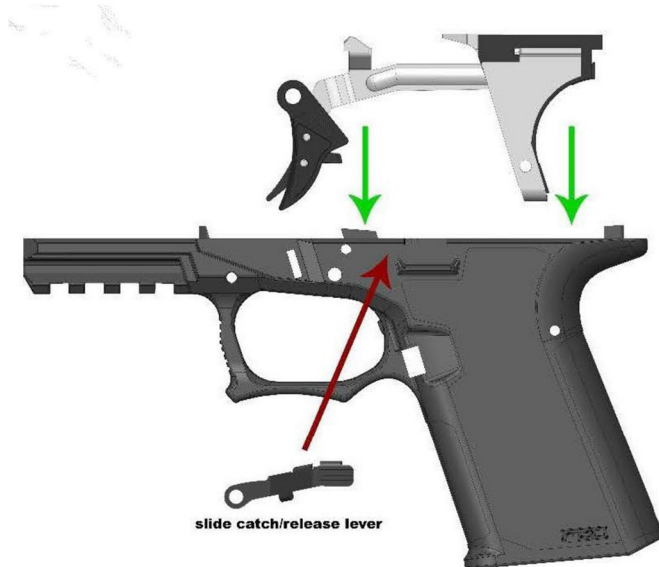


Figure 4

The above picture, taken from Polymer80 instructional materials, shows that the trigger bar assembly is attached to the “Rear Rail Module,” which is attached to the frame.

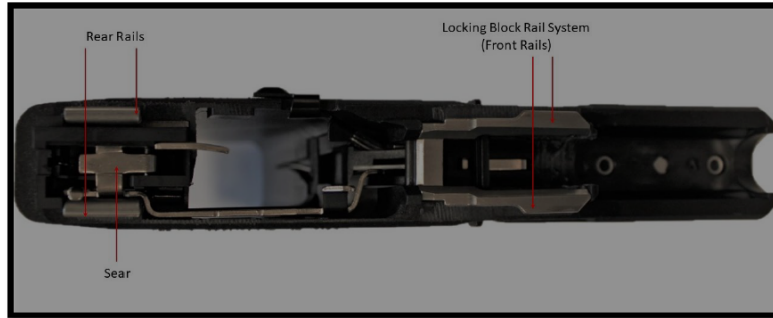


Figure 5

Top view of “Locking Block Rail System” and “Rear Rail Module” with trigger and trigger mechanism installed.

The above mentioned “partially complete” pistol frame products marketed by Polymer80, Lone Wolf, and substantially similar “partially complete” frames used to assemble semiautomatic striker-fired pistols, are also manufactured from a polymer material and incorporate temporary rails or blocking tabs that are easily removable by a person with novice skill, using common tools, such as a Dremel-type rotary tool, within minutes—an amount of time and a set of circumstances that are far less than required to fall within the meaning of the term “readily” in the Final Rule. Once this material is removed, the partially complete frames are immediately capable of accepting both the slide rail attachments and fire control components, including the sear.



Figure 6

FIREARM—Poly80 with Temporary Rails

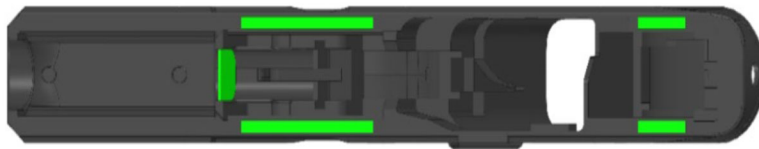


Figure 7

FIREARM—Poly80 with Temporary Rails and Barrel Blocking Tab

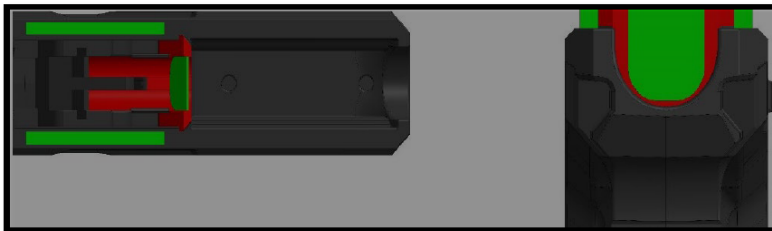


Figure 8

FIREARM—Poly80 with Temporary Rails and Barrel Blocking Tab

In addition, similar partially complete frame designs, such as those marketed by Lone Wolf, do not require removal of temporary rails but make it easy to attach the slide rails with connection points for the trigger mechanism and sear by incorporating fully formed front and rear fire control cavities into which the slide rails may be inserted. These slide rail attachments are commercially available online and may be glued-on within minutes—an amount of time and a set of circumstances that are far less than required to fall within the meaning of the term “readily” in the Final Rule—with no fitting and no specialized knowledge or expertise. The ease of obtaining and attaching such items is also pertinent as part of the analysis.



Figure 9

FIREARM—Lone Wolf “Freedom Wolf 80%” with Cavities for Slide Rail Attachments.

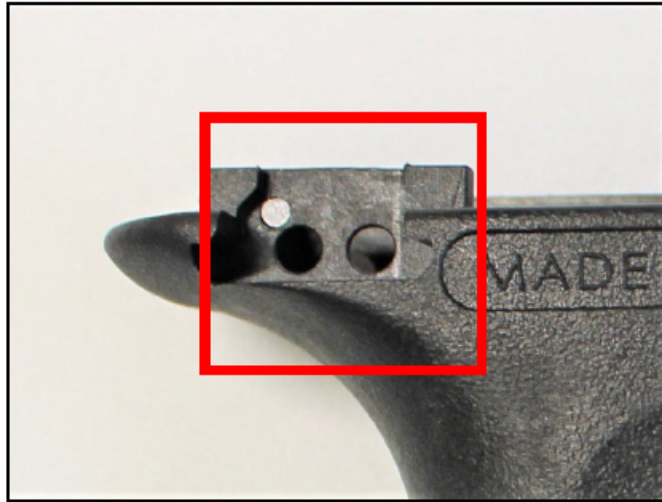


Figure 10

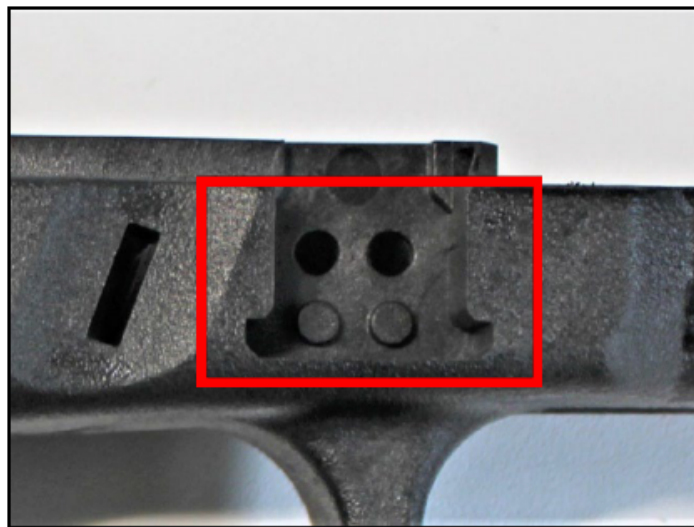


Figure 11

FIREARM—Fully Formed Front and Rear Cavities to Attach Slide Rail Inserts

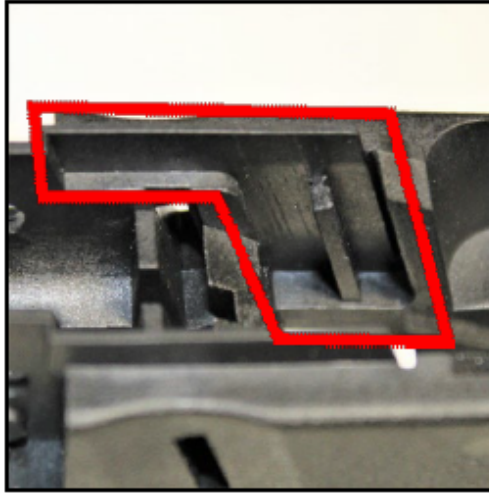
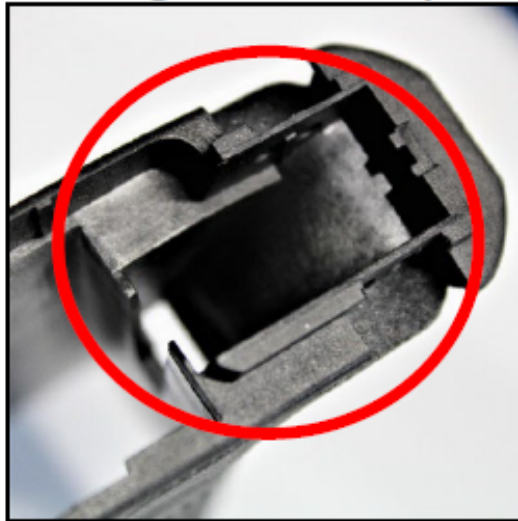


Figure 12

Locking Block Cavity



Trigger Mechanism Cavity

Based on the above, partially complete Polymer80, Lone Wolf, and similar pistol frames with any kind of indexing or material removed from the front or rear fire control cavities for installation of the trigger mechanism and sear, or slide rail attachments to connect the trigger mechanism and sear to the frame, have reached a stage of manufacture where they “may readily be completed, assembled, restored, or otherwise converted” to a functional frame. As examined, they are classified as a “frame” and also a “firearm,” as defined in the GCA, 18 U.S.C. § 921(a)(3)(B), and implementing regulations, 27 CFR 478.12(a)(1), (c). They are classified as firearms even if they are not sold, distributed, marketed, or possessed with any associated templates, jigs, molds, equipment, tools, instructions, or guides. While the analysis allows for the consideration of how a partially complete frame is, directly or indirectly, sold, distributed, marketed, or possessed with any associated templates, jigs, molds, equipment, tools, instructions, guides, or marketing materials, for these partially complete frames such analysis was not necessary because they are, by themselves, “frames” and “firearms” as defined in the GCA.

This information is provided to assist the firearms industry and general public in understanding whether the above mentioned “partially complete” pistol frame products manufactured by Polymer80, Lone Wolf, and substantially similar “partially complete” frames used to assemble semiautomatic striker-fired pistols have reached the stage of manufacture where they are classified as a “frame” or “firearm.” If persons remain unclear with respect to a specific model or configuration, they can voluntarily submit a request, under penalty of

perjury, with a sample to ATF in accordance with 27 CFR 478.92(c) (GCA) or 479.102(c) (NFA). ATF cannot render a formal determination without a formal request and physically examining a submitted sample.

If you have any questions, please contact the Firearms & Ammunition Technology Division at fire_tech@atf.gov or (304) 616-4300.

/s/ MATTHEW VARISCO
MATTHEW VARISCO
Assistant Director
Enforcement Programs and
Services

/s/ KRISTEN DETINEO
KRISTEN DETINEO
Assistant Director
Field Operations

UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 23-10718

JENNIFER VANDERSTOK; MICHAEL G. ANDREN;
TACTICAL MACHINING, L.L.C., A LIMITED LIABILITY
COMPANY; FIREARMS POLICY COALITION,
INCORPORATED, A NONPROFIT CORPORATION,
PLAINTIFFS-APPELLEES

BLACKHAWK MANUFACTURING GROUP,
INCORPORATED, DOING BUSINESS AS 80 PERCENT ARMS;
DEFENSE DISTRIBUTED; SECOND AMENDMENT
FOUNDATION, INCORPORATED; NOT AN L.L.C.,
DOING BUSINESS AS JSD SUPPLY; POLYMER80,
INCORPORATED, INTERVENOR PLAINTIFFS-APPELLEES

v.

MERRICK GARLAND, U.S. ATTORNEY GENERAL;
UNITED STATES DEPARTMENT OF JUSTICE; STEVEN
DETTELBACH, IN HIS OFFICIAL CAPACITY AS DIRECTOR
OF THE BUREAU OF ALCOHOL, TOBACCO, FIREARMS
AND EXPLOSIVES; BUREAU OF ALCOHOL, TOBACCO,
FIREARMS, AND EXPLOSIVES,
DEFENDANTS-APPELLANTS

Filed: Sept. 26, 2023

On Appeal from the United States District Court
for the Northern District of Texas

**DECLARATION IN SUPPORT OF EMERGENCY
MOTION PURSUANT TO CIRCUIT RULE 27.3
TO VACATE INJUNCTION PENDING APPEAL**

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DECLARATION OF MATTHEW P. VARISCO

I, Matthew P. Varisco, hereby declare, under penalty of perjury pursuant to 28 U.S.C. § 1746, as follows:

Introduction

1. I am the Assistant Director for the Office of Enforcement Programs and Services (Regulatory Operations) within the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF), United States Department of Justice (DOJ). I have been in this position for 11 months, and have also served as an ATF Special Agent for over 23 years, including as the Special Agent in Charge of the Philadelphia Field Division, which encompasses the Commonwealth of Pennsylvania. Before that, I was an ATF Industry Operations Investigator for over 2 years. I hold a Master of Science degree in Criminal Justice from Iona University, New Rochelle, New York, and a Master of Science degree in Strategic Studies from the U.S. Army War College, Carlisle, Pennsylvania. I have testified in numerous grand

jury proceedings as well as criminal trials and hearings in U.S. District Court.

2. In my current senior executive position, I direct policy, conduct planning, and oversee rulemakings for Bureau-wide programmatic offices, including ATF's National Tracing Center Division, Firearms Ammunition Technology Division, Regulatory Affairs Division, and National Firearms Act Division. These divisions support every aspect of ATF's mission to protect the public and reduce violent crime throughout the United States. I supervise around 833 personnel and currently manage an approximately \$57 million budget.
3. I am authorized to provide this Declaration on ATF's behalf and am providing it in support of the Defendants' Emergency Motion to Vacate Injunction Pending Appeal in this civil case. This declaration is based on my personal knowledge and belief, my training and experience, as well as information conveyed to me by ATF personnel in the course of my official duties. This declaration does not set forth all of the knowledge and information I have on the topics discussed herein and it does not state all of the harms to ATF and the public from the judgment in this case.
4. I am familiar with the definition of "firearm" and the enforcement provisions in the Gun Control Act of 1968, as amended ("GCA"), and the National Firearms Act of 1934, as amended ("NFA"). I am also familiar with ATF's Final Rule, "*Definition of 'Frame or Receiver' and Identification of Firearms*" ("Rule"), 87 FR 24652 (Apr. 26, 2022), which

implemented several of these GCA and NFA provisions.

5. Congress and the Attorney General delegated the responsibility for administering and enforcing the GCA and NFA to the Director of ATF, subject to the direction of the Attorney General and the Deputy Attorney General. *See* 28 U.S.C. 599A(b)(1)-(2); 28 C.F.R. 0.130(a)(1)-(2).
6. ATF's top priority is public safety. ATF recognizes the role that firearms play in violent crimes and, as part of its efforts to administer and enforce the GCA and NFA, ATF pursues an integrated regulatory and enforcement strategy. ATF uses the GCA and NFA to target, investigate, and recommend prosecution of offenders to reduce the level of violent crime and to enhance public safety. ATF also takes steps to increase State and local awareness of available federal prosecution under these statutes through, among other things, devoting its limited resources to developing and presenting relevant training and conducting outreach.
7. Among the critical public safety issues ATF has identified and attempted to address in the Rule is the impact of: (1) the commercial production and sale or distribution of "privately made firearms" ("PMFs") without statutorily required licensing, traceable serial numbers and other identifying markings, or background checks; and (2) the easy purchase and possession of such firearms by criminals.

The Rule

8. This rule updated the regulatory definitions of “frame or receiver,” “firearm,” and associated marking and recordkeeping regulations. This update helped prevent firearms, particularly, easy-to-complete firearm parts kits, from falling into the hands of felons and other prohibited persons¹ who, without the Rule, were able to purchase them without a background check or transaction records. The Rule also curbs the proliferation of unserialized privately made firearms, typically assembled from those kits, by ensuring that those weapons, or the frames or receivers of those weapons, are subject to the same requirements as commercially produced firearms whenever they are accepted into inventory by licensees. This, in turn, helps law enforcement solve crime by providing law enforcement officers with the ability to trace those weapons to a potential suspect if they are later found at a crime scene.

¹ Among other GCA prohibitions, 18 U.S.C. § 922(g) makes it unlawful for persons who fall into one or more of the following categories of “prohibited persons” to ship, transport, receive, or possess firearms: felons, fugitives from justice, drug abusers, persons adjudicated as a mental defective or committed to a mental institution, illegal aliens, certain nonimmigrant aliens, persons dishonorably discharged from the military, persons who have renounced their U.S. citizenship, persons subject to a qualifying domestic violence restraining order, and persons who have been convicted of a misdemeanor crime of domestic violence. Additionally, under 18 U.S.C. § 922(b)(1), juveniles under the age of 21 are prohibited from purchasing firearms other than a rifle or shotgun from a licensee, and if under 18, any firearms.

9. ATF issued the Rule to increase public safety with the goal of ensuring proper marking, recordkeeping, and traceability of all firearms manufactured, imported, or otherwise acquired, and sold or otherwise disposed of by licensees.
10. Nothing in the Rule prevents unlicensed law-abiding citizens and hobbyists from making their own firearms without identifying markings for their own personal use. The Rule only requires persons who are engaged in the business of manufacturing, importing, or dealing in firearms, or making firearms subject to the NFA, to place serial numbers and other marks of identification on privately made firearms. (87 FR 24665, 24706, 24715, 24723)

Discussion

11. I am aware that, on September 14, 2023, the district court in *VanDerStok v. Garland*, 4:22-cv-00691-O (N.D. Tex.), enjoined the government from implementing and enforcing two provisions of the Rule, *Definition of “Frame or Receiver” and Identification of Firearms*, 87 Fed. Reg. 24,652 (Apr. 26, 2022).
12. Enjoining the provisions in question would irreparably harm the public, the regulated community, and ATF. Such an injunction damages public safety by allowing felons and other prohibited purchasers (including underage persons) and possessors to easily buy and assemble unserialized firearms, and by permitting the widespread proliferation of unserialized firearms, thereby impairing law enforcement’s ability to trace firearms recovered at crime scenes.

13. The two provisions in question are aimed at ensuring that all firearms have a frame or receiver subject to the statutory serialization, licensing, background check, recordkeeping, and other requirements. The effective implementation of those requirements is critically important to public safety, primarily for two separate reasons.
14. First, these requirements prevent felons and other prohibited persons throughout the country from acquiring firearms by ensuring that licensees sell firearms only after the purchaser undergoes a background check (or falls within an exception) and completes an ATF Form 4473, Firearms Transaction Record.
15. Second, as detailed extensively in the Rule and the administrative record, unserialized firearms, which have been increasingly recovered at crime scenes, are nearly impossible to trace and therefore pose a significant challenge to law enforcement. (87 FR 24655-24660; AR 818-819; 825-827; 855-859; 871-901; 71,465-71,657). The number of suspected unserialized firearms recovered by law enforcement agencies and submitted to ATF for tracing increased by 1,083% from 2017 (1,629) to 2021 (19,273). (National Firearms Commerce and Trafficking Assessment Vol. II: Part III, Page 5). The threat of unserialized firearms continues. Between August 24, 2022, and September 17, 2023, a total of approximately 30,833 suspected privately made firearms were recovered at crime scenes and submitted for tracing. (ATF PMF Trace Data, queried September 25, 2023). Furthermore, these numbers are likely far lower than the actual number of unserialized privately made firearms recovered from

crime scenes because some law enforcement departments incorrectly trace them as commercially manufactured firearms, or may not see a need to use their resources to attempt to trace firearms with no serial numbers or other markings. (87 FR 24656 n.18).

16. More specifically, from March 1, 2023, to July 31, 2023, a total of 13,828 suspected privately made firearms were recovered by law enforcement and reported to ATF's National Tracing Center.
17. Enjoining these provisions would thus irreparably harm public safety by allowing the continued proliferation of unserialized firearms—generally acquired by individuals who have not undergone a background check and sold with no record of the transaction.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 26th day of September, 2023.

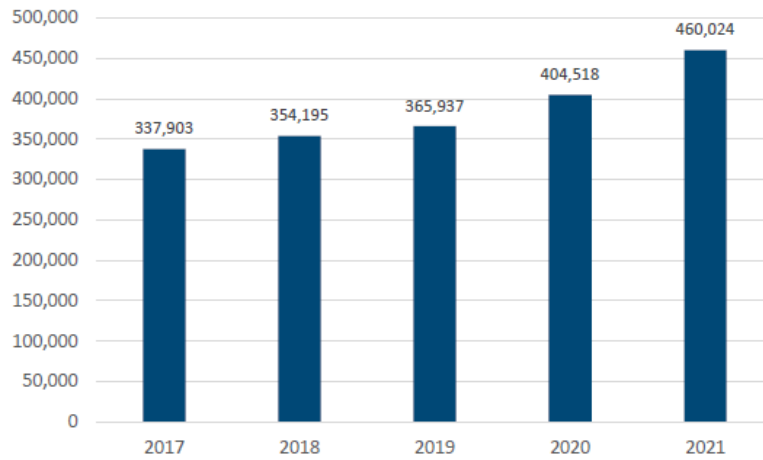
/s/ MATTHEW P. VARISCO
MATTHEW P. VARISCO
Assistant Director, Enforcement Programs and Services
(Regulatory Operations)
Bureau of Alcohol, Tobacco,
Firearms and Explosives
United States Department
of Justice

PART III:**Crime Guns Recovered and
Traced Within the United
States and Its Territories****Overview of Crime Gun Tracing*****Total Number of Crime Guns Traced***

Law enforcement agencies submitted a total of 1,922,577¹ crime guns to ATF for tracing between 2017 and 2021. During this period, most of the trace requests made by LEAs were routine priority submissions (99%; 1,895,421 of 1,922,577), while a very small share of trace requests were urgent priority submissions (1%; 27,156 of 1,922,577). An urgent trace is deemed necessary when the criminal violations are significant, and circumstances warrant or require that the firearm be traced without undue delay. Examples of this include mass shootings, homicides, bank robberies, and other immediate threats to officer and public safety.

The total number of annual crime gun trace requests increased by 36% from 2017 (337,903) to 2021 (404,024) (Figure OFT-01). The largest single year increase occurred when the number of crime gun trace requests rose by 14% from 2020 (404,518) to 2021 (460,024).

Figure OFT-01: Total Number of Crime Gun Trace Requests, 2017 – 2021



As reflected in Table OFT-01a, California LEAs had the highest number of crime gun traces between 2017 and 2021 (12%; 231,784). Other states with the highest numbers of crime gun traces included Texas, Florida, North Carolina, and Illinois. Hawaii LEAs had the lowest number of crime gun traces between 2017 and 2021 (<1%; 1,194). Other states with the lowest numbers of crime gun traces included Vermont, Wyoming, Rhode Island, and New Hampshire.

Table OFT-01a: Most Frequent and Least Frequent Crime Guns Traces by State, 2017 – 2021

Most Frequent States			Least Frequent States		
State	Number	Percent	State	Number	Percent
California	231,784	12.1%	Hawaii	1,194	0.1%
Texas	177,786	9.3%	Vermont	1,256	0.1%
Florida	134,601	7.0%	Wyoming	1,665	0.1%
North Carolina	90,225	4.7%	Rhode Island	2,570	0.1%
Illinois	90,014	4.7%	New Hampshire	2,629	0.1%

See Table OFT-01 in Appendix OFT—Overview of Firearm Tracing for a full ranking of U.S. states and territories by traced crime guns between 2017 and 2021.

Between 2017 and 2021, among cities with populations of 1,000,000 residents or greater (“mega cities”), Chicago had the largest number of crime gun traces (50,312) followed by Houston, Los Angeles, Philadelphia, and Dallas (Table OFT-02a). Detroit submitted the largest number of crime gun traces (26,065) among cities with populations of 500,000 to 999,999 residents (“large cities”). Atlanta had the largest number of crime gun traces (15,333) among cities with populations of 250,000 to 499,999 residents (“medium cities”). Baton Rouge had the largest number of crime gun traces (8,544) among cities with populations of 100,000 to 249,999 residents (“small cities”).

Table OFT-02a: Most Crime Gun Traces by City Population Groups, 2017 – 2021

Mega Cities		Large Cities		Medium Cities		Small Cities	
City	Number	City	Number	City	Number	City	Number
Chicago, IL	50,312	Detroit, MI	26,065	Atlanta, GA	15,333	Baton Rouge, LA	8,544
Houston, TX	45,812	Memphis, TN	24,796	Saint Louis, MO	14,672	Richmond, VA	7,056
Los Angeles, CA	30,798	Las Vegas, NV	23,389	Orlando, FL	11,177	Columbia, SC	6,279
Philadelphia, PA	23,460	Indianapolis, IN	20,242	Tampa, FL	10,376	Chattanooga, TN	5,775
Dallas, TX	19,756	Louisville, KY	15,331	Cincinnati, OH	9,982	Huntsville, AL	5,773

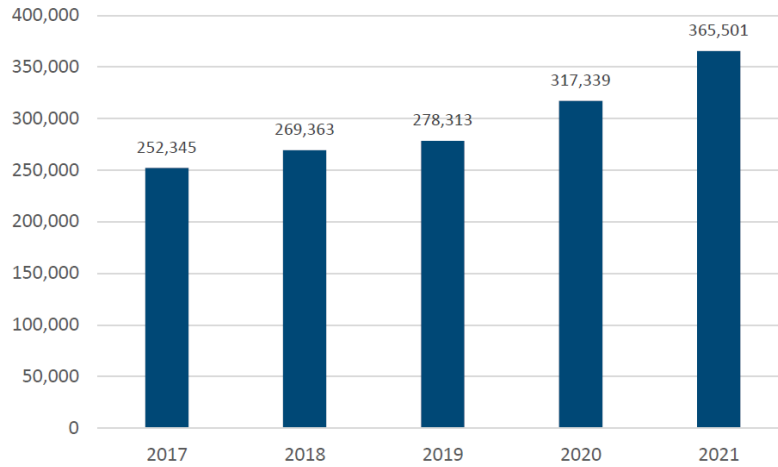
See Table OFT-02 in Appendix OFT—Overview of Fire-arm Tracing for selected U.S. cities by population grouping ranked by the frequency of crime guns traces between 2017 and 2021.

Traced to Purchaser

Between 2017 and 2021 there were 1,922,577 requested crime gun traces, of which ATF was able to determine the purchaser in 77% (1,482,861). Similar to the increase in the total number of crime guns submitted for tracing by LEAs, the number of crime guns traced to a

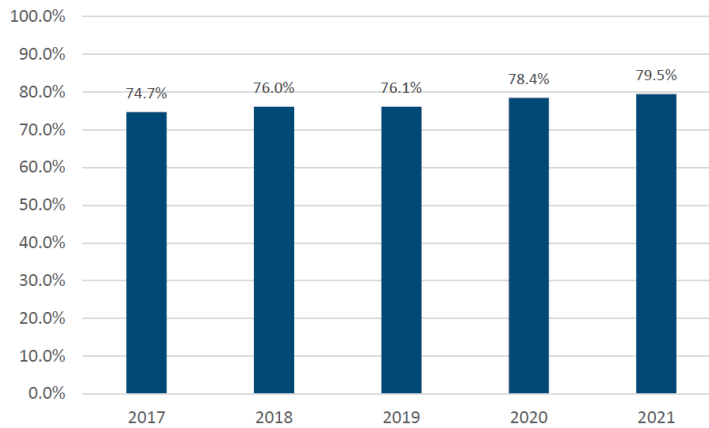
purchaser increased by 45% from 2017 (252,345) to 2021 (365,501) (Figure OFT-02).

Figure OFT-02: Total Number of Crime Guns Traced to Purchaser, 2017 – 2021



The percentage of crime gun traces in which a purchaser was identified increased by five percentage points over the course of the study period from 75% (252,345 of 337,903) in 2017 to 80% in 2021 (365,501 of 460,024) (Figure OFT-03).

Figure OFT-03: Percentage of Crime Guns Traced to Purchaser, 2017 – 2021



From 2017 to 2021, the percentage of crime guns traced to a purchaser varied across U.S. states (Table OFT-03a). Wisconsin had the highest percentage of crime guns traced to a purchaser (85%) followed by South Carolina, Georgia, Ohio, and Alabama. Hawaii had the lowest percentage of crime guns traced to a purchaser (60%) followed by California, New Jersey, New York, and Connecticut.

Table OFT-03a: Highest and Lowest Percentage of Crime Guns Traced to Purchaser by State, 2017 – 2021

Highest Percentages Traced to Purchaser		Lowest Percentages Traced to Purchaser	
State	Percent	State	Percent
Wisconsin	84.8%	Hawaii	60.1%
South Carolina	84.3%	California	61.9%
Georgia	84.1%	New Jersey	65.6%
Ohio	83.5%	New York	66.2%
Alabama	83.1%	Connecticut	66.5%

See Table OFT-03 in Appendix OFT—Overview of Firearm Tracing for a full ranking of U.S. states and territories by the percentage of crime guns traced to a purchaser between 2017 and 2021.

From 2017 to 2021, the percentage of crime guns traced to a purchaser also varied across selected U.S. cities (Table OFT-04a). Milwaukee had the highest percentage of crime guns traced to a purchaser (88%) followed by Orlando, Columbia, Mobile, and Jacksonville. San Diego had the lowest percentage of crime guns traced to a purchaser (58%) followed by Baltimore, Los Angeles, San Jose, and New York.

Table OFT-04a: Highest and Lowest Percentage of Crime Guns Traced to Purchaser by City, 2017 – 2021

Highest Percentages Traced to Purchaser		Lowest Percentages Traced to Purchaser	
City	Percent	City	Percent
Milwaukee, WI	88.3%	San Diego, CA	57.9%
Orlando, FL	87.6%	Baltimore, MD	60.4%
Columbia, SC	87.4%	Los Angeles, CA	63.8%
Mobile, AL	87.0%	San Jose, CA	67.1%
Jacksonville, FL	86.2%	New York, NY	67.9%

See Table OFT-04 in Appendix OFT—Overview of Firearm Tracing for a full ranking of selected U.S. cities by population grouping by the percentage of crime guns traced to a purchaser between 2017 and 2021.

Crime Guns Not Traced to a Purchaser

Table OFT-05 reflects the results of ATF attempts to trace crime guns to a purchaser.² The most frequent reasons for a trace not identifying a purchaser included: incomplete or invalid firearm information provided by the law enforcement agency submitting the request (7%; 137,765); the FFL did not have acquisition and disposition (A&D) records (5%; 95,395); the firearm was too old to trace and/or manufactured before the 1968 Gun Control Act required manufacturers to mark firearms with serial numbers (3%; 65,945); the serial numbers on the firearms were partial, incomplete, or obliterated³ (3%; 48,601); and the firearm was traced to a government agency, law enforcement agency, or the US Military (1%; 25,904).

Table OFT-05: Reasons Crime Guns are Not Traced to a Purchaser, 2017 – 2021

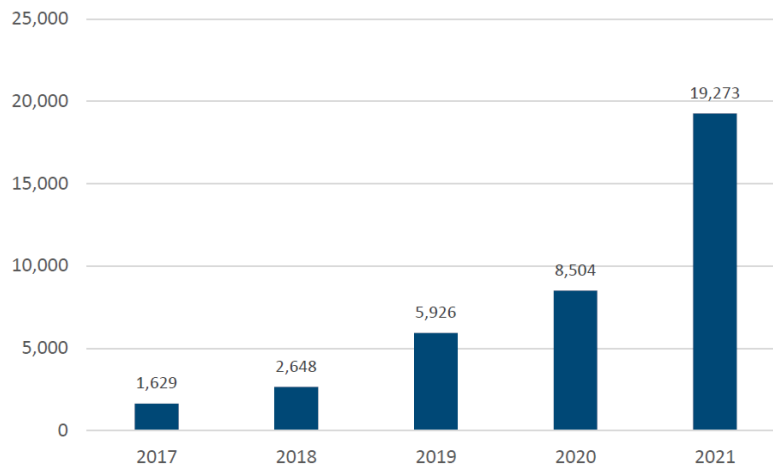
Trace Completion Status	Number	Percent
Incomplete / Invalid Firearm Information Provided	137,765	7.2%
FFL Acquisition and Disposition Record Missing	95,395	5.0%
Pre-1968 Firearm Manufacture / Too Old to Trace	65,945	3.4%
Partial/Incomplete/Obliterated Serial Number	48,601	2.5%
Traced to Government Entity, Law Enforcement Agency, or Military	25,904	1.3%
Other	66,106	3.4%
Total	439,716	

Privately Made Firearms

Law enforcement agencies recovered and submitted 37,980 suspected privately made firearms⁴ (PMFs) to ATF for tracing between 2017 and 2021. It is probable that current trace data significantly underrepresents the number of PMFs recovered in crimes by LEAs due to a variety of challenges presented by PMFs, to include:

- PMFs involvement in crime is an emerging issue and LEAs are just beginning to institute uniform training on the recognition, identification, and reporting of PMFs that can lead to more accurate PMF data being collected.
- PMFs by their nature may have no markings at all, duplicative markings, counterfeit markings, or markings that appear to be serial numbers on parts of the firearm other than the frame or receiver. These duplicative, counterfeit, or erroneous markings can be mistaken for authentic serial numbers and markings causing law enforcement to not recognize the firearm as a PMF and/or potentially follow false leads based on these markings.

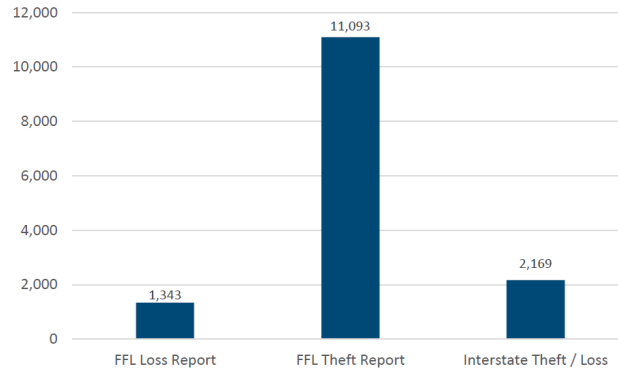
As Figure OFT-04 reflects, the number of suspected PMFs recovered by law enforcement agencies and submitted to ATF for tracing increased by 1,083% from 2017 (1,629) to 2021 (19,273). The dramatic rise in trace submissions involving PMF's reflects both increased criminal use of these firearms and enhanced awareness among law enforcement that ATF will process trace requests for PMFs. In particular, the substantial increase in PMF trace submissions since 2020 is in part attributable to education, outreach, and training that ATF has provided to LEAs on how to identify PMFs and the importance of submitting them for tracing. In September 2020, ATF issued guidance to all eTrace users explaining how to identify and trace PMFs. This guidance was formalized in the updated ATF Publication 3312.12—Police Officer's Guide to Recovered Firearms. In 2021, ATF trained more than 1,700 law enforcement personnel in approximately 14 PMF presentations across the country.

Figure OFT-04: Suspected PMFs Recovered and Traced, 2017 – 2021

Firearms Recovered and Traced Associated with Reported FFL Theft, FFL Loss, and Interstate Shipment Theft / Loss

Between 2017 and 2021, 14,605 crime guns were recovered and traced by LEAs and determined by ATF to be associated with FFL theft, FFL loss, and interstate shipment theft / loss reports. Some 11,093 crime guns were associated with FFL theft reports⁵, 1,343 were associated with FFL loss reports, and 2,169 were associated with Interstate shipment theft / loss reports⁶ (Figure OFT-05). As described in Part V of this report, FFL theft, FFL loss, and Interstate shipment theft / loss reports represent a small fraction of total firearm theft in the U.S.

Figure OFT-05: Recovered and Traced Crime Guns associated with Reported FFL Theft, FFL Loss, and Interstate Shipment Theft/Loss, 2017 – 2021



Crime Gun Traces by FFL Type

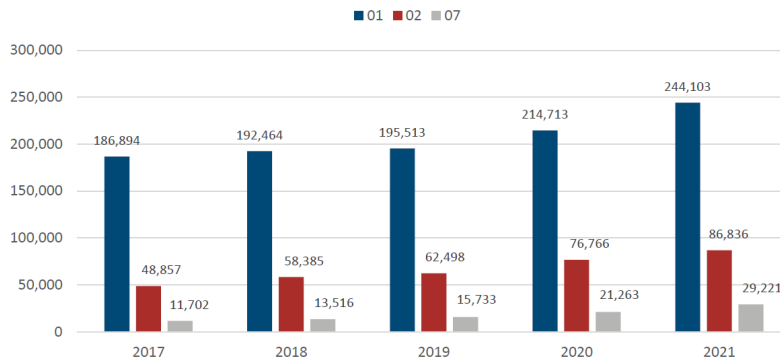
Between 2017 and 2021, 1,473,105 crime guns were traced to a known purchaser and an FFL type was also recorded. About 99% of these firearms were acquired from Type 01 (dealer), Type 02 (pawnbroker), or Type 07 (manufacturer) FFLs (1,458,464 of 1,473,105). As reflected by Table OFT-06, from 2017 to 2021, the majority of crime guns traced to a purchaser were acquired from a Type 01 FFL. Type 01 FFLs transferred 70% (1,033,687) of the crime guns during the study period. Type 02 FFLs transferred 23% (333,342) and Type 07 FFLs transferred 6% (91,435) of the crime guns traced to a purchaser during the study period. Type 08, 10, 11, 09, and 03 FFLs transferred less than 1% (4,421) of crime guns traced to a purchaser between 2017 and 2021.

Table OFT-06: Number of Crime Gun Traces to Purchaser by FFL Type, 2017 - 2021

FFL Type	Number of Traces	Percent
01	1,033,687	70.2%
02	333,342	22.6%
07	91,435	6.2%
08	10,220	0.7%
10	2,088	0.1%
11	1,222	0.1%
09	632	0.0%
03	479	0.0%
Total	1,473,105	100%

Figure OFT-06 reflects the annual number of crime guns acquired from Type 01, 02, and 07 FFLs and traced to a purchaser between 2017 and 2021. The number of crime guns traced to a purchaser acquired from a Type 01 FFL increased by 31% from 2017 (186,894) to 2021 (244,103). The number of crime guns traced to a purchaser acquired from a Type 02 FFL increased by 78% from 2017 (48,857) to 2021 (86,836). The number of crime guns traced to a purchaser acquired from a Type 07 FFL increased by 150% from 2017 (11,702) to 2021 (29,221).

Figure OFT-06: Traced Crime Guns Acquired from Type 01, 02, and 07 FFLs, 2017 – 2021



During the study period, nearly all crime gun traces, in which a purchaser was identified, were acquired from Type 01, 02, and 07 FFLs (Figure OFT-07). As shown in Figure OFT-08, the annual percentage of traced crime guns acquired from Type 01 FFLs declined by eight percentage points from 75% in 2017 to 67% in 2021 (reflecting a 10% decrease in share of traced crime guns). The yearly percentage of traced crime guns sold by Type 02 FFLs increased by four percentage points from almost 20% in 2017 to 24% in 2021 (reflecting a 22% increase in share of traced crime guns). The yearly percentage of traced crime guns sold by Type 07 FFLs increased by three percentage points from about 5% in 2017 to 8% in 2021 (reflecting a 70% increase in share of traced crime guns).

Figure OFT-07: Percentage of Traced Crime Guns Acquired from Type 01, 02, and 07 FFLs, 2017 – 2021

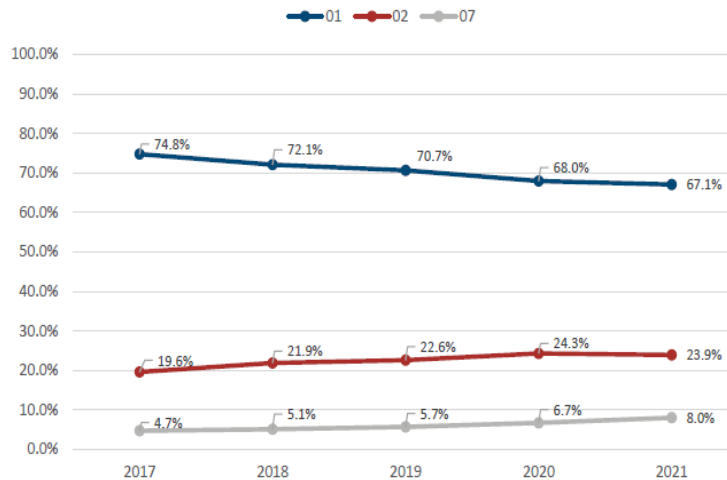
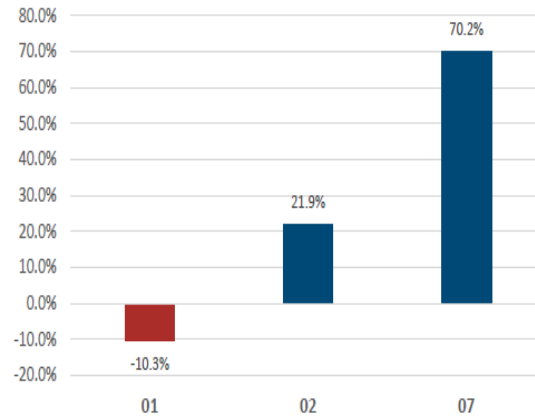


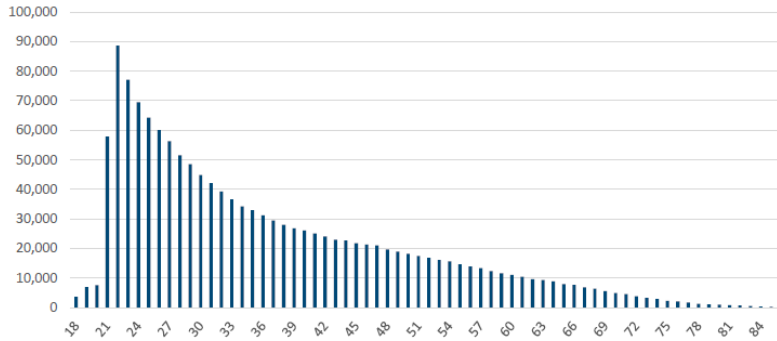
Figure OFT-08: Total Percent Change in Traced Crime Guns Acquired from Type 01, 02, and 07 FFLs, 2017-2021



Purchaser Age and Gender

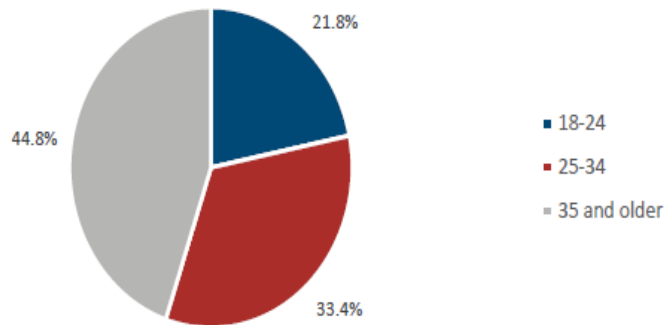
The Gun Control Act, Title 18 U.S.C. § 922(b)(1) provides that FFLs may only transfer shotguns and rifles to persons over the age of 18 and handguns to persons over the age of 21. The age of the purchaser was determined in almost 97% (1,430,479) of the 1,482,861 recovered crime guns traced to a purchaser. Purchaser ages ranged from 18 through more than 86 years old with individuals in their twenties and early thirties representing the most frequent purchasers of traced crime guns (Figure OFT-09). The most frequent age of a purchaser of a crime gun was 22 years old (88,718) with purchasers between 21 and 25 years-old accounting for almost as many traced crime guns (357,489) as all purchasers ages 45 and older (371,469).

Figure OFT-09: Purchaser Age for Traced Crime Guns, 2017 – 2021



Aggregating this data into three age groupings, youths ages 18 to 24 represented 22% (311,536) of the identified crime gun purchasers, young adults ages 25-34 represented 33% (477,966) of the identified crime gun purchasers, and adults ages 35 and older accounted for the remaining 45% (640,977) of the identified purchasers (Figure OFT-10).

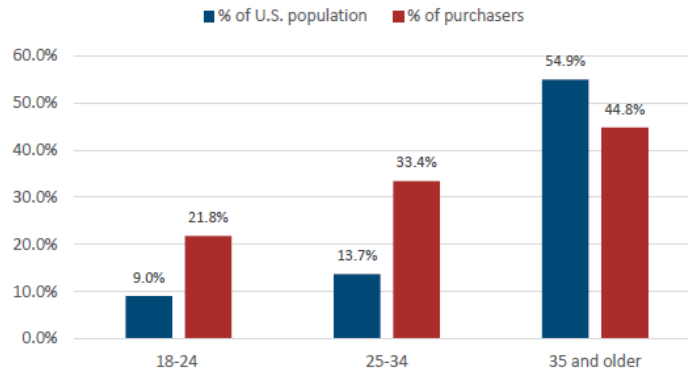
Figure OFT-10: Purchaser Age Groupings for Traced Crime Guns, 2017 – 2021



According to the 2020 U.S. Census,⁷ residents ages 18 to 24 represented 9%, residents ages 25 to 34 represented 14%, and residents ages 35 and older repre-

sented 55% of the U.S. population, respectively. As reflected in Figure OFT-11, the youth and young adult age groupings are over-represented among purchasers of traced crime guns.

Figure OFT-11: U.S. Population and Purchaser Percentages by Age Groupings, 2017 - 2021



The percentages of traced crime guns purchased by individuals in these three age groupings were generally stable through 2019 (Figure OFT-12). Over the next three years, the percentage of traced crime guns purchased by youths ages 18 to 24 increased by three percentage points from 2019 (21%) to 2021 (24%), reflecting a 17% increase in the share of crime guns purchased by this age group. The percentage of traced crime guns purchased by young adults ages 25 to 34 increased by two percentage points from 2019 (33%) to 2021 (35%), reflecting a 6% increase in the share of guns purchased by this age group, and the percentage of trace guns purchased by older adults ages 35 and older decreased by five percentage points from 2019 (47%) to 2021 (42%), reflecting an 11% decrease in the share of crime guns purchased by this age group (see Figure OFT-13).

Figure OFT-12: Percentage of Traced Crime Guns by Purchaser Age Group, 2017 – 2021

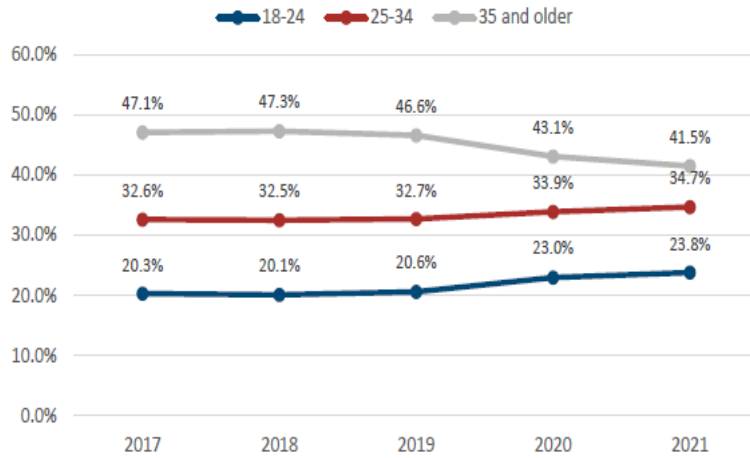
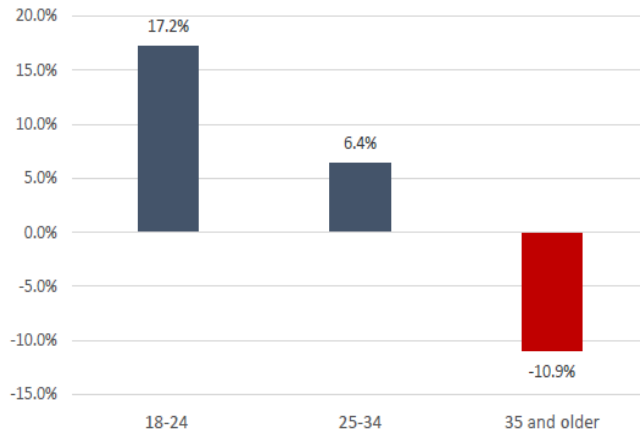


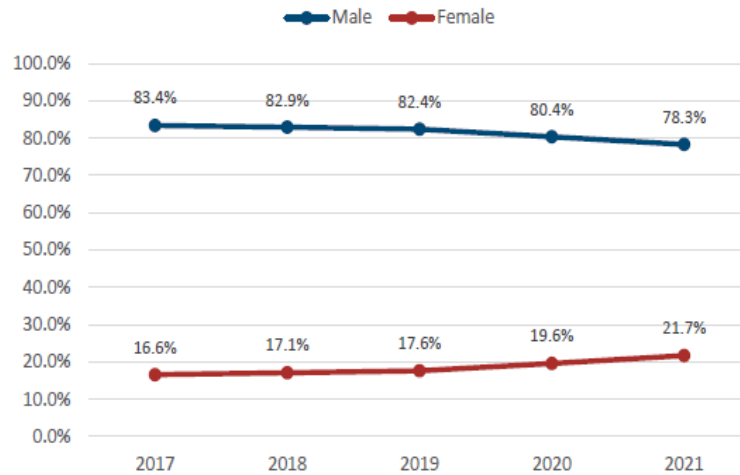
Figure OFT-13: Total Percent Change in Traced Crime Guns by Purchaser Age Group, 2019 - 2021



The gender of the purchaser was determined in nearly all (94%; 1,397,812) of the 1,482,861 recovered crime guns traced to a purchaser between 2017 and 2021. Males purchased a larger share of traced crime guns (81%; 1,134,736) while females purchased a smaller

share of traced crime guns (19%; 263,060) during the study period⁸. However, as reflected in Figure OFT-14, the percentage of traced crime guns purchased by females increased by five percentage points from 2017 (17%) to 2021 (22%), representing a 31% increase in the share of traced crime guns purchased by females. The percentage of traced crime guns purchased by males decreased by a corresponding five percentage points from 2017 (83%) to 2021 (78%), representing a 6% decrease in the share of traced crime guns purchased by males.

Figure OFT-14: Percentage of Traced Crime Guns by Purchaser Gender, 2017 – 2021

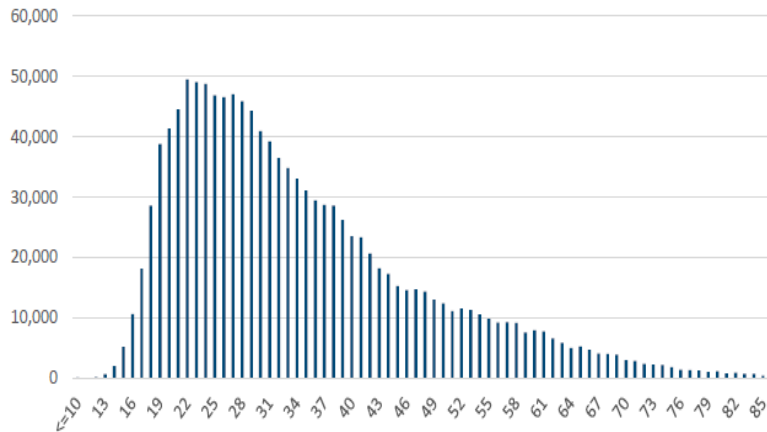


Possessor Age and Gender

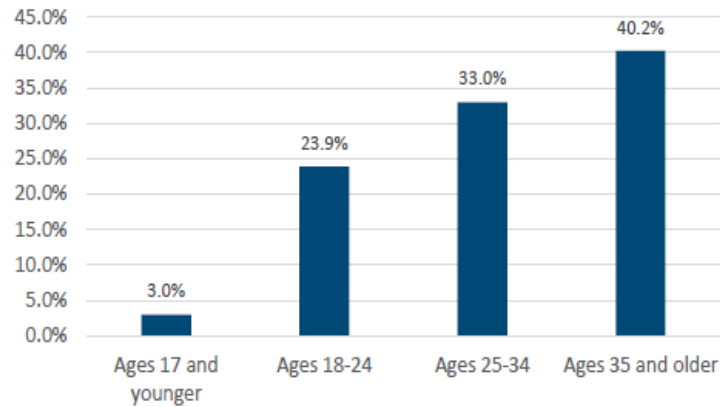
The age of the possessor was determined in 65% (1,258,340) of the 1,922,577 crime guns recovered by law enforcement agencies and submitted for tracing between 2017 and 2021. Possessor ages ranged from 10 and younger through more than 86 years old with the individuals in their late teens, twenties, and early thir-

ties representing the most frequent possessors of traced crime guns (Figure OFT-15).

Figure OFT-15: Possessor Age for Traced Crime Guns, 2017 - 2021

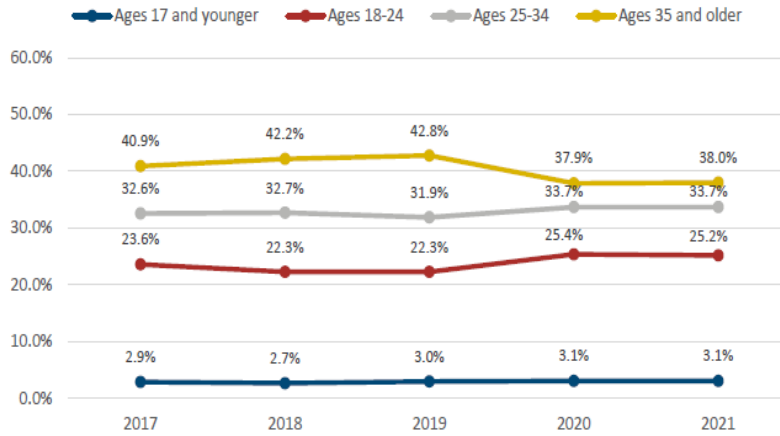


As shown in Figure OFT-16, 60% (752,903) of the traced crime gun possessors were 34 years old or younger: 33% (414,996) were ages 25 to 34, 24% (300,501) were ages 18 to 24, and only 3% (37,406) were ages 17 and younger. According to data from the 2020 U.S. Census,⁹ residents ages 17 and younger represented 22%, residents ages 18 to 24 represented 9%, residents ages 25 to 34 represented 14%, and residents ages 35 and older represented 55% of the U.S. population.

Figure OFT-16: Possessor Age Categories for Traced Crime Guns, 2017 – 2021

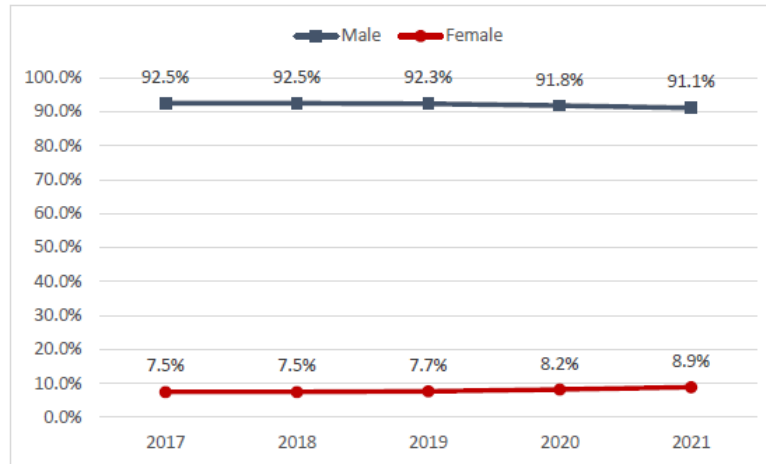
The percentages of traced crime guns possessed by individuals in these four age groupings were generally stable through 2019 (Figure OFT-17). Over the next three years, the percentage of traced crime guns possessed by juveniles ages 17 and younger and by adults ages 25 to 34 remained relatively flat. However, the percentage possessed by youths ages 18 to 24 increased by three percentage points from 2019 (22%) to 2021 (25%), reflecting a 14% increase in the share of crime guns possessed in this age group. The percentage possessed by adults ages 35 and older declined by five percentage points from 2019 (43%) to 2021 (38%), reflecting a 11% decrease in the share of crime guns possessed in this age group.

Figure OFT-17: Percentage of Traced Crime Guns by Possessor Age Group, 2017 – 2021



The gender of the possessor was recorded in 58% (1,124,275) of the 1,922,577 crime guns recovered by LEAs and submitted for tracing between 2017 and 2021. Males possessed most of the traced crime guns (91%; 1,034,303) while females possessed a very small share of traced crime guns (9%; 89,972) during the study period. As reflected in Figure OFT-18, the overwhelmingly large percentage of traced crime guns possessed by males remained stable between 2017 and 2021.

Figure OFT-18: Percentage of Traced Crime Guns by Possessor Gender, 2017 – 2021

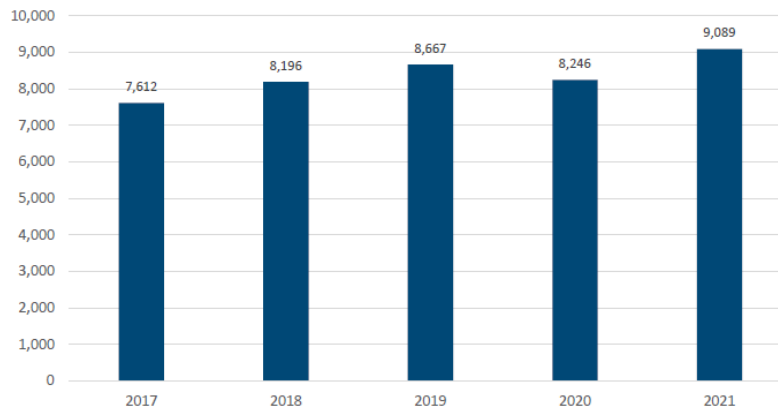


Crime Guns Acquired from an FFL at a Gun Show

As defined in 27 C.F.R. § 478.100(b), a gun show or an event is a function sponsored by any national, state, or local organization, devoted to the collection, competitive use, or other sporting use of firearms, or an organization or association that sponsors functions devoted to the collection, competitive use, or other sporting use of firearms in the community. Only FFLs licensed in the state of the gun show are authorized to transfer firearms. Any firearm transfers made by these FFLs at gun shows are documented on the ATF Form 4473. All other FFLs may only display firearms and take orders. All out-of-state FFLs must return to their licensed business premises prior to transferring any firearms. Unless prohibited by state law, unlicensed individuals are allowed to sell firearms at gun shows, provided they are not engaged in the business of selling firearms with the principal objective of livelihood and profit as defined in 27 C.F.R. § 478.11.¹⁰ Federal law does not require unlicensed persons who are not engaged in the business of

dealing firearms to maintain records of firearms sold at gun shows, nor are such unlicensed persons required to complete background checks on a purchaser.

Between 2017 and 2021, only 3% (41,810) of the 1,482,861 crime guns traced to a purchaser were acquired from FFLs at a gun show. It is important to recognize that this figure does not represent the total percentage of recovered crime guns that were sold at a gun show during the study period as private citizens and unlicensed dealers sell firearms at gun show venues. National data, however, are not available on unregulated firearm transfers at gun shows. Figure OFT-19 presents the yearly counts of crime guns traced to a purchaser that were known to be acquired from FFLs at gun shows. The number of traced crime guns acquired from FFLs at gun shows increased by 14% from 2017 (7,612) to 2019 (8,667). The number of traced crime guns acquired from FFLs at gun shows then decreased by 5% in 2020 (8,246), most likely due to local restrictions on gun shows associated with the COVID-19 pandemic. Overall, the number of traced crime guns acquired from FFLs at gun shows increased by 19% from 2017 (7,612) to 2021 (9,089).

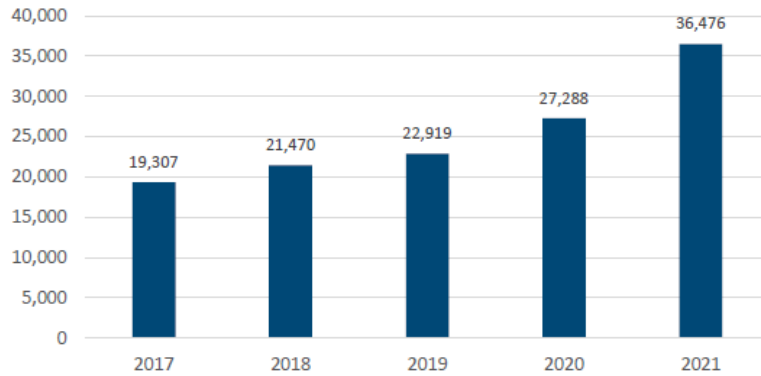
Figure OFT-19: Traced Crime Guns Acquired from FFLs at Gun Shows, 2017 – 2021

Traces Associated with Multiple Sales Transactions

FFLs are required to complete and submit a report of multiple sales or other dispositions whenever the licensee sells or otherwise disposes of, at one time or during any five consecutive business days, two or more pistols, or revolvers, or any combination of pistols and revolvers totaling two or more, to an unlicensed person. Additionally, Type 01 and 02 FFLs located in Arizona, California, New Mexico, and Texas are required to complete and submit a multiple sales report when an unlicensed person acquires, at one time or during five consecutive business days, two or more semi-automatic rifles larger than .22 caliber (including .223/5.56 caliber) with the ability to accept a detachable magazine.

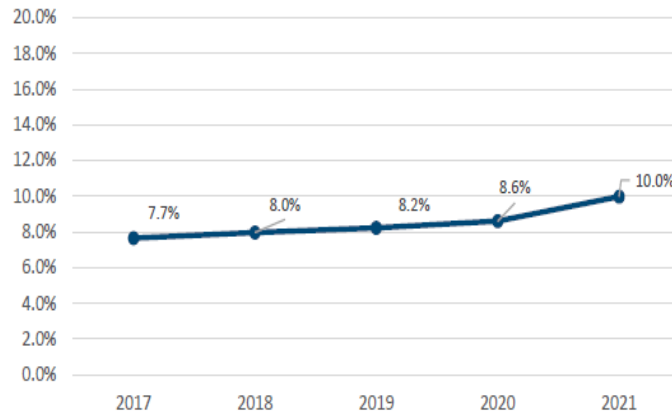
Slightly less than 9% (127,460) of the 1,482,861 crime guns traced to a purchaser were part of a multiple sale transaction. The yearly number of crime guns traced to a purchaser that were part of a multiple sale transaction increased by almost 89% from 2017 (19,307) to 2021 (36,476) (Figure OFT-20).

Figure OFT-20: Traced Crime Guns Associated with a Multiple Sale, 2017 – 2021



The yearly share of traced crime guns associated with a multiple sale increased more modestly from almost 8% in 2017 (19,307) to 10.0% (36,476) in 2021, reflecting a 25% increase in the annual percentage (Figure OFT-21).

Figure OFT-21: Percentage of Traced Crime Guns Associated with a Multiple Sale, 2017 – 2021



Summary of Crime Gun Tracing

The annual number of crime gun trace requests made by LEAs increased by more than a third from nearly 340,000 in 2017 to more than 460,000 in 2021. This trend generally follows increases in the numbers of GCA firearms domestically manufactured and imported into the U.S. over the past decade.¹¹ ATF was able to trace more than three-fourths of recovered crimes to a purchaser during the study period. Importantly, the percentage of submitted crime guns traced to a purchaser increased from 75% in 2017 to 80% in 2021. The annual number of suspected PMFs recovered by LEAs and submitted for tracing grew very rapidly from about 1,600 in 2017 to more than 19,000 in 2021. ATF also determined that more than 14,600 recovered and traced crime guns were associated with reported FFL theft, FFL loss, and interstate shipment theft or loss reports.

Nearly all crime guns traced to an FFL with a known purchaser were acquired from Type 01, 02, or 07 FFLs with 70% acquired from Type 01 FFLs. FBI National Instant Check System data analyses shows that Type 01, 02, and 07 FFLs account for nearly all firearm transfers with 01 FFLs generating 75% of firearm transfers.¹² Very small proportions of recovered and traced crime guns were acquired from an FFL at a gun show or sold to a purchaser as part of a multiple sale transaction. Males purchased and possessed very large percentages of crime guns. Relative to the share of the U.S. population in the 18 to 24 and 25 to 34 age groups, traced crime guns were disproportionately purchased and possessed by people in these younger age categories.

Characteristics of Traced Crime Guns

Types of Traced Crime Guns

Between 2017 and 2021, pistols were the most frequently traced crime gun (Table CCG-01). Of the 1,922,577 traced crime guns, pistols accounted for 68% (1,306,804), rifles accounted for 12% (237,532), revolvers accounted for 11% (211,590), and shotguns accounted for 7% (133,024).

Table CCG-01: Types of Traced Crime Guns, 2017 – 2021

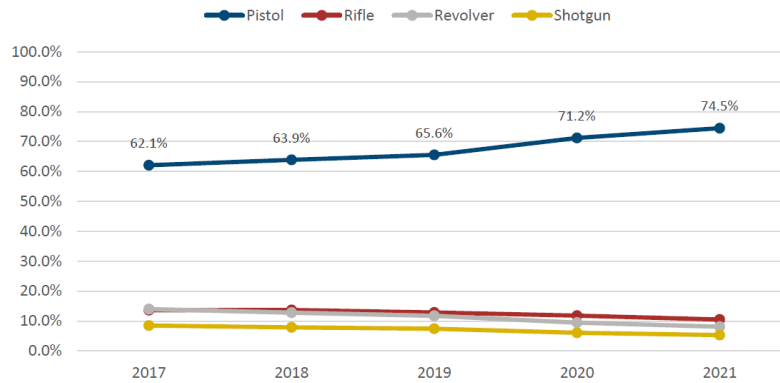
Firearm Type	Number	Percent
Pistol	1,306,804	68.0%
Rifle	237,532	12.4%
Revolver	211,590	11.0%
Shotgun	133,024	6.9%
Other / Unknown	33,627	1.7%
Total	1,922,577	100.0%

The percentage of traced pistols increased by 12 percentage points from 2017 (62%) to 2021 (75%), representing a 20% increase in market share for pistols. The percentage of revolvers, rifles, and shotguns among traced crime guns all declined over the study period (Table CCG-02 and Figure CCG-01).

Table CCG-02: Percentage of Traced Crime Guns by Type, 2017 – 2021

Firearm Type	2017	2018	2019	2020	2021
Pistol	62.1%	63.9%	65.6%	71.2%	74.5%
Rifle	13.6%	13.7%	12.9%	11.8%	10.5%
Revolver	14.0%	12.8%	11.7%	9.5%	8.1%
Shotgun	8.5%	7.9%	7.4%	6.1%	5.3%

Figure CCG-01: Percentage of Traced Crime Guns by Type, 2017 – 2021



Between 2017 and 2021, the percentage of crime gun traces, by major firearm type, varied across the 50 U.S. states and territories. As reflected in Table CCG-03a, Ohio had the highest percentage of pistols (76%) among crime gun traces during the study period among the 50 U.S. states. Moreover, New Jersey had the largest percentage of revolver type crime guns traced (18%) while Montana had the highest percentages of rifle type crime guns traced (33%), and Vermont had the highest percentage of shotgun type crime guns traced among the 50 U.S. states (14%).

Table CCG-03a: Most Frequent Percentages by Type of Traced Crime Guns by State, 2017 - 2021

State	% Pistols	State	% Revolvers	State	% Rifles	State	% Shotguns
Ohio	76.3%	New Jersey	17.6%	Montana	32.7%	Vermont	14.4%
Missouri	75.9%	New York	17.2%	Hawaii	31.7%	Maryland	14.1%
Georgia	75.1%	Connecticut	15.0%	Vermont	27.5%	Maine	12.7%
Wisconsin	75.0%	Rhode Island	13.3%	South Dakota	25.7%	North Dakota	12.7%
Illinois	74.9%	California	13.3%	Wyoming	25.6%	Nebraska	12.4%

See Table CCG-03 in Appendix CCG—Characteristics of Crime Guns for the percentage of traced crime guns by firearm type in all U.S. states and territories during the study period.

The percentage of traced crime guns by type of firearm also varied across selected U.S. cities between 2017 and 2021. As reflected in Table CCG-04a, Atlanta had the highest percentage of pistols (85%), New York had the largest percentage of revolvers (19%), San Diego had the highest percentages of rifles (15%), and Baltimore had the highest percentage of shotguns (10%).

Table CCG-04a: Most Frequent Percentages by Type of Traced Crime Guns by City, 2017 - 2021

City	% Pistols	City	% Revolvers	City	% Rifles	City	% Shotguns
Atlanta, GA	85.4%	New York, NY	18.7%	San Diego, CA	15.3%	Baltimore, MD	9.8%
Cleveland, OH	84.0%	Baltimore, MD	17.6%	San Bernardino, CA	14.5%	San Bernardino, CA	8.5%
New Orleans, LA	83.0%	Los Angeles, CA	15.2%	Shreveport, LA	12.4%	San Diego, CA	7.8%
Milwaukee, WI	82.1%	San Diego, CA	14.3%	San Jose, CA	11.7%	Winston-Salem, NC	7.6%
Saint Louis, MO	81.7%	Winston-Salem, NC	13.0%	Baltimore, MD	11.5%	San Jose, CA	7.2%

See Table CCG-04, in Appendix CCG—Characteristics of Crime Guns, for a complete list of percentage and count of traced crime guns recovered by firearm type in selected U.S. cities from 2017 through 2021.

Calibers of Traced Crime Guns

There were 1,306,804 pistol type crime guns traced between 2017 and 2021. As indicated by Table CCG-05, the top 10 calibers of traced pistols accounted for almost 98% (1,276,004) of all traced pistols. Nearly 50% (647,014) of the traced pistols were 9mm, while .40 cali-

ber accounted for 17% (219,112), .380 accounted for 12% (151,105), and .45 caliber accounted for 10% (128,049).

Table CCG-05: Top 10 Calibers of Traced Pistols, 2017 – 2021

Caliber	Number	Percent
9mm	647,014	49.5%
.40	219,112	16.8%
.380	151,105	11.6%
.45	128,049	9.8%
.22	62,744	4.8%
.25	31,591	2.4%
.32	11,747	0.9%
7.62mm	10,713	0.8%
10mm	6,989	0.5%
5.56mm	6,940	0.5%

There were 237,532 rifle type crime guns traced between 2017 and 2021. As reflected in Table CCG-06, the top 10 calibers of traced rifles accounted for slightly more than 82% (196,033) of all traced rifles. Specifically, .22 caliber accounted for 30% (70,872), 5.56mm accounted for 13% (31,406), and 7.62mm accounted for 9% (27,930).

Table CCG-06: Top 10 Calibers of Traced Rifles, 2017 – 2021

Caliber	Number	Percent
.22	70,872	29.8%
5.56mm	31,406	13.2%
7.62mm	27,930	11.8%
.223	21,180	8.9%
Multiple	10,397	4.4%
.30-06	8,587	3.6%
.308	7,766	3.3%
.30-30	7,243	3.0%
9mm	6,530	2.7%
.270	4,122	1.7%

There were 211,590 revolver type crime guns traced between 2017 and 2021. The top 10 calibers of traced revolvers accounted for almost 98% (206,803) of all traced revolvers. The .38 caliber (41%), .22 caliber (23%), and the .357 (19%) accounted for 83% (173,760) of all revolver type crime guns. Table CCG-07 provides the top 10 revolver calibers of traced crime guns.

Table CCG-07: Top 10 Calibers of Traced Revolvers, 2017 – 2021

Caliber	Number	Percent
.38	86,793	41.0%
.22	47,779	22.6%
.357	39,188	18.5%
.32	13,806	6.5%
.44	9,150	4.3%
.45/410 GA	5,203	2.5%
.45	3,209	1.5%
9mm	721	0.3%
.41	620	0.3%
.500	334	0.2%

There were 133,024 shotgun type crime guns traced between 2017 and 2021. The top five gauges of traced shotguns accounted for almost 98% (130,224) of all traced shotguns. The 12 gauge (76%), .20 gauge (13%), and the .410 (6%) accounted for more than 95% (126,651) of all shotgun type crime guns. Table CCG-08 provides the top five shotgun gauges of traced shotguns.

Table CCG-08: Top Five Gauges of Traced Shotguns, 2017 – 2021

Gauge	Number	Percent
12 GA	100,688	75.7%
20 GA	17,748	13.3%
410 GA	8,215	6.2%
16 GA	3,125	2.3%
10 GA	448	0.1%

Manufacturers of Traced Crime Guns

NOTE: Data analysis identifying firearm manufacturers whose firearms were most frequently recovered in crimes does not imply any illegal activity by the manufacturer and may be attributable to several factors to include production and sales volume, pricing, and brand reputation.

Of the 1,306,804 pistol type crime guns traced between 2017 and 2021, nearly 20% (255,055) were manufactured by Glock. The top five manufacturers of traced pistols accounted for almost 60% (779,566) of all traced pistols. Other top manufacturers of traced pistols were Smith & Wesson (14%), Taurus (12%), Sturm Ruger (9%), and HS Produkt¹³ (5%). Table CCG-09 provides the top five manufacturers of pistol type crime guns traced during the study period.

Table CCG-09: Top Five Manufacturers of Traced Pistols, 2017 – 2021

Manufacturer	Number	Percent
Glock	255,055	19.6%
Smith & Wesson	182,728	14.0%
Taurus	159,360	12.2%
Sturm Ruger	113,654	8.7%
HS Produkt	68,769	5.3%

As reflected in Table CCG-10, of the 237,532 rifle type crime guns traced between 2017 and 2021, the top five manufacturers were Marlin (9%), Sturm Ruger (9%),

Remington (8%), Savage Arms (6%), and Winchester (5%). The top five manufacturers of traced rifles accounted for almost 37% (87,507) of all traced rifles.

Table CCG-10: Top Five Manufacturers of Traced Rifles, 2017 – 2021

Manufacturer	Number	Percent
Marlin	21,435	9.0%
Sturm Ruger	21,378	9.0%
Remington	17,700	7.5%
Savage Arms	14,911	6.3%
Winchester	12,083	5.1%

Of the 211,590 revolver type crime guns traced between 2017 and 2021, nearly 26% (54,377) were manufactured by Smith & Wesson. Other top manufacturers of traced revolvers included Taurus (16%), Sturm Ruger (11%), Colt (5%), and Harrington & Richardson (5%). The top five manufacturers of traced revolvers accounted for 63% (133,311) of all traced revolvers (Table CCG-11).

Table CCG-11: Top Five Manufacturers of Traced Revolvers, 2017 – 2021

Manufacturer	Number	Percent
Smith & Wesson	54,377	25.7%
Taurus	33,542	15.9%
Sturm Ruger	23,278	11.0%
Colt	11,449	5.4%
Harrington & Richardson	10,665	5.0%

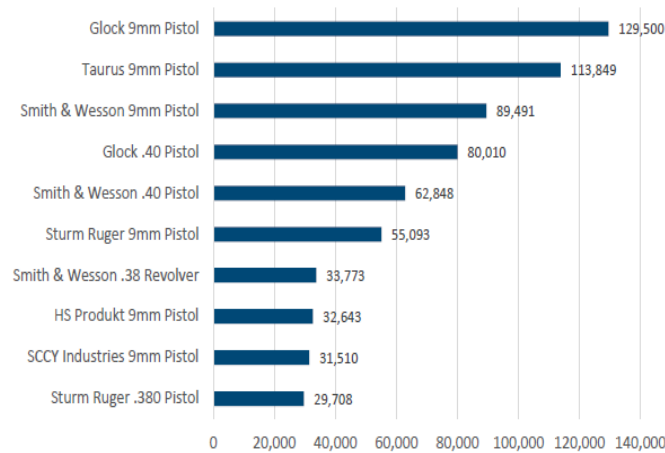
Of the 133,024 shotgun type crime guns traced between 2017 and 2021, more than 20% (26,964) were manufactured by Mossberg. Other top manufacturers of traced shotguns include Remington (16%), Winchester (8%), Savage Arms (7%), and Maverick Arms (6%). The top five manufacturers of traced shotguns accounted for almost 58% (76,730) of all traced shotguns (Table CCG-12).

Table CCG-12: Top Five Manufacturers of Traced Shotguns, 2017 – 2021

Manufacturer	Number	Percent
Mossberg	26,964	20.3%
Remington	21,748	16.3%
Winchester	10,701	8.0%
Savage Arms	9,174	6.9%
Maverick Arms	8,143	6.1%

Traced Crime Guns by Manufacturer, Type and Caliber

The top ten most frequently traced crime guns by manufacturer, type, and caliber combinations accounted for 34% (658,425) of the 1,922,577 crime guns traced between 2017 and 2021 (Figure CCG-02). The Glock 9mm pistol was the most frequently traced crime gun by make, type and caliber, accounting for almost 7% of all crime guns (129,500 of 1,922,577) traced during the study period.

Figure CCG-02: Top Ten Traced Crime Guns by Manufacturer, Type, and Caliber Combination, 2017 – 2021

Types and Calibers of Traced PMFs

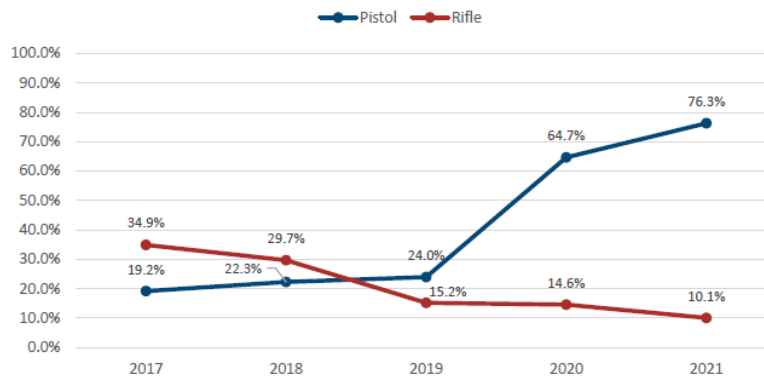
Pistols represented the most frequently recovered suspected PMF submitted to ATF for tracing by LEAs between 2017 and 2021 (Table CCG-13). Of the 37,980 recovered and traced suspected PMFs, pistols accounted for 59% (22,546), rifles accounted for 14% (5,446), machine guns accounted for 12% (4,459), firearm receivers or frames accounted for 4% (1,588), and silencers accounted for 1% (345).

Table CCG-13: Recovered and Traced Suspected PMFs by Weapon Type, 2017 – 2021

Firearm Type	Number	Percent
Pistol	22,546	59.4%
Rifle	5,446	14.3%
Machinegun	4,459	11.7%
Receiver / Frame	1,588	4.2%
Silencer	345	0.9%
Other / Unknown	3,596	9.5%
Total	37,980	100.0%

Figure CCG-03 presents the annual percentage of suspected PMFs recovered for the two most frequently recovered firearm types, pistols, and rifles. The percentage of pistols increased by 57 percentage points from 2017 (19%; 312) to 2021 (76%; 14,713), representing a 297% increase in the market share of these suspected PMFs. In contrast, the percentage of rifles declined by 25 percentage points from 2017 (35%; 569) to 2021 (10%; 1,950), representing a 71% decrease in the market share of these PMFs.

Figure CCG-03: Percentage of Suspected PMF Pistols and Rifles Recovered and Traced, 2017 – 2021



Due to the lack of required markings, and law enforcement's unfamiliarity with PMFs, complete tracing information is lacking. Nearly 33% (12,497) of all recovered and traced suspected PMFs did not have a known caliber listed. However, based on the tracing data received between 2017 and 2021, 46% (17,365) of all PMFs recovered and traced were 9mm, 6% (2,327) were .40 caliber, 6% (2,225) were .223 caliber, and 4% (1,412) were 5.56mm.

Since PMFs are not manufactured by FFLs, the firearm is not subject to the same marking requirements. With the enactment of Final Rule 2021R-05F, beginning in August 2022, any PMF that enters regulated commerce must be identified through required markings by an FFL prior to being further transferred. When tracing a PMF, law enforcement is encouraged to provide any identifying information found on the PMF. More than 56% (21,374) of the PMFs recovered and traced during the study period did not list any information regarding the manufacturer of any part of the firearm. However, of the PMFs with a manufacturer name iden-

tified, more than 88% (14,675) were identified as Polymer80, Inc.

Summary of Characteristics of Crime Guns

Pistols were the most dominant type of firearm domestically manufactured, imported into the U.S., and transferred by licensed dealers between 2016 and 2020.¹⁴ Pistols represented nearly 70% of the crime guns traced between 2017 and 2021. The percentage of pistols recovered in crimes and submitted for tracing by LEAs increased from 62% in 2017 to 75% in 2020. 9mm, .40, .380, and .45 caliber pistols were the most frequently traced pistol calibers. The top manufacturers of traced pistols include Glock, Smith & Wesson, Taurus, Sturm Ruger, and HS Produkt. Pistols also represented almost 60% of the PMFs recovered in crimes and submitted to ATF for tracing between 2017 and 2021. Other frequently recovered types of PMFs included rifles (14%), machineguns (12%), and firearm receivers or frames (4%). Polymer 80, Inc. was the most frequently identified manufacturer of PMFs.

Indicators of Firearms Trafficking

Time-to-Crime of Traced Crime Guns

As described in Part II of this report, the GCA ensures that a firearm can be traced from an FFL to the first retail purchaser. If, after the first retail purchase, the firearm re-enters regulated commerce, the tracing process may identify additional unlicensed purchasers beyond the first retail purchaser. These unlicensed secondary purchasers are commonly referred to as the last known purchaser. An important consideration in understanding firearms trafficking is the length of time between the date of a firearm's last known purchase (of-

ten to the first retail purchaser or, when additional transfer information is available to the last known purchaser) to the date of its recovery by law enforcement as a crime gun. This is referred to as time-to-crime (TTC). A short TTC can be an indicator of illegal firearms trafficking. Focusing on these firearms can produce significant trafficking trends and patterns in recently transferred firearms. Investigating crime guns with a short TTC allows law enforcement to seek out sources of recently transferred crime guns and disrupt the flow of illegal firearms through identified trafficking channels.

TTC was calculated for nearly all (1,479,046) of the 1,482,861 firearms traced to a purchaser between 2017 and 2021. For the entire study period, the median TTC was 1,293 days or slightly more than three years, meaning that half of the traced crime guns were purchased within this time period.¹⁵ Figure IFT-01 displays the cumulative percent of traced crime guns by years since purchase and shows that 54% of traced crime guns were recovered by law enforcement more than three years after their purchase, while nearly 46% were recovered less than three years after their purchase. As shown in Figure IFT-02, about 25% of traced crime guns were recovered within one year of their purchase.

Figure IFT-01: Cumulative Percentage of Traced Crime Guns by TTC (Years), 2017 – 2021

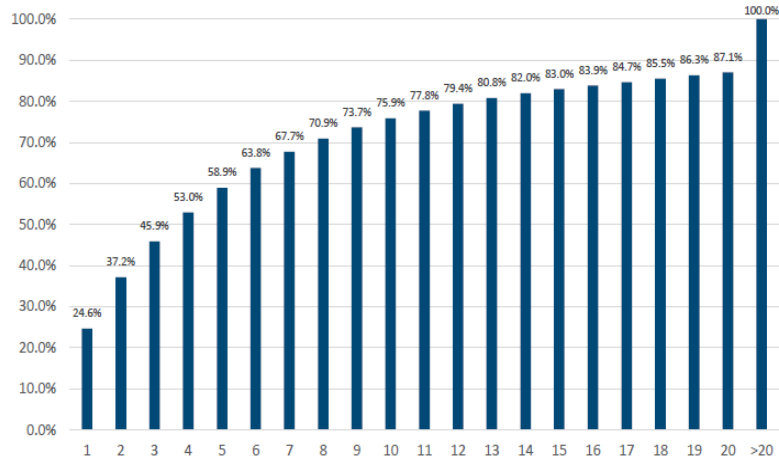


Figure IFT-02: Percentage of Traced Crime Guns by TTC (Years), 2017 – 2021

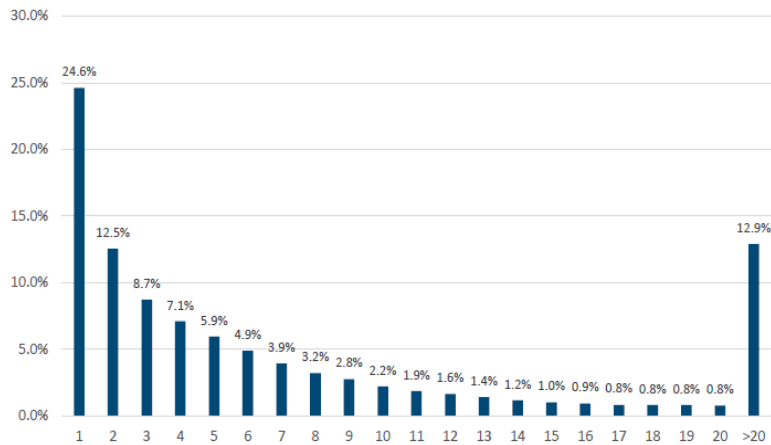


Figure IFT-03 presents the TTC distribution with greater detail in the time categories under three years. During the study period, many crime guns moved very quickly from purchase to recovery in a crime: 9% (137,555) were recovered under three months, 6% (90,642) were recovered between three months and un-

der seven months, 9% (137,957) were recovered between seven months and under one year, 13% (185,281) were recovered between one year and under two years, and 9% (128,788) were recovered between two years and under three years.

Figure IFT-03: Percentage of Traced Crime Guns by TTC Categories, 2017 – 2021

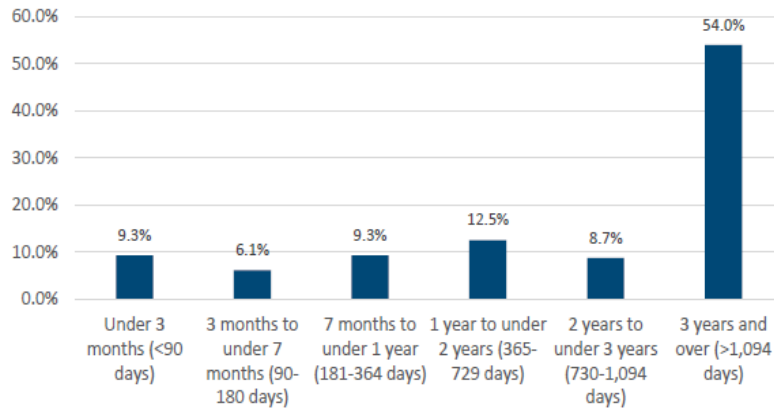
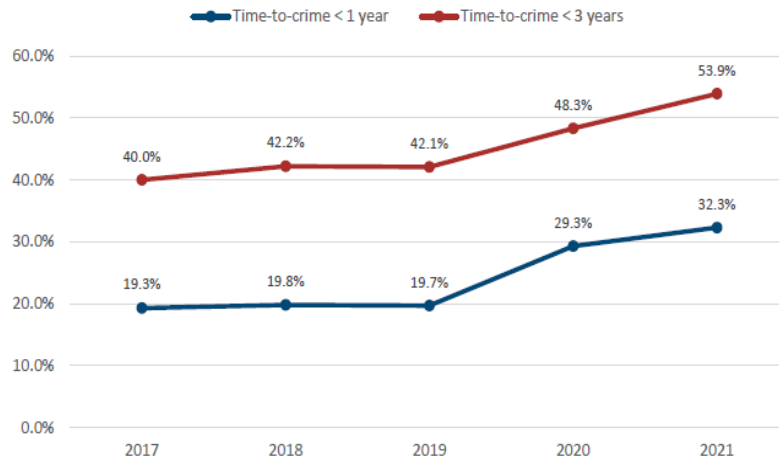


Figure IFT-04 presents the annual percentage of traced crime guns that were recovered within one year of purchase and recovered within three years of purchase between 2017 and 2021. The percentage of traces with a TTC less than one year was relatively stable between 2017 and 2019. However, this percentage increased by 12 percentage points from 2019 (20%) to 2021 (32%), reflecting a 64% increase in the share of traced guns with TTC less than one year. The percentage of crime guns recovered within three years of purchaser increased by 12 percentage points from 2019 (42%) to 2021 (54%), reflecting a 28% increase in the share of traced guns with TTC less than three years. This was driven almost entirely by an increase in traced guns with TTC of less than one year.

Figure IFT-04: Less Than One-Year TTC vs Less Than Three-Year TTC, 2017 – 2021



Median TTC varied considerably across U.S. states from 2017 to 2021 (Table IFT-01a). Virginia had the shortest median TTC (1.6 years) followed by Michigan, Arizona, Missouri, and Mississippi. Hawaii had the longest median TTC at 7.5 years followed by Connecticut, New York, New Jersey, and Maryland.

Table IFT-01a: U.S. States with Shortest and Longest Median TTC, 2017 – 2021

State	Shortest TTC States		Longest TTC States	
	State	Median TTC (Years)	State	Median TTC (Years)
Virginia	Virginia	1.6	Hawaii	7.5
Michigan	Michigan	2.0	Connecticut	5.9
Arizona	Arizona	2.1	New York	5.7
Missouri	Missouri	2.2	New Jersey	5.3
Mississippi	Mississippi	2.2	Maryland	5.0

See Table IFT-01 in Appendix IFT—Indicators of Firearm Trafficking for a list of the median TTC (years) for the 50 U.S. states and territories during the study period.

Median TTC also varied considerably across selected U.S. cities from 2017 to 2021 (Table IFT-02a). Richmond had the shortest median TTC (1.5 years) followed

by Detroit, Columbia, and Phoenix. Memphis and Saint Louis both had a median TTC of 1.9 years. New York had the longest median TTC at 6.3 years, followed by Baltimore and San Jose. San Bernardino, San Diego, and Los Angeles all had a median TTC of 4.2 years.

Table IFT-02a: U.S. Cities with Shortest and Longest Median TTC, 2017 – 2021

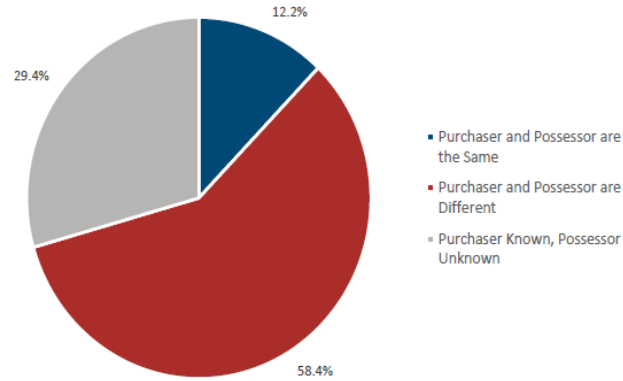
Shortest TTC States		Longest TTC States	
City	Median TTC (Years)	City	Median TTC (Years)
Richmond, VA	1.5	New York, NY	6.3
Detroit, MI	1.6	Baltimore, MD	5.3
Columbia, SC	1.7	San Jose, CA	4.6
Phoenix, AZ	1.8	San Bernardino, CA	4.2
Memphis, TN	1.9	San Diego, CA	4.2
Saint Louis, MO	1.9	Los Angeles, CA	4.2

See Table IFT—02 in Appendix IFT—Indicators of Firearm Trafficking for a complete list of median TTC (years) for selected U.S. cities from 2017 through 2021.

Purchasers and Possessors of Traced Crime Guns

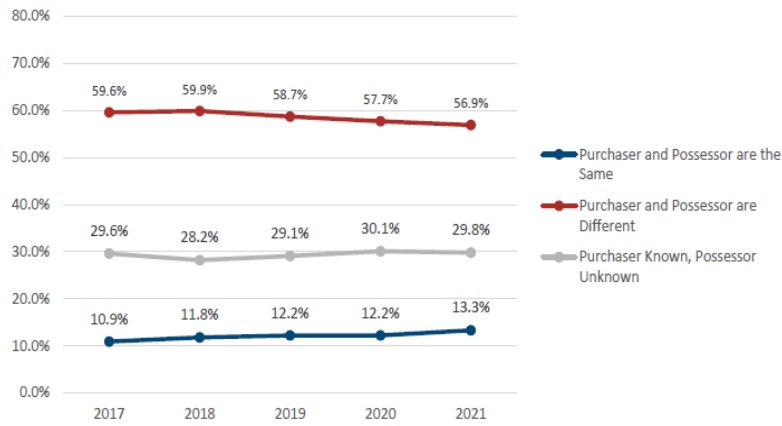
Between 2017 and 2021, nearly all (1,482,702) of the 1,482,861 traces contained purchaser and/or possessor information. Of these crime guns, 58% (866,120 of 1,482,702) had a different purchaser than possessor, another 29% (435,833) were recovered without a known possessor associated with the crime gun, and only 12% (180,749 of 1,482,702) had the same purchaser and possessor (Figure IFT-05).

Figure IFT-05: Percentage of Traced Crime Guns by Purchaser and Possessor Relationships, 2017 – 2021



As reflected in Figure IFT-06, the yearly percentage of traced crime guns that had a different purchaser than possessor, the same purchaser and possessor, and no known possessor remained relatively stable between 2017 and 2021.

Figure IFT-06: Percentage of Traced Crime Guns by Purchaser and Possessor Relationships, 2017 – 2021



U.S. states varied in the percentages of recovered crime guns that were traced to a purchaser who was not the identified possessor (Table IFT-03a). Arkansas had the highest percentage of traced crime guns where the purchasers and identified possessor were different individuals (70%) followed by Kentucky, West Virginia, Oklahoma, and New York. Texas had the lowest percentage of recovered crime guns where the purchaser and identified possessor were different individuals (48%) followed by Nevada, Massachusetts, Florida, and South Dakota.

Table IFT-03a: U.S. States with Highest and Lowest Percentages of Traced Crime Guns with Different Purchaser than Possessor, 2017 – 2021

Highest Percentage of Different Purchaser than Possessor		Lowest Percentage of Different Purchasers than Possessor	
Recovery State	Percent	Recovery State	Percent
Arkansas	70.2%	Texas	47.7%
Kentucky	69.9%	Nevada	50.7%
West Virginia	69.7%	Massachusetts	51.7%
Oklahoma	69.5%	Florida	51.8%
New York	68.1%	South Dakota	52.2%

See Table IFT-03 in Appendix IFT—Indicators of Firearm Trafficking for a complete list of the purchaser and possessor relationships for recovered crime guns in the 50 U.S. states and territories from 2017 through 2021.

Selected U.S. cities also varied in the percentages of recovered crime guns that were traced to a purchaser who was not the identified possessor (Table IFT-04a). Wichita had the highest percentage of traced crime guns where the purchaser and the identified possessor were different people (79%) followed by San Bernardino, Cincinnati, New York, and Louisville. Winston-Salem had the lowest percentage of traced crime guns where the purchaser and possessor were different people (4%) followed by Houston, Chattanooga, Richmond, and Phoenix.

Table IFT-04a: U.S. Cities with Highest and Lowest Percentages of Traced Guns with Different Purchaser than Possessor, 2017 – 2021

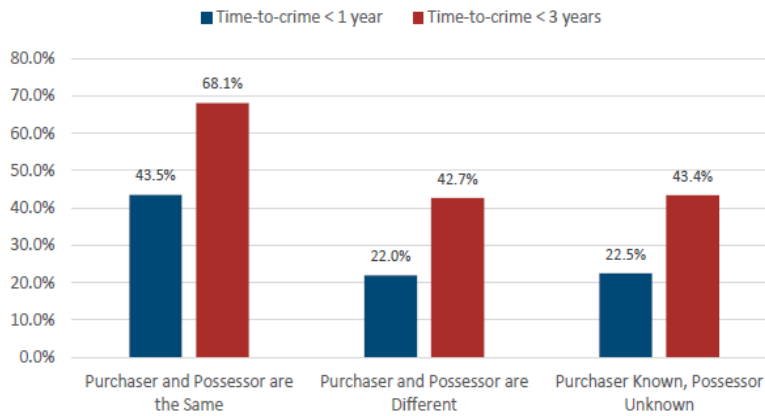
Highest Percentage of Different Purchaser than Possessor		Lowest Percentage of Different Purchasers than Possessor	
Recovery City	Percent	Recovery City	Percent
Wichita, KS	79.3%	Winston-Salem, NC	4.1%
San Bernardino, CA	75.8%	Houston, TX	18.0%
Cincinnati, OH	73.7%	Chattanooga, TN	28.9%
New York, NY	72.0%	Richmond, VA	41.0%
Louisville, KY	71.8%	Phoenix, AZ	45.5%

See Table IFT-04 in Appendix IFT—Indicators of Firearm Trafficking for a complete list of the purchaser and possessor relationships for recovered crime guns in selected U.S. cities from 2017 through 2021.

TTC by Purchaser and Possessor Relationship

Between 2017 and 2021, the median TTC for traced crime guns recovered in the possession of the purchaser (411 days or 1.1 years) was notably shorter than the median TTC for traced crime guns recovered without a known possessor (1,188 days or 3.3 years) and traced crime guns recovered from a possessor who was not the purchaser (1,237 days or 3.4 years). As reflected in Figure IFT-07, 44% (78,547) of traced crime guns with the same purchaser and possessor were recovered within one year of purchase, while 22% (190,295) of traced crime guns with a different purchaser than possessor were recovered within one year of purchase. In contrast, 68% (122,842) of traced crime guns with the same purchaser and possessor were recovered within three years of purchase, while 43% (368,972) of the traced crime guns with a different purchaser than possessor were recovered within three years of purchase. Some 23% (97,999) of traced crime guns with a known purchaser but without a known possessor were recovered within one year of purchase, and 43% (188,668) were recovered within three years of purchase.

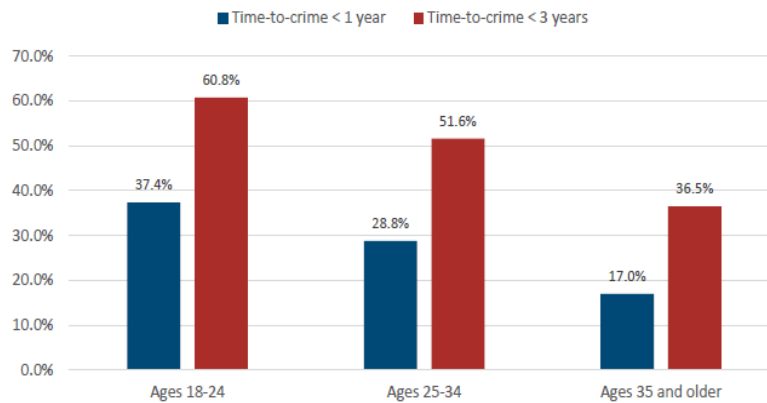
Figure IFT-07: TTC Category by Purchaser and Possessor Relationship, 2017 – 2021



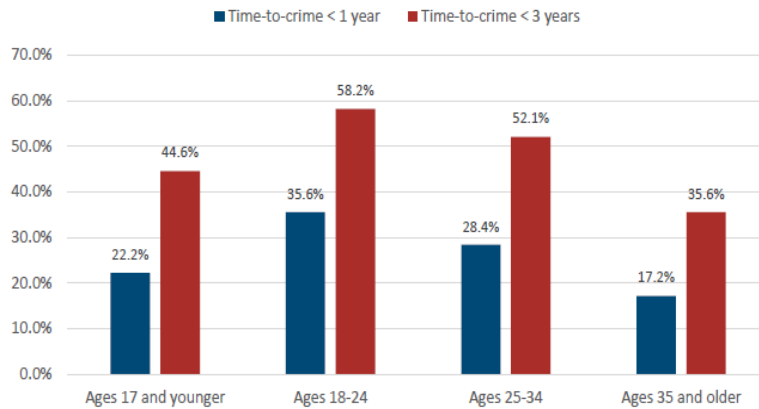
TTC by Purchaser Age and Possessor Age

Between 2017 and 2021, the median TTC for traced crime guns purchased by youths ages 18 to 24 (510 days or 1.4 years) was shorter than the TTC for crime guns purchased by young adults ages 25 to 34 (924 days or 2.5 years) and much shorter than the TTC for crime guns purchased by adults ages 35 and older (1,619 days or 4.4 years). As reflected in Figure IFT-08, 37% (116,523) of the traced crime guns purchased by youths ages 18 to 24, 29% (137,521) purchased by young adults ages 25 to 34, and 17% (109,027) purchased by adults ages 35 and older were recovered within one year of purchase, respectively. Similarly, 61% (189,511) of the traced crime guns purchased by youths ages 18 to 24, 52% (246,329) purchased by young adults ages 25 to 34, and 37% (234,054) purchased by adults ages 35 and older were recovered within three years of purchase.

Figure IFT-08: TTC by Purchaser Age Group, 2017 – 2021



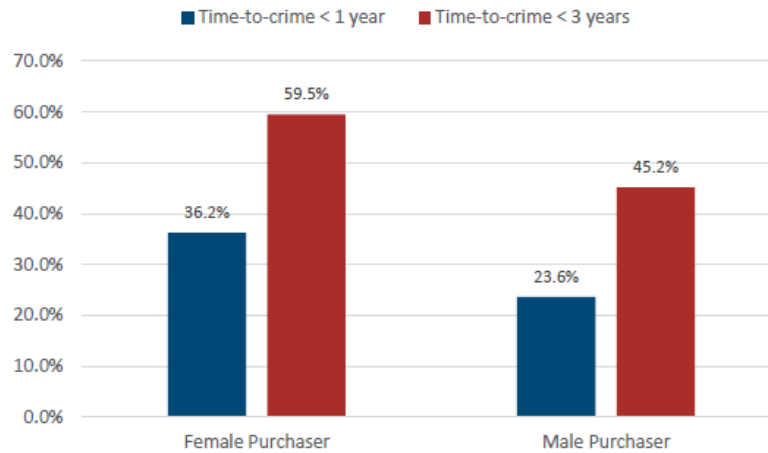
Between 2017 and 2021, the median TTC for traced crime guns possessed by youths ages 18 to 24 (720 days or 2 years) was shorter than the TTC for those possessed by young adults ages 25 to 34 (910 days or 2.5 years), possessed by juveniles ages 17 and younger (1,266 days or 3.5 years), and possessed by adults ages 35 and older (1,669 days or 4.6 years). As reflected in Figure IFT-09, 36% (87,673) of the traced crime guns possessed by youths ages 18 to 24, 28% (95,811) possessed by young adults ages 25 to 34, 22% (6,539) possessed by juveniles ages 17 and younger, and 17% (62,730) possessed by adults ages 35 and older were recovered within one year of purchase. Similarly, 58% (143,291) of the traced crime guns possessed by youths ages 18 to 24, 52% possessed by young adults ages 25 to 34, 45% (13,130) possessed by juveniles ages 17 and younger, and 36% (129,362) possessed by adults ages 35 and older were recovered within three years of purchase.

Figure IFT-09: TTC by Possessor Age Group, 2017 – 2021

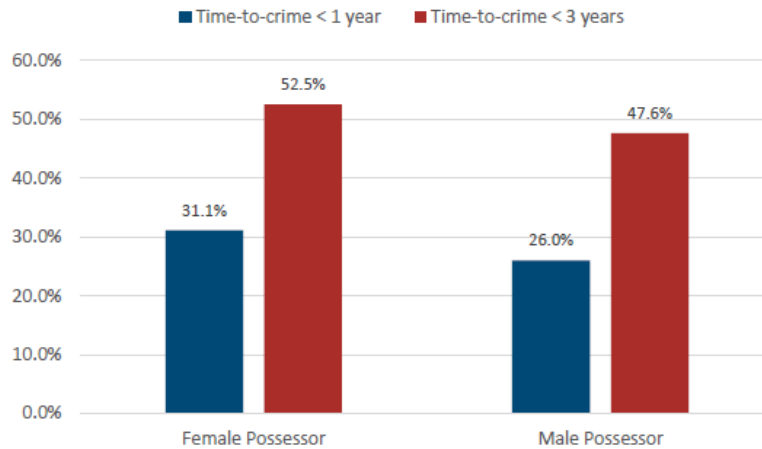
TTC by Purchaser Gender and Possessor Gender

Between 2017 and 2021, the median TTC for traced crime guns that were purchased by a female (620 days or 1.7 years) was notably shorter than the TTC for traced crime guns purchased by a male (1,137 days or 3.1 years). As reflected in Figure IFT-10, 36% (95,180) of the traced crime guns purchased by a female were recovered within one year of purchase, while 24% (26,198) purchased by a male were recovered within one year of purchase. Similarly, 60% (156,319) of the traced crime guns purchased by a female were recovered by a female within three years of purchase, while 45% (511,237) purchased by a male were recovered within three years of purchase.

Figure IFT-10: TTC by Purchaser Gender, 2017 – 2021



Traced crime guns recovered from female possessors had a moderately shorter median TTC (831 days or 2.3 years) relative to traced crime guns recovered from male possessors (1,021 days or 2.8 years). As reflected in Figure IFT-11, 31% (22,830) of the traced crime guns possessed by a female were recovered within one year of purchase and 26% (211,114) possessed by a male were recovered within one year of purchase. Similarly, 53% (38,549) of the traced crime guns possessed by a female were recovered within one year of purchase and 48% (386,874) possessed by a male were recovered within three years of purchase.

Figure IFT-11: Possessor Gender by Selected TTC Categories, 2017 – 2021

TTC and Multiple Sales Transactions

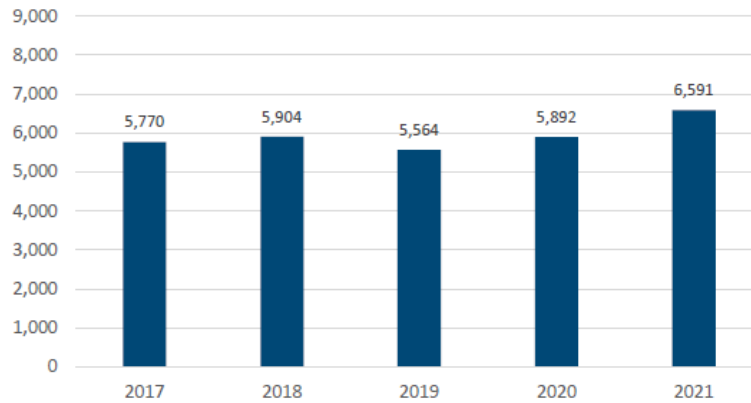
Slightly less than 9% (127,315) of the 1,479,046 crime guns traced to a purchaser, and with a TTC calculated, were part of a multiple sale. Traced crime guns that were part of a multiple sale had a considerably shorter median TTC (782 days or 2.1 years) relative to traced crime guns that were not part of a multiple sale (1,115 days or 3.1 years). As reflected in Figure IFT-12, 33% (42,565) of the traced crime guns that were part of a multiple sale were recovered within one year of purchase while only 24% (324,298) of traced crime guns that were not part of a multiple sale transaction were recovered within one year of purchase. Similarly, 58% (73,790) of the traced crime guns that were part of a multiple sale transaction were recovered within three years of purchase while less than 45% (606,742) that were not part of a multiple sale transaction were recovered within three years of purchase.

Figure IFT-12: Multiple Sales Transactions and TTC, 2017 – 2021



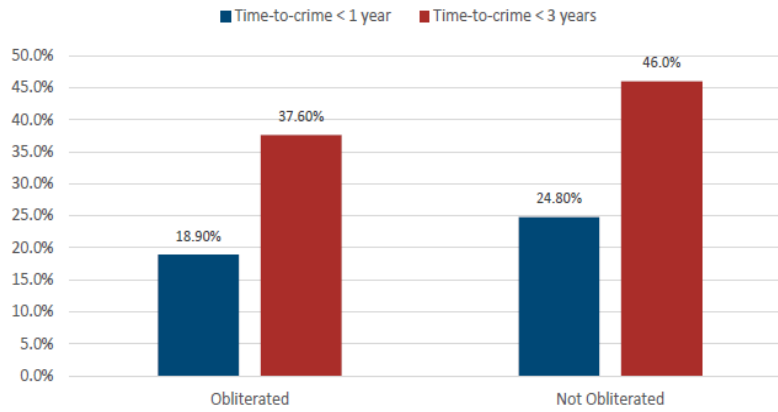
Obliterated Serial Numbers and TTC

Pursuant to 18 U.S.C. § 922(k), it is unlawful for any person to possess or receive any firearm which has had the importer's or manufacturer's serial number removed, obliterated, or altered. When crime guns are recovered and determined to have had their serial number obliterated, specially trained forensic technicians at ATF's National Laboratory or state and local counterparts will attempt to restore the serial number. Altering or obliterating the firearm serial number is often utilized by persons attempting to evade detection and disrupt ATF's ability to trace firearms. LEAs recovered and submitted 29,721 crime guns with obliterated serial numbers to ATF for tracing (nearly 2% of 1,922,577) between 2017 and 2021. Over the past three years, the number of recovered and traced crime guns with an obliterated serial has increased by 18% from 2019 (5,564) to 2021 (6,591) (Figure IFT-13).

Figure IFT-13: Crime Guns Submitted with Obliterated Serial Numbers, 2017 – 2021

A purchaser was identified in 18% (5,398 of 29,721) of these traces, and TTC was calculated for nearly all of them (5,388 of 5,398). Traced crime guns with obliterated serial numbers had a much longer median TTC (1,633 days or 4.5 years) relative to traced crime guns that did not have obliterated serial numbers (1,092 days or 3.0 years based on 1,473,658 traced crime guns without obliterated serial numbers and with TTC calculated). As reflected in Figure IFT-14¹⁶, approximately 19% (1,021 of 5,388) of the traced crime guns with obliterated serial numbers were recovered within one year of purchase, while nearly 25% (365,842 of 1,473,658) of traced crime guns that did not have obliterated serial numbers were recovered within one year of purchase. Similarly, nearly 38% (2,027 of 5,388) of the traced crime guns with obliterated serial numbers were recovered within three years of purchase, and 46% (678,506 of 1,473,658) of traced crime guns that did not have obliterated serial numbers were recovered within three years of purchase.

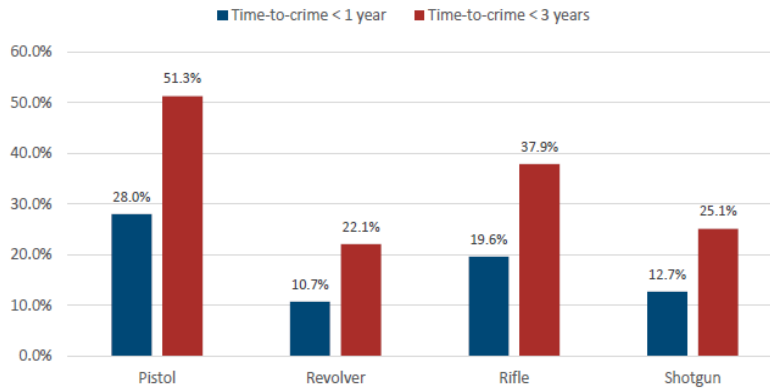
Figure IFT-14: Obliterated Serial Numbers and TTC, 2017 - 2021



Type of Crime Gun and TTC

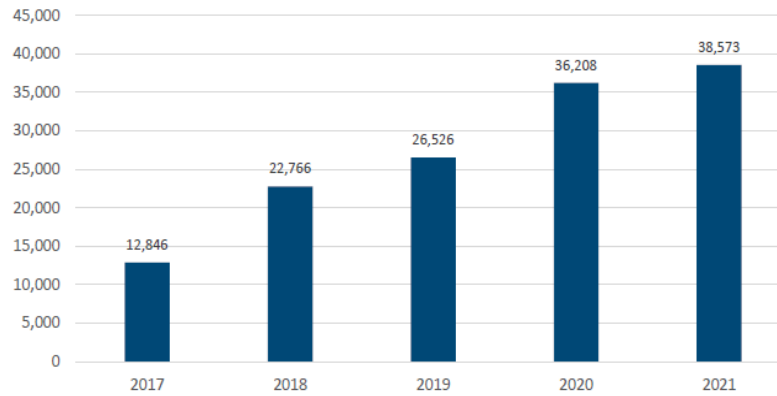
From 2017 to 2021, there were 1,117,008 pistols, 152,367 rifles, 78,667 shotguns, and 121,541 revolvers traced to a purchaser with a TTC calculated. Pistols had a much shorter median TTC (912 days or 2.5 years) relative to rifles (1,513 days or 4.1 years), shotguns (2,713 days or 7.4 years), and revolvers (3,280 days or 9.0 years). As reflected in Figure IFT-15, 28% (312,263 of 1,117,008) of pistols were recovered within one year of purchase, as were 20% (29,886) of rifles, 13% (9,952) of shotguns, and 11% (13,042) of revolvers. Similarly, 51% (573,155) of pistols were recovered within three years of purchase, as were 38% (57,724) of rifles, 25% (19,739) of shotguns, and 22% (26,890) of revolvers.

Figure IFT-15: Firearm Type and TTC, 2017 – 2021

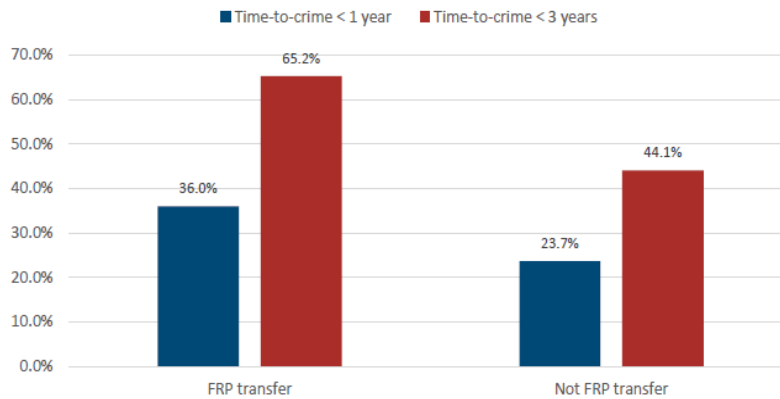


FFL Resale Program

As described in Part II, the FFL Resale Program (FRP) identifies used firearms that FFLs have acquired from unlicensed individuals to enhance the efficiency of the crime gun tracing process. When a used firearm, that has been acquired by an FFL after an original retail sale is identified through the FRP, the NTC can directly contact the specific FFL (after an original retail sale) to identify the last known purchaser. A small number of firearms recovered by law enforcement agencies were traced to the last known purchaser via the FRP between 2017 and 2021. Only 9% (136,919) of the 1,482,861 recovered firearms traced to a purchaser were sold via a FRP transaction during the study period. The yearly number of firearms traced to a last known purchaser that were associated with FRP transactions increased by 200% from 12,846 in 2017 to 38,573 in 2021 (see Figure IFT-16).

Figure IFT-16: Crime Guns Traced via FRP, 2017 – 2021

There were 136,570 firearms traced to a last known purchaser via FRP transfers where TTC could be calculated, and 1,342,476 firearms traced to a purchaser and not acquired via FRP transfers where TTC could be calculated. Traced crime guns that were identified through FRP transfers had a nearly two-year shorter median TTC (541 days or 1.5 years) than traced guns that were not identified through FRP transfers (1,220 days or 3.3 years). As reflected in Figure IFT-17, 36% (49,220) of FRP traced crime guns were recovered within one year of purchase, while only 24% (317,643) of traced crime guns that were not identified through FRP transactions were recovered within one year of purchase. Similarly, 65% (89,070) of FRP traced crime guns were recovered within three years of purchase, while 44% (591,463) of traced crime guns that were not identified through FRP transactions were recovered within three years of purchase.

Figure IFT-17: FRP Transactions and TTC, 2017 – 2021

Summary of Indicators of Firearm Trafficking

Short TTC suggests that traced crime guns were rapidly diverted from lawful firearms commerce into criminal hands and represents a key indicator of firearm trafficking. Between 2017 and 2021, half of traced crime guns were purchased and recovered within three years of the last known sale. The percentage of crime guns recovered within one year of purchase increased from 20% in 2019 to 32% in 2021. As a result, the percentage of crime guns recovered within three years of purchase increased from 42% in 2019 to 54% in 2021. The prominence of recently transferred firearms amongst recovered crime guns is consistent with recent increases in the number of firearms manufactured domestically and imported into the U.S. over the past three years. The number of Gun Control Act firearms manufactured domestically increased by 22% from approximately nine million in 2018 to 11 million in 2020 and the number of Gun Control Act firearms imported into the U.S. increased by 50% from approximately four million in 2018 to 6 million in 2020.¹⁷

Traced recovered pistols had much shorter median TTC relative to other recovered and traced firearm types. Shorter TTC for recovered crime guns was also associated with a number of patterns such as when recovered in the possession of the identified purchaser, purchase and possession by younger people, purchased by a female, acquired through a multiple sale transaction, and when transferred through a FRP transaction.

Geographical Patterns

*Distances Between FFLs, Purchasers, and Possessors*¹⁸

When purchasing a firearm from an FFL, the purchaser is required to complete portions of an ATF Form 4473. This includes recording their current residence address. The ATF Form 4473 is retained by the FFL and provided to ATF for tracing purposes and upon discontinuance of business. The distances in miles between the purchaser's address, and the addresses of the FFL where the transfer occurred, were calculated for 93% (1,373,160) of the 1,482,861 crime guns traced to a purchaser between 2017 and 2021. Distances in miles between the purchaser's address and the known possessor's address were calculated for 53% (778,887 of 1,482,861) of traced crime guns. Distances in miles between the address of the FFL where the crime gun was acquired and the address where a LEA recovered a crime gun was calculated for 80% (1,189,916 of 1,482,861) of traced crime guns.

A majority of traced crime gun purchasers lived very close to FFLs that sold the recovered gun (Table GP-01). Some 61% of recovered crime guns were purchased by individuals who lived within 10 miles of the FFLs where they acquired the crime gun. Purchasers also

tended to live near identified possessors of traced crime guns, with 46% of purchaser and possessor home addresses located 10 miles or less apart in distance. However, 32% of the traced crime guns recovered at these short distances were found in possession of the identified purchaser (115,829 of 358,157). Only 35% of traced crime guns were recovered within 10 miles or less of the FFLs where these firearms were acquired. The median distances grow for traced crime guns between the distance from purchaser to FFL (8 miles), to the distance between purchaser and possessor (13 miles), and the distance between FFL and recovery location (23 miles).

Table GP-01: Distances from Purchaser to FFL, Purchaser to Possessor, and FFL to Recovery Location, 2017 – 2021

Distance	Purchaser to FFL		Purchaser to Possessor		FFL to Recovery	
	Number	Percent	Number	Percent	Number	Percent
<=10 miles	832,142	60.60%	358,157	46.00%	414,131	34.80%
11 - 25 miles	317,436	23.10%	113,764	14.60%	222,767	18.70%
26 - 50 miles	109,461	8.00%	60,157	7.70%	111,830	9.40%
51 - 100 miles	54,402	4.00%	47,613	6.10%	92,648	7.80%
101 - 200 miles	35,699	2.60%	47,775	6.10%	90,826	7.60%
201 - 300 miles	12,200	0.90%	27,069	3.50%	50,410	4.20%
>300 miles	11,820	0.90%	124,352	16.00%	207,304	17.40%
Total	1,373,160		778,887		1,189,916	
Median miles	8		13		23	

When the dataset excludes traced crime guns where the purchaser and possessor are the same person, the pattern observed in Table GP-01 remains generally the same. As reflected in Table GP-02, traced crime gun purchasers generally lived near the FFLs where they acquired the crime gun (60% <=10 miles), many purchasers lived near the traced crime gun possessors (38% <=10 miles), and crime guns were often recovered near the FFL where they were acquired (32% <=10 miles). Similarly, in this sample, the median distances grow for traced crime guns between the distance from purchaser to FFL (8 miles), the distance between purchaser and

possessor (18 miles), and the distance between FFL and recovery location (28 miles).

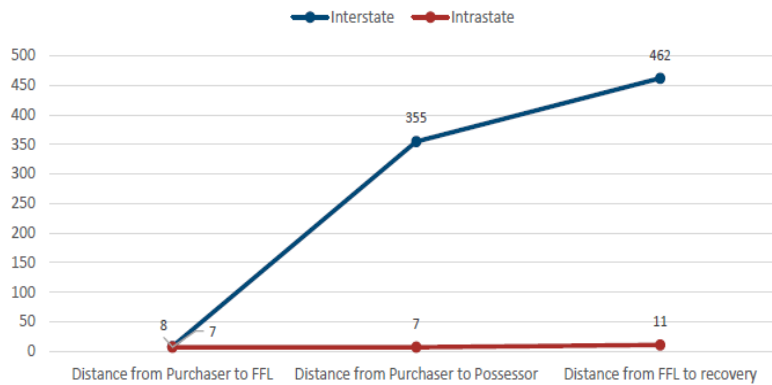
Table GP-02 Distances from Purchaser to FFL, Purchaser to Possessor, and FFL to Recovery for Traced Crime Guns with Different Purchasers than Possessors, 2017 – 2021

Distance	Purchaser to FFL		Purchaser to Possessor		FFL to Recovery	
	Number	Percent	Number	Percent	Number	Percent
<=10 miles	723,248	60.1%	242,328	38.1%	331,062	32.0%
11 - 25 miles	279,362	23.2%	103,987	16.3%	188,859	18.3%
26 - 50 miles	97,598	8.1%	57,008	9.0%	99,889	9.7%
51 - 100 miles	48,962	4.1%	45,434	7.1%	86,002	8.3%
101 - 200 miles	32,141	2.7%	45,430	7.1%	85,162	8.2%
201 - 300 miles	10,911	0.9%	25,775	4.0%	47,713	4.6%
>300 miles	10,654	0.9%	116,802	18.3%	195,962	18.9%
Total	1,202,876		636,764		1,034,649	
Median miles	8		18		28	

Distances for Intrastate and Interstate Recovered Crime Guns

Traced crime guns travel very different distances depending on whether the traced crime gun is recovered in the same state or a different state than the FFL it was acquired from. As reflected in Figure GP-01, guns recovered intrastate do not travel very far. The median distance between the purchaser and the FFL is only seven miles; the median distance between the purchasers and identified possessors is only seven miles (due to the large share of purchasers who are also identified possessors as documented above), and the median distance between the FFL and the recovery location is 11 miles. Interstate crime guns have similar patterns between the purchaser and FFL, with a median distance of eight miles. However, these interstate crime gun recoveries then show a median distance of 355 miles between the purchasers and the identified possessors and a median distance of 463 miles between FFL and the recovery location.

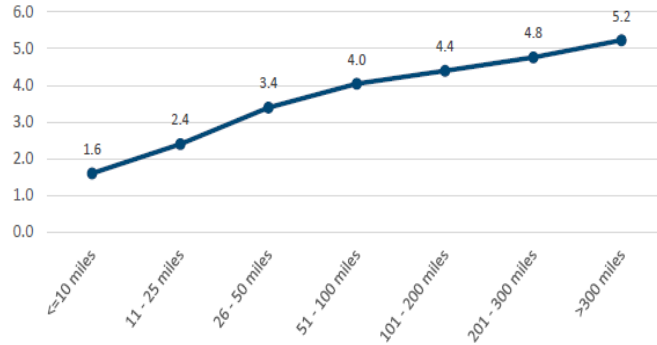
Figure GP-01: Distances (Miles) for Intrastate and Interstate Recovered Crime Guns, 2017 – 2021



TTC by Distances from FFL to Recovery Location

For purposes of this section, a U.S. “source state” is the state where the last known purchaser acquired the crime gun from an FFL. As the distance increases between source and recovery locations of traced crime guns, the median TTC also increases. As reflected in Figure GP-02, median TTC increased by 225% from 1.6 years when traced crime guns were recovered within 10 miles from the FFL it was acquired from to 5.2 years when traced crime guns are recovered 300 miles or more from the FFL it was acquired from.

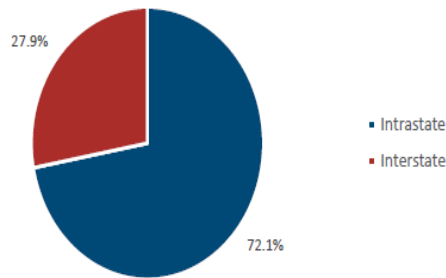
Figure GP-02: Median TTC in Years by Selected Distances Between FFL and Law Enforcement Recovery Location, 2017 - 2021



Source Location and Recovery Location

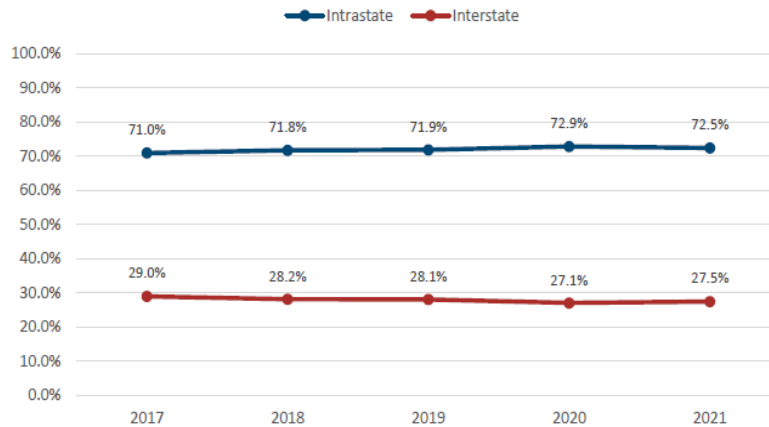
The location of the FFL (source) that transferred the firearm to the final known purchaser and the state of the recovery location of crime guns was determined in 1,480,675 traces (>99% of 1,482,861 crime guns traced to a purchaser). Between 2017 and 2021, 72% of the traced crime guns were recovered in the same state where they were sourced from (1,067,401) and 28% of the traced crime guns were recovered in a different state (413,274) (Figure GP-03).

Figure GP-03: Intrastate vs Interstate Recovery Location as Compared to FFL Location, 2017 - 2021



As reflected in Figure GP-04, the percentages of intrastate recoveries and interstate recoveries were very stable between 2017 and 2021.

Figure GP-04: Intrastate vs. Interstate Recovery Location, 2017 – 2021



U.S. states varied in the percentage of crime guns recovered that were purchased from interstate and intrastate sources of firearms (Table GP-03a). New Jersey had the highest percentage of recovered crime guns acquired at FFLs in other states (82%) followed by New York, Massachusetts, Hawaii, and Maryland. Texas had the highest percentage of recovered crime guns acquired at FFLs in the same state (86%) followed by Wisconsin, Ohio, Virginia, and Indiana.

Table GP-03a: U.S. States with Highest Percentages of Interstate and Intrastate Sourced Crime Guns Recovered and Traced, 2017 – 2021

Highest Percentage Interstate		Highest Percentage Intrastate	
State	Percent	State	Percent
New Jersey	81.8%	Texas	85.5%
New York	79.7%	Wisconsin	84.3%
Massachusetts	67.1%	Ohio	83.4%
Hawaii	54.1%	Virginia	83.2%
Maryland	53.4%	Indiana	82.9%

See Table GP-03 in Appendix GP—Geographic Patterns for a complete list of the percentages of interstate and intrastate sources of recovered crime guns for the 50 U.S. states and territories during the study period.

Selected U.S. cities also varied in the percentage of crime guns recovered that were acquired from interstate and intrastate sources of firearms (Table GP-04a). New York had the highest percentage of recovered crime guns acquired at FFLs in other states (93%) followed by Baltimore, Chicago, Los Angeles, and San Jose. Richmond had the highest percentage of recovered crime guns acquired at FFLs in the same state (90%) followed by San Antonio, Cleveland, Houston, and Indianapolis.

Table GP-04a: Selected U.S. Cities with Highest Percentages of Interstate and Intrastate Sourced Crime Guns Recovered and Traced, 2017 – 2021

Highest Percentage Interstate		Highest Percentage Intrastate	
City	Percent	City	Percent
New York, NY	92.7%	Richmond, VA	90.1%
Baltimore, MD	60.9%	San Antonio, TX	88.8%
Chicago, IL	56.2%	Cleveland, OH	88.8%
Los Angeles, CA	51.1%	Houston, TX	87.5%
San Jose, CA	45.5%	Indianapolis, IN	87.5%

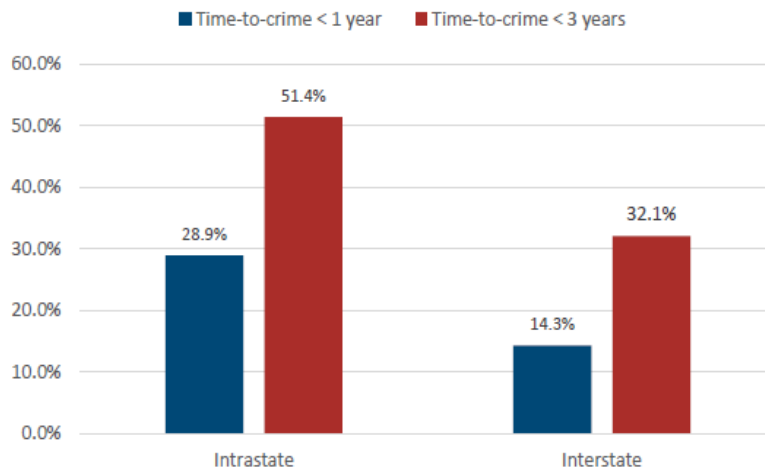
See Table GP-04 in Appendix GP—Geographic Patterns for a complete list of percentages of interstate and intrastate sources of recovered crime guns for selected U.S. cities from 2017 through 2021.

TTC by Source and Recovery Locations

The median TTC for intrastate recoveries (879 days or 2.4 years) was notably shorter than the TTC for interstate recoveries (1,801 days or 4.9 years) between 2017 and 2021. As reflected in Figure GP-05, 29% of the traced crime guns recovered intrastate had a TTC of one year or less, while only 14% of traced crime guns recovered interstate had a TTC of one year or less.

Similarly, 51% of the traced crime guns recovered intrastate were recovered within three years of purchase and only 32% of traced crime guns recovered interstate were recovered within three years of purchase.

Figure GP-05: Intrastate versus Interstate TTC, 2017 – 2021



Summary of Geographic Patterns

More than half of traced crime guns were recovered less than 25 miles away from the FFLs where those crime guns were acquired. However, most crime gun purchasers and possessors lived close to the FFL where the crime gun was acquired. More than 60% of traced and recovered crime guns were purchased by individuals who lived within 10 miles of the FFL where the transaction occurred. Nearly half of crime gun possessors lived within 10 miles of the person who purchased the crime gun in part due to a third of these recovered crime guns being used in crimes by the same person that acquired them.

Some 72% of traced crime guns were recovered in the same state in which they were acquired from an FFL, while the remaining 28% of crime guns were recovered in a different state than where these guns were acquired at an FFL. The median distance between crime gun recovery location and the FFL where the crime guns were acquired was 11 miles for those that were recovered in the same state where they were acquired. In contrast, median distance between crime gun recovery location and the FFL where the crime gun was purchased was 463 miles for crime guns recovered in a different state than where they were acquired. Crime guns with intra-state recovery locations had shorter TTC when compared to crime guns with interstate recovery locations. Traced crime guns that traveled longer distances tended to have longer TTC. For instance, the median TTC was only 1.6 years for traced crime guns recovered within 10 miles of the FFL from which they were acquired, but was 5.2 years for traced crime guns recovered 300 miles or more from the FFL from which they were acquired.

Domestic Tracing Conclusion

The results presented in this section are consistent with the findings of prior ATF reports and academic research on the illicit acquisition of firearms by prohibited persons.¹⁹ Traced crime guns typically originate from the legal supply chain of manufacture (or import), distribution, and retail sale. Crime guns may change hands a number of times after that first retail sale, and some of those transactions may be a theft or violate one or more regulations on firearm commerce.²⁰ Individuals who are prohibited due to their criminal records or other conditions are unlikely to purchase directly from a licensed federal firearms dealer.²¹ Instead, prohibited

persons determined to get crime guns acquire them through underground crime gun markets that involve unregulated transactions with acquaintances and illicit “street” sources.²² Many ATF crime gun trafficking investigations involve close-to-retail diversions of crime guns from legal firearms commerce including straw purchasing from FFLs, trafficking by FFLs, and illegal transfers by unlicensed sellers.²³ A variety of illegally transferred crime guns sources sustain underground crime gun markets that supply prohibited persons and other dangerous individuals.²⁴

The analysis of state and city crime gun trace data presented here suggests the pathways through which criminals acquire crime guns can vary significantly across jurisdictions depending on the stringency of state firearm laws and the prevalence of firearm ownership.²⁵ Underground crime gun markets evolve over time as demonstrated by the surge in recovered PMFs and the increasing percentage of recovered short TTC traced crime guns between 2017 and 2021.²⁶ Ongoing comprehensive data collection and analysis of recovered traced crime guns are necessary to understand both persistent and emergent flows of crime guns into local underground crime gun markets. Strong collaborations among federal, state, and local law enforcement agencies and timely intelligence on local diversion patterns and interregional movements of traced crime guns are critical to the development of strategies to shutdown illegal supply lines of crime guns to criminals.

APPENDIX OFT – OVERVIEW OF FIREARM TRACING

Table OFT-01: Crime Guns Recovered and Traced for U.S. States and Territories, 2017-2021

Recovery State or Territory	Total	% Total
AE ²⁷	2	0.0%
AK	5,412	0.3%
AL	37,855	2.0%
AM ²⁸	3	0.0%
AR	13,458	0.7%
AZ	49,292	2.6%
CA	231,784	12.1%
CO	31,145	1.6%
CT	7,416	0.4%
DC	11,045	0.6%
DE	6,626	0.3%
FL	134,601	7.0%
GA	88,069	4.6%
GU ²⁹	168	0.0%
HI	1,194	0.1%
IA	12,688	0.7%
ID	6,872	0.4%
IL	90,014	4.7%
IN	45,535	2.4%
KS	18,024	0.9%
KY	32,844	1.7%
LA	56,601	2.9%
MA	13,733	0.7%
MD	48,600	2.5%
ME	2,728	0.1%
MI	43,599	2.3%
MN	20,728	1.1%
MO	44,793	2.3%
MP ³⁰	7	0.0%
MS	22,522	1.2%
MT	5,063	0.3%
NC	90,225	4.7%
ND	3,554	0.2%
NE	9,991	0.5%
NH	2,629	0.1%
NJ	21,453	1.1%
NM	15,923	0.8%
NV	30,160	1.6%
NY	43,298	2.3%
OH	79,035	4.1%
OK	18,210	1.0%
OR	26,046	1.4%
PA	64,782	3.4%
PR	4,796	0.3%
RI	2,570	0.1%
SC	42,532	2.2%
SD	3,340	0.2%
TN	64,598	3.4%
TX	177,786	9.3%
UT	13,257	0.7%
VA	56,797	3.0%
VI	745	0.0%
VT	1,256	0.1%
WA	27,715	1.4%
WI	28,122	1.5%

WV	9,509	0.5%
WY	1,665	0.1%
Unknown ³¹	162	0.0%
Total	1,922,577	100.0%

Table OFT-02: Number of Crime Guns Recovered and Traced for Selected U.S. Cities, 2017-2021

Recovery City	Total Traces	% Total
Mega Cities	230,334	40.2%
Chicago, IL	50,312	8.8%
Dallas, TX	19,756	3.4%
Houston, TX	45,812	8.0%
Los Angeles, CA	30,798	5.4%
New York, NY	19,013	3.3%
Philadelphia, PA	23,460	4.1%
Phoenix, AZ	15,799	2.8%
San Antonio, CA	17,392	3.0%
San Diego, CA	5,702	1.0%
San Jose, CA	2,290	0.4%
Large Cities	180,598	31.5%
Baltimore, MD	13,336	2.3%
Charlotte, NC	14,357	2.5%
Columbus, OH	14,651	2.6%
Detroit, MI	26,065	4.5%
Indianapolis, IN	20,242	3.5%
Jacksonville, FL	13,619	2.4%
Las Vegas, NV	23,389	4.1%
Louisville, KY	15,331	2.7%
Memphis, TN	24,796	4.3%
Milwaukee, WI	14,812	2.6%
Medium Cities	103,490	18.0%
Atlanta, GA	15,333	2.7%
Cincinnati, OH	9,982	1.7%
Cleveland, OH	9,642	1.7%
Miami, FL	8,760	1.5%
New Orleans, LA	9,020	1.6%
Orlando, FL	11,177	1.9%
Saint Louis, MO	14,672	2.6%
Tampa, FL	10,376	1.8%
Tulsa, OK	7,707	1.3%
Wichita, KS	6,821	1.2%
Small Cities	59,211	10.3%
Baton Rouge, LA	8,544	1.5%
Chattanooga, TN	5,775	1.0%
Columbia, SC	6,279	1.1%
Dayton, OH	5,101	0.9%
Huntsville, AL	5,773	1.0%
Mobile, AL	5,465	1.0%
Richmond, VA	7,056	1.2%
San Bernardino, CA	4,724	0.8%
Shreveport, LA	5,312	0.9%
Winston Salem, NC	5,182	0.9%
Total	573,633	100.0%

Table OFT-03: Percent Recovered Crime Guns Traced to Purchaser for U.S. States and Territories, 2017-2021

Recovery State or Territory	Traced to Purchaser	Total Trace Requests	% Traced to Purchaser
AE	2	2	100.0%
AK	4,305	5,412	79.5%
AL	31,461	37,855	83.1%
AM	1	3	33.3%
AR	11,006	13,458	81.8%
AZ	39,771	49,292	80.7%
CA	143,466	231,784	61.9%
CO	24,908	31,145	80.0%
CT	4,930	7,416	66.5%
DC	7,700	11,045	69.7%
DE	5,212	6,626	78.7%
FL	110,072	134,601	81.8%
GA	74,065	88,069	84.1%
GU	88	168	52.4%
HI	718	1,194	60.1%
IA	9,922	12,688	78.2%
ID	5,297	6,872	77.1%
IL	67,648	90,014	75.2%
IN	37,168	45,535	81.6%
KS	14,522	18,024	80.6%
KY	25,064	32,844	76.3%
LA	46,426	56,601	82.0%
MA	9,322	13,733	67.9%
MD	32,903	48,600	67.7%
ME	2,023	2,728	74.2%
MI	35,443	43,599	81.3%
MN	16,258	20,728	78.4%
MO	36,796	44,793	82.1%
MP	3	7	42.9%
MS	18,668	22,522	82.9%
MT	3,698	5,063	73.0%
NC	72,559	90,225	80.4%
ND	2,842	3,554	80.0%
NE	7,672	9,991	76.8%
NH	2,003	2,629	76.2%
NJ	14,080	21,453	65.6%
NM	12,480	15,923	78.4%
NV	24,170	30,160	80.1%
NY	28,645	43,298	66.2%
OH	66,021	79,035	83.5%
OK	13,638	18,210	74.9%
OR	19,501	26,046	74.9%
PA	48,087	64,782	74.2%
PR	3,485	4,796	72.7%
RI	1,875	2,570	73.0%
SC	35,843	42,532	84.3%
SD	2,485	3,340	74.4%
TN	49,988	64,598	77.4%
TX	147,443	177,786	82.9%
UT	10,433	13,257	78.7%
VA	46,118	56,797	81.2%
VI	466	745	62.6%
VT	867	1,256	69.0%
WA	20,885	27,715	75.4%
WI	23,842	28,122	84.8%
WV	7,264	9,509	76.4%
WY	1,233	1,665	74.1%
Unknown	70	162	43.2%

Table OFT-04: Percent Recovered Crime Guns Traced to Purchaser for Selected U.S. Cities, 2017-2021

Recovery City	Traced to		% Traced to Purchaser
	Purchaser	Total Traces	
Mega Cities	175,425	230,334	76.2%
Chicago, IL	37,680	50,312	74.9%
Dallas, TX	16,722	19,756	84.6%
Houston, TX	38,839	45,812	84.8%
Los Angeles, CA	19,649	30,798	63.8%
New York, NY	12,910	19,013	67.9%
Philadelphia, PA	16,626	23,460	70.9%
Phoenix, AZ	13,294	15,799	84.1%
San Antonio, TX	14,868	17,392	85.5%
San Diego, CA	3,301	5,702	57.9%
San Jose, CA	1,536	2,290	67.1%
Large Cities	145,384	180,598	80.5%
Baltimore, MD	8,057	13,336	60.4%
Charlotte, NC	11,882	14,357	82.8%
Columbus, OH	12,147	14,651	82.9%
Detroit, MI	21,881	26,065	83.9%
Indianapolis, IN	16,589	20,242	82.0%
Jacksonville, FL	11,735	13,619	86.2%
Las Vegas, NV	18,867	23,389	80.7%
Louisville, KY	11,785	15,331	76.9%
Memphis, TN	19,369	24,796	78.1%
Milwaukee, WI	13,072	14,812	88.3%
Medium Cities	86,777	103,490	83.9%
Atlanta, GA	13,035	15,333	85.0%
Cincinnati, OH	8,484	9,982	85.0%
Cleveland, OH	7,851	9,642	81.4%
Miami, FL	7,133	8,760	81.4%
New Orleans, LA	7,497	9,020	83.1%
Orlando, FL	9,789	11,177	87.6%
Saint Louis, MO	12,289	14,672	83.8%
Tampa, FL	8,595	10,376	82.8%
Tulsa, OK	6,570	7,707	85.2%
Wichita, KS	5,534	6,821	81.1%
Small Cities	48,658	59,211	82.2%
Baton Rouge, LA	7,339	8,544	85.9%
Chattanooga, TN	4,434	5,775	76.8%
Columbia, SC	5,489	6,279	87.4%
Dayton, OH	4,089	5,101	80.2%
Huntsville, AL	4,929	5,773	85.4%
Mobile, AL	4,757	5,465	87.0%
Richmond, VA	5,764	7,056	81.7%
San Bernardino, CA	3,299	4,724	69.8%
Shreveport, LA	4,550	5,312	85.7%
Winston Salem, NC	4,008	5,182	77.3%

**APPENDIX CCG—
CHARACTERISTICS OF CRIME GUNS**

Table CCG-03: Percentage of Major Firearm Types Recovered and Traced for U.S. States and Territories, 2017-2021

Recovery State / Territory	# Pistols	% Pistols	# Revolvers	% Revolvers	# Rifles	% Rifles	# Shotguns	% Shotguns	# Other	% Other	Total Traces
AE	2	100.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	2
AK	3,147	58.1%	624	11.5%	1,069	19.8%	484	8.9%	88	1.6%	5,412
AL	26,997	71.3%	4,239	11.2%	3,895	10.3%	2,216	5.9%	508	1.3%	37,855
AM	0	0.0%	1	33.3%	1	33.3%	1	33.3%	0	0.0%	3
AR	9,414	70.0%	1,390	10.3%	1,658	12.3%	806	6.0%	190	1.4%	13,458
AZ	33,462	67.9%	4,015	8.1%	7,212	14.6%	3,055	6.2%	1,548	3.1%	49,292
CA	135,640	58.5%	30,732	13.3%	39,897	17.2%	20,251	8.7%	5,264	2.3%	231,784
CO	20,392	65.5%	3,454	11.1%	4,467	14.3%	2,415	7.8%	417	1.4%	31,145
CT	4,694	63.3%	1,113	15.0%	893	12.0%	550	7.4%	166	2.2%	7,416
DC	8,918	80.7%	1,025	9.3%	519	4.7%	319	2.9%	264	2.4%	11,045
DE	4,442	67.0%	732	11.0%	716	10.8%	657	9.9%	79	1.2%	6,626
FL	95,903	71.2%	15,225	11.3%	13,676	10.2%	7,284	5.4%	2,513	1.9%	134,601
GA	66,162	75.1%	8,712	9.9%	8,037	9.1%	4,244	4.8%	914	1.1%	88,069
GU	70	41.7%	24	14.3%	44	26.2%	23	13.7%	7	4.2%	168
HI	468	39.2%	129	10.8%	378	31.7%	134	11.2%	85	7.1%	1,194
IA	7,752	61.1%	1,277	10.1%	2,017	15.9%	1,496	11.8%	146	1.2%	12,688
ID	3,878	56.4%	894	13.0%	1,341	19.5%	636	9.3%	123	1.8%	6,872
IL	67,405	74.9%	10,281	11.4%	6,251	6.9%	4,396	4.9%	1,681	1.9%	90,014
IN	32,908	72.3%	4,593	10.1%	4,436	9.7%	2,871	6.3%	727	1.6%	45,535
KS	12,728	70.6%	1,660	9.2%	2,105	11.7%	1,227	6.8%	304	1.7%	18,024
KY	21,918	66.7%	3,667	11.2%	4,209	12.8%	2,173	6.6%	877	2.7%	32,844
LA	39,817	70.3%	6,134	10.8%	6,377	11.6%	3,542	6.3%	531	0.9%	56,601
MA	9,515	69.3%	1,807	13.2%	1,412	10.3%	822	6.0%	177	1.3%	13,733
MD	24,984	51.4%	6,058	12.5%	9,725	20.0%	6,876	14.1%	957	2.0%	48,600
ME	1,415	51.9%	278	10.2%	630	23.1%	346	12.7%	59	2.2%	2,728
MI	32,022	73.4%	3,822	8.8%	4,519	10.4%	2,467	5.7%	769	1.8%	43,599
MN	13,177	63.6%	1,941	9.4%	3,111	15.0%	2,262	10.9%	237	1.1%	20,728
MO	33,979	75.9%	3,630	8.1%	4,122	9.2%	2,103	4.7%	959	2.1%	44,793
MP	0	0.0%	1	14.3%	5	71.4%	1	14.3%	0	0.0%	7
MS	15,664	69.5%	2,429	10.8%	2,770	12.3%	1,421	6.3%	238	1.1%	22,522
MT	2,185	43.2%	551	10.9%	1,658	32.7%	544	10.7%	125	2.5%	5,063
NC	59,489	65.9%	10,309	11.4%	11,718	13.0%	7,598	8.4%	1,111	1.2%	90,225
ND	1,889	53.2%	371	10.4%	795	22.4%	450	12.7%	49	1.4%	3,554
NE	5,699	57.0%	1,035	10.4%	1,814	18.2%	1,235	12.4%	208	2.1%	9,991
NH	1,501	57.1%	255	9.7%	477	18.1%	276	10.5%	120	4.6%	2,629
NJ	13,873	64.7%	3,766	17.6%	2,169	10.1%	1,409	6.6%	236	1.1%	21,453
NM	10,152	63.8%	1,729	10.9%	2,398	15.1%	1,245	7.8%	399	2.5%	15,923
NV	21,477	71.2%	3,043	10.1%	3,138	10.4%	2,070	6.9%	432	1.4%	30,160
NY	26,965	62.3%	7,447	17.2%	4,896	11.3%	3,181	7.3%	809	1.9%	43,298
OH	60,298	76.3%	7,753	9.8%	6,236	7.9%	3,838	4.9%	910	1.1%	79,035
OK	11,642	63.9%	1,409	7.7%	2,340	12.9%	1,160	6.4%	1,659	9.1%	18,210
OR	13,938	53.3%	3,294	12.6%	5,919	22.7%	2,524	9.7%	371	1.4%	26,046
PA	42,614	65.8%	8,188	12.6%	8,254	12.7%	4,725	7.3%	1,001	1.6%	64,782
PR	3,875	80.8%	276	5.8%	497	10.4%	48	1.0%	100	2.1%	4,796
RI	1,709	66.5%	343	13.3%	303	11.8%	180	7.0%	35	1.4%	2,570
SC	30,879	72.6%	4,759	11.2%	3,935	9.3%	2,572	6.1%	387	0.9%	42,532
SD	1,716	51.4%	331	9.9%	857	25.7%	376	11.3%	60	1.8%	3,340
TN	46,563	72.1%	7,182	11.1%	6,236	9.7%	3,480	5.4%	1,137	1.8%	64,598
TX	129,384	72.8%	15,709	8.8%	19,506	11.0%	10,594	6.0%	2,593	1.5%	177,786
UT	8,414	63.5%	1,205	9.1%	2,191	16.5%	1,092	8.2%	355	2.7%	13,257
VA	40,886	72.0%	5,620	9.9%	6,131	10.8%	3,577	6.3%	583	1.0%	56,797
VI	609	81.7%	65	8.7%	43	5.8%	16	2.1%	12	1.6%	745
VT	562	44.7%	132	10.5%	346	27.5%	181	14.4%	35	2.8%	1,256
WA	16,319	58.9%	3,326	12.0%	4,874	17.6%	2,694	9.7%	502	1.8%	27,715
WI	21,098	75.0%	2,229	7.9%	2,867	10.2%	1,673	5.9%	255	0.9%	28,122
WV	5,260	55.3%	1,165	12.3%	1,798	18.9%	1,027	10.8%	259	2.7%	9,509
WY	817	49.1%	198	11.9%	426	25.6%	170	10.2%	54	3.2%	1,665
Unknown	118	72.8%	13	8.0%	18	11.1%	11	6.8%	2	1.2%	162
Total	1,306,804	68.0%	211,590	11.0%	237,532	12.4%	133,024	6.9%	33,627	1.7%	1,922,577

Table CCG-04: Percentage of Major Firearm Types Recovered and Traced for Selected U.S. Cities, 2017-2021

Recovery City	# Pistols	% Pistols	# Revolvers	% Revolvers	# Rifles	% Rifles	# Shotguns	% Shotguns	# Other	% Other	Total Traces
Mega Cities	174,731	75.9%	25,165	10.5%	16,853	7.3%	10,098	4.4%	3,487	1.5%	230,334
Chicago, IL	39,824	79.2%	5,523	11.0%	2,243	4.5%	1,704	3.4%	1,018	2.0%	50,312
Dallas, TX	15,394	77.9%	1,740	8.8%	1,497	7.6%	940	4.8%	185	0.9%	19,756
Houston, TX	37,067	80.9%	3,502	7.6%	3,099	6.8%	1,852	4.0%	292	0.6%	45,812
Los Angeles, CA	21,248	69.0%	4,677	15.2%	2,887	9.4%	1,582	5.1%	404	1.3%	30,798
New York, NY	13,387	70.4%	3,548	18.7%	1,060	5.6%	669	3.5%	349	1.8%	19,013
Philadelphia, PA	18,060	77.0%	2,893	12.3%	1,273	5.4%	913	3.9%	321	1.4%	23,460
Phoenix, AZ	12,044	76.2%	730	4.6%	1,778	11.3%	757	4.8%	490	3.1%	15,799
San Antonio, TX	12,828	73.8%	1,451	8.3%	1,876	10.8%	1,071	6.2%	166	1.0%	17,392
San Diego, CA	3,417	59.9%	813	14.3%	873	15.3%	445	7.8%	154	2.7%	5,702
San Jose, CA	1,462	63.8%	288	12.6%	267	11.7%	165	7.2%	108	4.7%	2,290
Large Cities	135,489	75.0%	18,547	10.3%	15,222	8.4%	9,465	5.2%	1,875	1.0%	180,598
Baltimore, MD	7,943	59.6%	2,353	17.6%	1,535	11.5%	1,311	9.8%	194	1.5%	13,336
Charlotte, NC	10,794	75.2%	1,482	10.3%	1,208	8.4%	754	5.3%	119	0.8%	14,357
Columbus, OH	11,285	77.0%	1,545	10.5%	972	6.6%	726	5.0%	123	0.8%	14,651
Detroit, MI	20,535	78.8%	2,181	8.4%	2,033	7.8%	1,128	4.3%	188	0.7%	26,065
Indianapolis, IN	15,007	74.1%	2,070	10.2%	1,732	8.6%	1,234	6.1%	199	1.0%	20,242
Jacksonville, FL	10,287	75.5%	1,545	11.3%	1,097	8.1%	564	4.1%	126	0.9%	13,619
Las Vegas, NV	17,083	73.0%	2,168	9.3%	2,243	9.6%	1,614	6.9%	281	1.2%	23,389
Louisville, KY	11,236	73.3%	1,703	11.1%	1,354	8.8%	651	4.2%	387	2.5%	15,331
Memphis, TN	19,161	77.3%	2,489	10.0%	2,022	8.2%	952	3.8%	172	0.7%	24,796
Milwaukee, WI	12,158	82.1%	1,011	6.8%	1,026	6.9%	531	3.6%	86	0.6%	14,812
Medium Cities	83,079	80.3%	8,827	8.5%	7,263	7.0%	3,506	3.4%	815	0.8%	103,490
Atlanta, GA	13,087	85.4%	1,137	7.4%	698	4.6%	287	1.9%	124	0.8%	15,333
Cincinnati, OH	8,068	80.8%	931	9.3%	646	6.5%	268	2.7%	69	0.7%	9,982
Cleveland, OH	8,104	84.0%	809	8.4%	441	4.6%	231	2.4%	57	0.6%	9,642
Miami, FL	7,070	80.7%	614	7.0%	756	8.6%	256	2.9%	64	0.7%	8,760
New Orleans, LA	7,485	83.0%	780	8.6%	506	5.6%	212	2.4%	37	0.4%	9,020
Orlando, FL	8,878	79.4%	996	8.9%	822	7.4%	385	3.4%	96	0.9%	11,177
Saint Louis, MO	11,991	81.7%	1,137	7.7%	965	6.6%	457	3.1%	122	0.8%	14,672
Tampa, FL	7,512	72.4%	1,190	11.5%	976	9.4%	619	6.0%	79	0.8%	10,376
Tulsa, OK	5,951	77.2%	525	6.8%	806	10.5%	351	4.6%	74	1.0%	7,707
Wichita, KS	4,933	72.3%	708	10.4%	647	9.5%	440	6.5%	93	1.4%	6,821
Small Cities	44,506	75.2%	6,226	10.5%	5,033	8.5%	2,748	4.6%	698	1.2%	59,211
Baton Rouge, LA	6,522	76.3%	900	10.5%	742	8.7%	315	3.7%	65	0.8%	8,544
Chattanooga, TN	4,312	74.7%	596	10.3%	415	7.2%	239	4.1%	213	3.7%	5,775
Columbia, SC	5,128	81.7%	519	8.3%	368	5.9%	228	3.6%	36	0.6%	6,279
Dayton, OH	3,922	76.9%	523	10.3%	358	7.0%	259	5.1%	39	0.8%	5,101
Huntsville, AL	4,488	77.7%	618	10.7%	397	6.9%	219	3.8%	51	0.9%	5,773
Mobile, AL	4,161	76.1%	610	11.2%	355	6.5%	221	4.0%	118	2.2%	5,465
Richmond, VA	5,639	79.9%	657	9.3%	472	6.7%	244	3.5%	44	0.6%	7,056
San Bernardino, CA	3,027	64.1%	568	12.0%	687	14.5%	402	8.5%	40	0.8%	4,724
Shreveport, LA	3,824	72.0%	561	10.6%	657	12.4%	228	4.3%	42	0.8%	5,312
Winston Salem, NC	3,483	67.2%	674	13.0%	582	11.2%	393	7.6%	50	1.0%	5,182

**APPENDIX IFT –
INDICATORS OF
FIREARMS TRAFFICKING**

Table IFT-01: Median TTC for U.S. States and Territories, 2017-2021

Recovery State / Territory	Total Traced to Purchaser with TTC Calculated	Median Time-To- Crime (Years)
AE	2	8.4
AK	4,288	4.3
AL	31,396	2.3
AM	1	19.4
AR	10,971	2.6
AZ	39,665	2.1
CA	143,025	4.6
CO	24,863	3.0
CT	4,915	5.9
DC	7,673	3.6
DE	5,199	2.6
FL	109,787	3.3
GA	73,884	2.3
GU	86	10.5
HI	712	7.5
IA	9,892	3.2
ID	5,283	3.8
IL	67,499	3.0
IN	37,081	2.5
KS	14,476	3.0
KY	24,993	2.6
LA	46,319	2.9
MA	9,274	4.4
MD	32,789	5.0
ME	2,018	3.5
MI	35,366	2.0
MN	16,191	3.4
MO	36,711	2.2
MP	3	31.7
MS	18,624	2.2
MT	3,683	4.2
NC	72,364	2.8
ND	2,835	3.5
NE	7,652	3.5
NH	1,996	3.2
NJ	14,030	5.3
NM	12,441	2.6
NV	24,109	2.4
NY	28,552	5.7
OH	65,872	2.5
OK	13,600	3.2
OR	19,443	4.0
PA	47,977	3.2
PR	3,470	4.6
RI	1,871	3.7
SC	35,761	2.3
SD	2,480	3.1
TN	49,896	2.7
TX	147,125	2.5
UT	10,411	3.7
VA	46,016	1.9
VI	464	4.6
VT	866	4.2
WA	20,801	4.3

WI	23,798	2.4
WV	7,247	3.4
WY	1,230	4.1
Unknown	3	6.3

Table IFT-02: Median TTC for Selected U.S. Cities, 2017-2021

Recovery City	Traced to Purchaser with TTC Calculated	Median Time to Crime (Years)
Mega Cities	175,003	2.9
Chicago, IL	37,592	2.8
Dallas, TX	16,682	2.4
Houston, TX	38,764	2.3
Los Angeles, CA	19,593	4.2
New York, NY	12,865	6.3
Philadelphia, PA	16,588	2.3
Phoenix, AZ	13,260	1.8
San Antonio, TX	14,842	2.4
San Diego, CA	3,293	4.2
San Jose, CA	1,524	4.6
Large Cities	145,078	2.4
Baltimore, MD	8,041	5.3
Charlotte, NC	11,865	2.5
Columbus, OH	12,116	2.4
Detroit, MI	21,839	1.6
Indianapolis, IN	16,541	2.5
Jacksonville, FL	11,716	3.4
Las Vegas, NV	18,823	2.4
Louisville, KY	11,752	2.4
Memphis, TN	19,332	1.9
Milwaukee, WI	13,053	2.2
Medium Cities	86,582	2.5
Atlanta, GA	13,003	2.1
Cincinnati, OH	8,470	2.7
Cleveland, OH	7,839	2.2
Miami, FL	7,111	2.5
New Orleans, LA	7,482	2.9
Orlando, FL	9,768	2.9
Saint Louis, MO	12,265	1.9
Tampa, FL	8,584	3.2
Tulsa, OK	6,550	3.1
Wichita, KS	5,510	3.1
Small Cities	48,529	2.4
Baton Rouge, LA	7,313	2.5
Chattanooga, TN	4,428	3.1
Columbia, SC	5,477	1.7
Dayton, OH	4,076	2.8
Huntsville, AL	4,917	2.2
Mobile, AL	4,745	2.2
Richmond, VA	5,754	1.5
San Bernardino, CA	3,286	4.2
Shreveport, LA	4,537	2.0
Winston Salem, NC	3,996	3.0

Table IFT-03: Purchaser and Possessor Relationships for Recovered Crime Guns in the 50 U.S. States and Territories, 2017 – 2021

Recovery State/Territory	Purchaser and Possessor are Different		Purchaser and Possessor are Same		Purchaser Known, Possessor Unknown		Total traces
	Number	Percent	Number	Percent	Number	Percent	
AE	0	0.0%	1	50.0%	1	50.0%	2
AK	2,808	65.2%	386	9.0%	1,111	25.8%	4,305
AL	19,967	63.5%	3,170	10.1%	8,321	26.5%	31,458
AM	1	100.0%	0	0.0%	0	0.0%	1
AR	7,722	70.2%	1,116	10.1%	2,168	19.7%	11,006
AZ	21,689	54.5%	5,564	14.0%	12,513	31.5%	39,766
CA	86,505	60.3%	21,410	14.9%	35,521	24.8%	143,436
CO	13,282	53.3%	3,339	13.4%	8,285	33.3%	24,906
CT	3,157	64.0%	680	13.8%	1,092	22.2%	4,929
DC	4,964	64.5%	400	5.2%	2,334	30.3%	7,698
DE	3,327	63.9%	1,081	20.7%	802	15.4%	5,210
FL	56,965	51.8%	14,117	12.8%	38,978	35.4%	110,060
GA	41,287	55.7%	8,348	11.3%	24,427	33.0%	74,062
GU	74	84.1%	8	9.1%	6	6.8%	88
HI	480	66.9%	36	5.0%	202	28.1%	718
IA	5,879	59.3%	1,285	13.0%	2,758	27.8%	9,922
ID	3,455	65.3%	807	15.2%	1,033	19.5%	5,295
IL	44,301	65.5%	7,121	10.5%	16,221	24.0%	67,643
IN	21,229	57.1%	3,807	10.2%	12,128	32.6%	37,164
KS	9,684	66.7%	1,279	8.8%	3,558	24.5%	14,521
KY	17,520	69.9%	2,734	10.9%	4,810	19.2%	25,064
LA	29,843	64.3%	4,548	9.8%	12,032	25.9%	46,423
MA	4,811	51.7%	775	8.3%	3,727	40.0%	9,313
MD	19,607	59.6%	6,365	19.3%	6,926	21.1%	32,898
ME	1,243	61.5%	311	15.4%	468	23.1%	2,022
MI	21,009	59.3%	7,422	20.9%	7,010	19.8%	35,441
MN	8,755	53.9%	1,878	11.6%	5,622	34.6%	16,255
MO	22,067	60.0%	4,257	11.6%	10,466	28.4%	36,790
MP	1	33.3%	0	0.0%	2	66.7%	3
MS	11,711	62.7%	1,693	9.1%	5,263	28.2%	18,667
MT	2,266	61.3%	297	8.0%	1,135	30.7%	3,698
NC	44,235	61.0%	8,424	11.6%	19,894	27.4%	72,553
ND	1,647	58.0%	435	15.3%	760	26.7%	2,842
NE	4,559	59.4%	1,395	18.2%	1,716	22.4%	7,670
NH	1,273	63.7%	328	16.4%	398	19.9%	1,999
NJ	8,883	63.1%	1,145	8.1%	4,052	28.8%	14,080
NM	7,985	64.0%	1,402	11.2%	3,089	24.8%	12,476
NV	12,241	50.6%	3,459	14.3%	8,468	35.0%	24,168
NY	19,510	68.1%	1,887	6.6%	7,246	25.3%	28,643
OH	40,883	61.9%	8,290	12.6%	16,844	25.5%	66,017
OK	9,485	69.5%	680	5.0%	3,473	25.5%	13,638
OR	11,903	61.0%	3,120	16.0%	4,475	23.0%	19,498
PA	28,863	60.0%	6,665	13.9%	12,556	26.1%	48,084
PR	2,218	63.6%	87	2.5%	1,180	33.9%	3,485
RI	1,235	65.9%	350	18.7%	290	15.5%	1,875
SC	20,185	56.3%	3,141	8.8%	12,512	34.9%	35,838
SD	1,297	52.2%	416	16.7%	722	31.1%	2,485
TN	27,815	55.6%	4,078	8.2%	18,093	36.2%	49,986
TX	70,392	47.7%	15,000	10.2%	62,042	42.1%	147,434
UT	6,269	60.1%	1,414	13.6%	2,749	26.4%	10,432
VA	27,492	59.6%	7,476	16.2%	11,149	24.2%	46,117
VI	242	51.9%	7	1.5%	217	46.6%	466
VT	582	67.2%	128	14.8%	156	18.0%	866
WA	11,365	54.4%	2,708	13.0%	6,807	32.6%	20,880
WI	14,097	59.1%	3,849	16.1%	5,893	24.7%	23,839
WV	5,062	69.7%	535	7.4%	1,667	22.9%	7,264
WY	772	62.6%	95	7.7%	366	29.7%	1,233
Unknown	21	30.0%	0	0.0%	49	70.0%	70
Total	866,120	58.4%	180,749	12.2%	435,833	29.4%	1,482,702

Table IFT-04: Purchaser and Possessor Relationships for Recovered Crime Guns in selected U.S. Cities, 2017 – 2021

Recovery City	Purchaser and Possessor are Different		Purchaser and Possessor are Same		Purchaser Known, Possessor Unknown		Trace Count
	Number	Percent	Number	Percent	Number	Percent	
Mega Cities	92,996	53.0%	13,530	7.7%	68,883	39.3%	175,409
Chicago, IL	25,276	67.1%	2,498	6.6%	9,905	26.3%	37,679
Dallas, TX	10,492	62.7%	1,722	10.3%	4,507	27.0%	16,721
Houston, TX	7,005	18.0%	1,987	5.1%	29,845	76.8%	38,837
Los Angeles, CA	13,515	68.8%	2,435	12.4%	3,697	18.8%	19,647
New York, NY	9,293	72.0%	405	3.1%	3,211	24.9%	12,909
Philadelphia, PA	9,799	58.9%	1,076	6.5%	5,750	34.6%	16,625
Phoenix, AZ	6,051	45.5%	1,040	7.8%	6,201	46.7%	13,292
San Antonio, TX	8,446	56.8%	1,315	8.8%	5,106	34.3%	14,867
San Diego, CA	2,032	61.7%	843	25.6%	421	12.8%	3,296
San Jose, CA	1,087	70.8%	209	13.6%	240	15.6%	1,536
Large Cities	86,260	59.3%	18,786	12.9%	40,326	27.7%	143,372
Baltimore, MD	4,706	58.4%	420	5.2%	2,929	36.4%	8,055
Charlotte, NC	7,290	61.4%	1,279	10.8%	3,312	27.9%	11,881
Columbus, OH	7,730	63.6%	1,321	10.9%	3,096	25.5%	12,147
Detroit, MI	13,351	61.0%	5,314	24.3%	3,215	14.7%	21,880
Indianapolis, IN	9,407	56.7%	1,570	9.5%	5,611	33.8%	16,588
Jacksonville, FL	7,146	60.9%	1,689	14.4%	2,898	24.7%	11,733
Las Vegas, NV	9,137	48.4%	2,471	13.1%	7,258	38.5%	18,866
Louisville, KY	8,465	71.8%	1,148	9.7%	2,172	18.4%	11,785
Memphis, TN	11,093	57.3%	1,789	9.2%	6,486	33.5%	19,368
Milwaukee, WI	7,935	60.7%	1,785	13.7%	3,349	25.6%	13,069
Medium Cities	52,275	60.2%	8,508	9.8%	25,987	29.9%	86,770
Atlanta, GA	8,105	62.2%	1,430	11.0%	3,498	26.8%	13,033
Cincinnati, OH	6,248	73.7%	956	11.3%	1,277	15.1%	8,481
Cleveland, OH	4,326	55.1%	709	9.0%	2,816	35.9%	7,851
Miami, FL	4,012	56.2%	1,071	15.0%	2,050	28.7%	7,133
New Orleans, LA	4,407	58.8%	643	8.6%	2,447	32.6%	7,497
Orlando, FL	4,880	49.9%	1,130	11.5%	3,779	38.6%	9,789
Saint Louis, MO	7,119	57.9%	1,209	9.8%	3,960	32.2%	12,288
Tampa, FL	4,159	48.4%	856	10.0%	3,579	41.6%	8,594
Tulsa, OK	4,629	70.5%	45	0.7%	1,896	28.9%	6,570
Wichita, KS	4,390	79.3%	459	8.3%	685	12.4%	5,534
Small Cities	25,315	52.0%	4,143	8.5%	19,199	39.5%	48,657
Baton Rouge, LA	4,401	60.0%	589	8.0%	2,349	32.0%	7,339
Chattanooga, TN	1,281	28.9%	161	3.6%	2,992	67.5%	4,434
Columbia, SC	3,184	58.0%	581	10.6%	1,724	31.4%	5,489
Dayton, OH	2,718	66.5%	352	8.6%	1,019	24.9%	4,089
Huntsville, AL	2,419	49.1%	375	7.6%	2,134	43.3%	4,928
Mobile, AL	3,167	66.6%	648	13.6%	942	19.8%	4,757
Richmond, VA	2,365	41.0%	529	9.2%	2,870	49.8%	5,764
San Bernardino, CA	2,499	75.8%	391	11.9%	409	12.4%	3,299
Shreveport, LA	3,116	68.5%	509	11.2%	925	20.3%	4,550
Winston Salem, NC	165	4.1%	8	0.2%	3,835	95.7%	4,008

APPENDIX GP – GEOGRAPHIC PATTERNS

Table GP-03: Percentages of Interstate and Intrastate Sourced Recovered Crime Guns for U.S. States and Territories, 2017-2021

Recovery State/Territory	Interstate		Intrastate		Total Traces
	Number	Percent	Number	Percent	
AE	2	100.0%	0	0.0%	2
AK	752	17.5%	3,553	82.5%	4,305
AL	5,427	17.3%	26,021	82.7%	31,448
AM	1	100.0%	0	0.0%	1
AR	2,475	22.5%	8,525	77.5%	11,000
AZ	6,984	17.6%	32,771	82.4%	39,755
CA	59,624	41.6%	83,778	58.4%	143,402
CO	7,368	29.6%	17,526	70.4%	24,894
CT	2,483	50.8%	2,407	49.2%	4,890
DC	7,387	96.1%	300	3.9%	7,687
DE	1,728	33.2%	3,481	66.8%	5,209
FL	22,754	20.7%	87,218	79.3%	109,972
GA	14,877	20.1%	59,121	79.9%	73,998
GU	26	29.5%	62	70.5%	88
HI	388	54.1%	329	45.9%	717
IA	2,708	27.3%	7,212	72.7%	9,920
ID	1,759	33.2%	3,534	66.8%	5,293
IL	34,616	51.2%	32,981	48.8%	67,597
IN	6,361	17.1%	30,786	82.9%	37,147
KS	4,430	30.5%	10,080	69.5%	14,510
KY	5,555	22.4%	19,214	77.6%	24,769
LA	9,237	19.9%	37,163	80.1%	46,400
MA	6,245	67.1%	3,067	32.9%	9,312
MD	17,559	53.4%	15,303	46.6%	32,862
ME	410	20.3%	1,611	79.7%	2,021
MI	7,647	21.6%	27,780	78.4%	35,427
MN	4,658	28.7%	11,590	71.3%	16,248
MO	7,677	20.9%	29,087	79.1%	36,764
MP	3	100.0%	0	0.0%	3
MS	4,091	21.9%	14,568	78.1%	18,659
MT	1,086	29.4%	2,610	70.6%	3,696
NC	18,326	25.3%	54,204	74.7%	72,530
ND	1,002	35.3%	1,837	64.7%	2,839
NE	2,651	34.6%	5,010	65.4%	7,661
NH	482	24.1%	1,521	75.9%	2,003
NJ	11,499	81.8%	2,567	18.2%	14,066
NM	2,734	21.9%	9,743	78.1%	12,477
NV	7,365	30.5%	16,797	69.5%	24,162
NY	22,806	79.7%	5,802	20.3%	28,608
OH	10,955	16.6%	54,932	83.4%	65,887
OK	2,922	21.4%	10,708	78.6%	13,630
OR	4,994	25.6%	14,502	74.4%	19,496
PA	10,319	21.5%	37,709	78.5%	48,028
PR	2,591	74.5%	885	25.5%	3,476
RI	824	44.0%	1,049	56.0%	1,873
SC	7,872	22.0%	27,886	78.0%	35,758
SD	861	34.7%	1,623	65.3%	2,484
TN	15,060	30.2%	34,859	69.8%	49,919
TX	21,343	14.5%	125,420	85.5%	146,763
UT	2,323	22.3%	8,104	77.7%	10,427
VA	7,739	16.8%	38,349	83.2%	46,088
VI	366	78.5%	100	21.5%	466
VT	236	27.3%	630	72.7%	866
WA	5,594	26.8%	15,253	73.2%	20,847
WI	3,733	15.7%	20,096	84.3%	23,829
WV	1,826	25.1%	5,435	74.9%	7,261
WY	530	43.0%	702	57.0%	1,232

Unknown	3	100.0%	0	0.0%	3
Total	413,274	27.9%	1,067,401	72.1%	1,480,675

Table GP-04: Percentages of Interstate and Intrastate Sourced Recovered Crime Guns for selected U.S. Cities, 2017-2021

Recovery City	Interstate		Intrastate		Total Traces
	Number	Percent	Number	Percent	
Mega Cities	60,614	34.6%	114,704	65.4%	175,318
Chicago, IL	21,158	56.2%	16,499	43.8%	37,657
Dallas, TX	2,544	15.2%	14,171	84.8%	16,715
Houston, TX	4,837	12.5%	33,986	87.5%	38,823
Los Angeles, CA	10,045	51.1%	9,594	48.9%	19,639
New York, NY	11,949	92.7%	942	7.3%	12,891
Philadelphia, PA	4,386	26.4%	12,226	73.6%	16,612
Phoenix, AZ	1,873	14.1%	11,416	85.9%	13,289
San Antonio, TX	1,664	11.2%	13,192	88.8%	14,856
San Diego, CA	1,459	44.2%	1,841	55.8%	3,300
San Jose, CA	699	45.5%	837	54.5%	1,536
Large Cities	35,318	24.4%	109,691	75.6%	145,009
Baltimore, MD	4,898	60.9%	3,140	39.1%	8,038
Charlotte, NC	4,015	33.8%	7,864	66.2%	11,879
Columbus, OH	1,707	14.1%	10,417	85.9%	12,124
Detroit, MI	4,683	21.4%	17,191	78.6%	21,874
Indianapolis, IN	2,070	12.5%	14,509	87.5%	16,579
Jacksonville, FL	2,330	19.9%	9,401	80.1%	11,731
Las Vegas, NV	5,735	30.4%	13,127	69.6%	18,862
Louisville, KY	2,312	20.1%	9,219	79.9%	11,531
Memphis, TN	5,920	30.6%	13,407	69.4%	19,327
Milwaukee, WI	1,648	12.6%	11,416	87.4%	13,064
Medium Cities	16,616	19.2%	70,060	80.8%	86,676
Atlanta, GA	2,907	22.3%	10,123	77.7%	13,030
Cincinnati, OH	2,256	26.6%	6,226	73.4%	8,482
Cleveland, OH	880	11.2%	6,951	88.8%	7,831
Miami, FL	1,009	14.3%	6,069	85.7%	7,078
New Orleans, OH	1,963	26.2%	5,529	73.8%	7,492
Orlando, FL	1,592	16.3%	8,196	83.7%	9,788
Saint Louis, MO	1,864	15.2%	10,418	84.8%	12,282
Tampa, FL	1,727	20.1%	6,867	79.9%	8,594
Tulsa, OK	1,288	19.6%	5,278	80.4%	6,566
Wichita, KS	1,130	20.4%	4,403	79.6%	5,533
Small Cities	9,710	20.0%	38,853	80.0%	48,563
Baton Rouge, LA	984	13.4%	6,353	86.6%	7,337
Chattanooga, TN	1,653	37.3%	2,774	62.7%	4,427
Columbia, SC	914	16.9%	4,502	83.1%	5,416
Dayton, OH	655	16.0%	3,431	84.0%	4,086
Huntsville, AL	840	17.0%	4,087	83.0%	4,927
Mobile, AL	829	17.4%	3,926	82.6%	4,755
Richmond, VA	570	9.9%	5,194	90.1%	5,764
San Bernardino, CA	1,484	45.0%	1,812	55.0%	3,296
Shreveport, LA	785	17.3%	3,762	82.7%	4,547
Winston Salem, NC	996	24.9%	3,012	75.1%	4,008

ENDNOTES

¹ Trace count excludes duplicate traces, gun buy backs, and firearms turned into law enforcement. This number includes only those firearms with a recovery country location identified as the United States, with a recovery date between 1/1/2017 and 12/31/2021, and entered into the tracing system between 1/1/2017 and 9/6/2022. Traces without a recovery date are excluded.

² Purchaser identified includes all completion codes that trace to a purchaser as well as when the role played is identified as purchaser (1,482,861). When limited to only the purchaser identified completion codes, the number of crime guns traced to purchaser is 1,482,553.

³ A data description error in Table OFT-05 was identified and corrected on March 25, 2024. It was determined that the text in the report did not fully describe the data set (omitting the terms “partial” and “incomplete” which incorporate a broader range of firearms than those with obliterated serial numbers).

⁴ “Suspected Privately Made Firearm” is a designation used by ATF for an unserialized firearm that has been recovered in a criminal investigation, submitted to ATF for tracing, and determined to likely have been privately made. An unserialized firearm cannot be traced by ATF. However, ATF and the NTC conduct additional research using descriptive information provided by the requestor to determine if the unserialized firearm is a PMF. When this additional research indicates that the unserialized firearm is privately made, ATF identifies that firearm as a “Suspected PMF” for purposes of monitoring use of PMFs as crime guns and for dissemination as investigative leads and intelligence to LEAs.

⁵ Firearms recovered following an FFL theft are at times not traced because the source of the firearms is already known to the recovering LEA. This accounts for the difference between the number of firearms recovered (17,048) versus the number of firearms traced (11,093) that were associated with an FFL theft.

⁶ Firearms recovered following a theft or loss from an Interstate shipment are at times not traced because the source of the firearms is already known to the recovering LEA. This accounts for the difference between the number of firearms recovered (3,072) versus

the number of firearms traced (2,169) that were associated with a theft or loss from an Interstate shipment.

⁷ <https://www.census.gov/data/tables/2020/demo/pepest/2020-demographic-analysis-tables.html> (accessed September 20, 2022).

⁸ There were 16 crime guns traced to a purchaser identified as non-binary.

⁹ <https://www.census.gov/data/tables/2020/demo/pepest/2020-demographic-analysis-tables.html> (accessed September 20, 2022).

¹⁰ Effective June 25, 2022, the Bipartisan Safer Communities Act, Public Law 117-159, amended the GCA's definition of "engaged in the business" with respect to retail firearm dealers (Type 1 FFLs). Specifically, Section 12002 of the Act removed the phrase "principal objective of livelihood and profit" from the definition of a dealer in firearms in section 921(a)(11)(A) of the GCA and replaced it with the phrase "predominately to earn a profit." As revised, Section 921(a)(11)(A) defines dealers in firearms as: "a person who devotes time, attention, and labor to dealing in firearms as a regular course of trade or business to predominantly earn a profit through the repetitive purchase and resale of firearms, but such term shall not include a person who makes occasional sales, exchanges, or purchases of firearms for the enhancement of a personal collection or for a hobby, or who sells all or part of his personal collection of firearms."

¹¹ <https://www.atf.gov/firearms/docs/report/national-firearms-commerce-and-trafficking-assessment-firearmscommerce-volume/download> (accessed October 2, 2022).

¹² <https://www.atf.gov/firearms/docs/report/national-firearms-commerce-and-trafficking-assessment-firearmscommerce-volume/download> (accessed October 2, 2022).

¹³ HS Produkt XD series and Hellcat pistols are imported by Springfield Armory.

¹⁴ <https://www.atf.gov/firearms/docs/report/national-firearms-commerce-and-trafficking-assessment-firearmscommerce-volume/download>

¹⁵ The median is the middle number in a sorted, ascending or descending list of numbers and can be more descriptive of that data set than the average due to the presence of outliers (extreme values that skew the distribution). It is the point above and below which half (50%) the observed data falls, and so represents the midpoint

of the data. The median year was calculated by taking the number of days and dividing by 365.25 and rounding up.

¹⁶ A data presentation error in Figure IFT-14 was identified and corrected on March 25, 2024. It was determined that the text in the body of the report and accompanying figure did not correspond to the underlying data.

¹⁷ <https://www.atf.gov/firearms/docs/report/national-firearms-commerce-and-trafficking-assessment-firearmscommerce-volume/download>

¹⁸ Distances are calculated using precise street addresses of FFL, purchaser, possessor, or recovery locations were geocoded to XY coordinates. The distance measurement is straight line between the points.

¹⁹ For e.g., Bureau of Alcohol, Tobacco and Firearms. 2002. *Crime Gun Trace Analysis (2000): National Report*. Washington, DC: Bureau of Alcohol, Tobacco and Firearms; Anthony A. Braga, Philip J. Cook, David M. Kennedy, and Mark H. Moore. 2002. "The Illegal Supply of Firearms." *Crime and Justice: A Review of Research*, 29: 319-352; Glenn L. Pierce, Anthony A. Braga, Raymond R. Hyatt, and Christopher S. Koper. 2004. "The Characteristics and Dynamics of Illegal Firearms Markets: Implications for a Supply-Side Enforcement Strategy." *Justice Quarterly*, 21 (2): 391-422; Philip J. Cook, Richard J. Harris, Jens Ludwig, and Harold A. Pollack. 2015. "Some Sources of Crime Guns in Chicago: Dirty Dealers, Straw Purchasers, and Traffickers," *Journal of Criminal Law and Criminology*, 104 (4): 717-759.

²⁰ Philip J. Cook. 2018. "Gun Markets," *Annual Review of Criminology*, 1: 359-377.

²¹ Philip J. Cook, Harold A. Pollack, and Kailey White. 2019. "The Last Link: From Gun Acquisition to Criminal Use," *Journal of Urban Health*, 96 (5): 784-791.

²² Philip J. Cook, Jens Ludwig, Sudhir Venkatesh, and Anthony A. Braga. 2007. "Underground Gun Markets." *The Economic Journal*, 117 (11): 558-588.

²³ Bureau of Alcohol, Tobacco and Firearms. 2000. *Following the Gun: Enforcing Federal Laws Against Firearms Traffickers*. Washington, DC: Bureau of Alcohol, Tobacco and Firearms.; Anthony A. Braga, Garen J. Wintemute, Glenn L. Pierce, Philip J. Cook, and Greg Ridgeway. 2012. "Interpreting the Empirical Evi-

dence on Illegal Gun Market Dynamics.” *Journal of Urban Health*, 89 (5): 779-793; Anthony A. Braga and Glenn L. Pierce. 2005. “Disrupting Illegal Firearms Markets in Boston: The Effects of Operation Ceasefire on the Supply of New Handguns to Criminals.” *Criminology & Public Policy*, 4 (4): 717-748.

²⁴ David M. Hureau and Anthony A. Braga. 2018. “The Trade in Tools: The Market for Illicit Guns in High-Risk Networks.” *Criminology*, 56 (3): 510-545; Anthony A. Braga, Rod K. Brunson, Philip J. Cook, Brandon S. Turchan, and Brian Wade. 2021. “Underground Gun Markets and the Flow of Illegal Guns into the Bronx and Brooklyn: A Mixed Methods Analysis.” *Journal of Urban Health*, 98 (5): 596-608.

²⁵ See also, Philip J. Cook and Anthony A. Braga. 2001. “Comprehensive Firearms Tracing: Strategic and Investigative Uses of New Data on Firearms Markets.” *Arizona Law Review*, 43 (2): 277-309; Brian Knight. 2013. “State Gun Policy and Cross-State Externalities: Evidence from Crime Gun Tracing,” *American Economic Journal: Economic Policy*, 5 (4): 200-229.

²⁶ See also Anthony A. Braga, Lisa M. Barao, Garen J. Wintemute, Steven Valle, and Jaimie Valente. 2022. “Privately Manufactured Firearms, Newly Purchased Firearms, and the Rise of Urban Gun Violence.” *Preventive Medicine*, <https://doi.org/10.1016/j.ypmed.2022.107231> (in press).

²⁷ AE is the abbreviation for Armed Forces Europe

²⁸ AM is the abbreviation for American Samoa. Abbreviation AS can also be used.

²⁹ GU is the abbreviation for Guam

³⁰ MP is the abbreviation for the Northern Mariana Islands

³¹ Unknown includes all recovered crime guns in which the recovery country was indicated to be “US”; however, the State was either blank or entered incorrectly by the entering law enforcement agency.
