



JAY EDWARD SIMKIN
SPORTING GOODS & POLICE SUPPLIES
FEDERALLY-LICENSED FIREARMS DEALER

Testimony

Senate Bill 500

Senate Judiciary Committee

Room 100, The State House

13 February 2018 / 9:00 a.m.

I have held a Federal Firearms License (FFL) since approximately 1 July 1982. Since approximately 1 July 1986, I have been a Special Occupational Taxpayer and so authorized to sell items governed by the National Firearms Act (NFA; enacted on 26 June 1934). These items include machineguns, short-barreled rifles and shotguns, and sound suppressors. It should be presumed that I'm conversant with the relevant laws and regulations.

SB 500 should be deemed “inexpedient to legislate”. The reason: its provision – to incorporate into New Hampshire’s laws, Federal definitions of firearms – rests on a factually-wrong foundational assumption. That assumption: Federal definitions of “firearms” are stable and up-to-date. This is simply not so.

A. Federal Firearms Law Instability.

A key source of instability in Federal Firearms law arises from “sporting purpose”. This term is found in: “U.S.C. § 925(d)(3). This provision of the Gun Control Act of 1968 (GCA) provides that the Secretary shall authorize a firearm to be imported into the United States if the firearm is ‘generally recognized as particularly suitable for or readily adaptable to sporting purposes.’” (U.S. Bureau of Alcohol, Tobacco, Firearms and Explosives [BATFE] Ruling 94-1; Attachment A). There’s no definition of “sporting purposes”. The Department of Justice now regulates the firearm industry.

In the early 1990s, a semi-automatic 12 gauge shotgun made in South Korea, was sold in the United States. By a ruling issued on 1994, this shotgun was re-classified

as a “destructive device”, because the Secretary of the Treasury decided that it was not particularly suitable for sporting purposes. Owners had to register their firearms: the \$200 tax was waived. The tax-free registration period ended on 1 May 2001 (See ATF Ruling 2001-1, Attachment B). This was not the first such retro-active reclassification of a firearm. In 1982, ATF re-classified the KG-9 semi-automatic pistol as a machinegun. ATF Ruling 82-2 declared that, “With respect to the machine gun classification of the KG-9 pistol under the National Firearms Act, pursuant to 26 U.S.C. § 7805(b), this ruling will not be applied to KG-9 pistols manufactured before January 19, 1982.” (Attachment C.) Left unsaid: how someone would prove the date-of-manufacture.

This problem continues:

“In 2012, ATF determined that a specific arm-stabilizing brace - marketed as ‘a shooter's aid’ to assist in shooting large buffer tube equipped pistols - was not a shoulder stock and therefore could be attached to a firearm without that act constituting the making of an NFA firearm. Following this determination, the firearms industry and members of the public sought clarification on whether the stabilizing brace may lawfully be used as a shoulder stock. To respond to these inquiries, ATF published the January 2015 Open Letter. In that letter ATF confirmed its previous determination that the use of stabilizing braces, as designed, would not create a short-barreled rifle when attached to a firearm. ATF also advised, however, that because the stabilizing brace was not designed as a shoulder stock, ‘use’ of the device as a shoulder stock would constitute a ‘redesign’ of the firearm to which it was attached, resulting in the classification of that firearm as a short-barreled rifle.” (Letter, BATFE [Marvin G. Richardson Assistant Director, Enforcement Programs and Services] to Attorney Mark Barnes, 21 March 2017, p. 2. Attachment D.)

Unauthorized possession of any NFA device can be punished by a fine of up to \$10,000 and/or up to 10 years in prison (26 U.S. Code § 5871). Thus, those – who disregard what may seem to them “lawyerly hair-splitting” or “semantics” – expose themselves to very nasty long-term consequences.

Ammunition also has been re-classified by the BATFE. On 2 February 1994, the BATFE notified FFL-holders that rifle cartridges in caliber 7.62x39mm – with a

steel core bullet – no longer could be sold at retail because such cartridges had been reclassified as armor-piercing handgun ammunition. (Open Letter, 2 February 1994, attached). Dealers, who had this ammunition in inventory, were “stuck” (Attachment E).

These examples – there are many others – show that Federal definitions are changed arbitrarily. So long as Federal definitions are not incorporated into New Hampshire laws, New Hampshire residents – unaware of these “reclassifications” – need not fear being seized by New Hampshire law enforcement officers.

B. Federal Firearms Laws Lag Reality.

In the early 1960s, the U.S. Army introduced a new rifle, then known as the M16 and now designated as the M4. These rifles were chambered for the 5.56x45mm cartridge. Earlier versions had a built-in carrying handle. More recent models have a “flat-top”, i.e., a notched rail to which metal sights, optics, electronic sights, a carrying handle, or other accessories can easily be installed and removed, with simple tools or no tools at all. (See Attachments F & G)

These rifles also have in common a lower receiver, the serially-numbered part that is the core of this type of rifle. (Attachment H) On to a lower receiver a wide range of upper receivers (which houses the bolt and barrel) can quickly be mounted. Thus, by simply removing push pins, an upper housing a 20”-long barrel could be replaced with an upper housing a 16” barrel. No U.S. military rifle had ever been so readily modified. Civilians own millions of AR-type rifles, in semi-automatic format: one trigger pull is required to discharge each cartridge.

Some firearm-owners and -makers enjoy experimenting. Thus, about three decades ago, some firearm-makers tried removing the stock from an AR15 semi-automatic rifle and installing an upper with a barrel shorter than 16”. The AR pistol was born. (Attachment I).

This created a legal problem. The core part of a rifle – whether bolt-action, lever-action, break-open, pump-action, or semi-automatic – had always been known as a “receiver”. A “stripped receiver”, i.e., one with no parts installed, is a “firearm”.

Possession of a “receiver” by a prohibited person – e.g., a convicted bank robber – is a Federal felony. The core part of a pistol – whether revolver, semi-automatic, derringer, etc. – is known as a “frame”. See 18 U.S.C. § 921 (a)(3), wherein these terms are mentioned, but not defined.

BATFE has not required manufacturers of AR-type rifles and pistols to designate some of their products as “receivers” while others are designated as “frames”. As a result, the centuries-old divide between handguns and rifles has “gone away”. As noted above, when an “arm brace” is installed on an AR pistol, a hybrid is created. It offers a one-hand-held device that fires rifle cartridges – which an AR pistol will do – but with a brace that reduces wobble. (Attachment J).

Congress has done nothing to recognize these innovations, some decades old. They post-dated enactment of the Gun Control Act of 1968 (“GCA68”, 22 October 1968, 82 Stat. 1213). The Firearm Owners' Protection Act (“FOPA”, 19 May 1986, 100 Stat. 449) did not address these then-nascent innovations. The “Violent Crime Control and Law Enforcement Act of 1994” (13 September 1994, 108 Stat. 1796) focused on banning certain firearms, not recognizing innovations. Thus, to bind New Hampshire to Federal definitions is to bind New Hampshire to definitions that are decades behind reality. No one conversant with Federal laws should want that.

There’s an even more remarkable time lag. It involves an item that few own: a grenade. When the National Firearms Act was approved in 1934, there were few types of grenades. Lawmakers then focused on curbing violent criminal cartels – born of Prohibition (the nationwide ban on retail sale of alcoholic drink) – who mainly abused machineguns and sawed-off shotguns. When the NFA was incorporated into GCA68, the term “grenade” was added, but not defined (See 18 U.S.C. § 921 (a)(4)(A)(ii)). There were then fragmentation grenades, incendiary grenades (thermite and white phosphorous) and smoke grenades. These were battlefield weapons.

Since 1968, grenades have diversified. There are many less-than-lethal grenades. Law enforcement agencies use “flash-bang” grenades – which produce a blinding flash of light and a very loud report – to disorient suspects so they may more safely

Testimony: Jay E. Simkin / SB 500 / Senate Judiciary Committee / Room 100, The State House /
13 February 2018, 9:00 a.m. / Page 5 of 5.

be taken into custody (Attachment K). For riot control purposes, a wide variety of tear gas grenades is available. There are also smoke grenades that civilians can buy on-line (Attachment L). Yet, the 1968 Federal definition remains, unqualified, as if none of these innovations had occurred.

In short, the proposal – to incorporate Federal definitions into New Hampshire laws governing firearms – is worse than meritless. It is deeply subversive: if enacted SB500 will ensure New Hampshire residents get the worst of both worlds: Federal definitions decades behind-the-times and other Federal definitions changed without rhyme or reason. SB500’s proponents appear to know little of the legislative history of U.S. laws relating to firearms and destructive devices. Accordingly, SB500 should be deemed “inexpedient to legislate”.

Thank You, Madame Chairwoman and Members of the Committee, for taking the time to receive my testimony.

I’ll be happy to answer any questions: just call or e-mail.

ATTACHMENT A.

<https://www.atf.gov/file/55416/download>

26 U.S.C. § 5845(f)(2): DESTRUCTIVE DEVICE

(Nonsporting shotgun having a bore of more than one-half inch in diameter)

The USAS-12 shotgun has a bore of more than one-half inch in diameter and is not generally recognized as particularly suitable for sporting purposes. Therefore, it is classified as a destructive device for purposes of the National Firearms Act, 26 U.S.C. Chapter 53.

ATF Rul. 94-1

[Status of ruling: Active]

The Bureau of Alcohol, Tobacco and Firearms (ATF) has examined a firearm identified as the USAS-12 shotgun to determine whether it is a destructive device as that term is used in the National Firearms Act (NFA), 26 U.S.C. Chapter 53.

The USAS-12 is a 12-gauge, gas-operated, autoloading semiautomatic shotgun which is chambered for 12-gauge 2 3/4-inch ammunition. It has an 18 1/4-inch barrel, is approximately 38 inches long, and weighs 12.4 pounds unloaded and approximately 15 pounds with a loaded magazine, depending on the capacity of the magazine. The USAS-12 is equipped with a 12-round detachable box magazine, but a 28-round detachable drum magazine is also available. The shotgun is approximately 11 inches deep with a box magazine. There is an integral carrying handle on top of the receiver, which houses a rifle-type aperture rear and adjustable post-type front sight. The USAS-12 has a separate combat-style pistol grip located on the bottom of the receiver, forward of the buttstock. An optional telescopic sight may be attached to the carrying handle. The barrel is located below the operating mechanism in such fashion that the barrel is in a straight line with the center of the buttstock.

Section 5845(f), Title 26, U.S.C., classified certain weapons as “destructive devices” which are subject to the registration and tax provisions of the NFA. Section 5845(f)(2) provides as follows:

(f) *Destructive device.*--The term “destructive device” means * * * (2) any type of weapon by whatever name known which will, or which may be readily converted to, expel a projectile by the action of an explosive or other propellant, the barrel or barrels of which have a bore of more than one-half inch in diameter, except a shotgun or shotgun shell which the Secretary or his delegate finds is generally recognized as particularly suitable for sporting purposes; . . .

A “sporting purposes” test which is almost identical to that in section 5845(f)(2) appears in 18 U.S.C. § 925(d)(3). This provision of the Gun Control Act of 1968 (GCA) provides that the Secretary shall authorize a firearm to be imported into the United States if the firearm is “generally recognized as particularly suitable for or readily adaptable to sporting purposes.” With the exception of the “readily adaptable” language, this provision is identical to the sporting shotgun exception to the destructive device definition. The definition of “destructive device” in the GCA (18 U.S.C. § 921(a)(4)) is identical to that in the NFA.

In determining whether shotguns with a bore of more than one-half inch in diameter are “generally recognized as particularly suitable for sporting purposes” and thus are not destructive devices under the NFA, we believe it is appropriate to use the same criteria used for evaluating shotguns under the “sporting purposes” test of section 925(d)(3). Congress used virtually identical language in describing the weapons subject to the two statutory schemes and the language was added to the GCA and NFA at the same time.

In connection with the determination of importability, ATF determined that the USAS-12 shotgun was not eligible for importation under the sporting purposes test in section 925(d)(3). In reaching this determination, ATF evaluated the weight, size, bulk, designed magazine capacity, configuration, and other characteristics of the USAS-12. It was determined that the weight of the USAS-12, 12.4 pounds, made it much heavier than traditional 12-gauge sporting shotguns, which made it awkward to carry for extended periods, as in hunting, and cumbersome to fire at multiple small moving targets, as in skeet and trap shooting. The width of the USAS-12 with drum magazine, approximately 6 inches, and the depth with box magazine, in excess of 11 inches, far exceeded that of traditional sporting shotguns, which do not exceed 3 inches in width or 4 inches in depth. The large size and bulk of the USAS-12 made it extremely difficult to maneuver quickly enough to engage moving targets as is necessary in hunting, skeet, and trap shooting. The detachable box magazine with 12-cartridge capacity and the detachable drum magazine with 28-cartridge capacity were of a larger capacity than traditional repeating sporting shotguns, which generally contain tubular magazines with a capacity of 3-5 cartridges. Additionally, detachable magazines permit more rapid reloading than do tubular magazines. Finally, the combat-style pistol grip, the barrel-to-buttstock configuration, the bayonet lug, and the overall appearance and general shape of the weapon were radically different from traditional sporting shotguns and strikingly similar to shotguns designed specifically for or modified for combat and law enforcement use.

Section 7805(b), Title 26, U.S.C., provides that the Secretary may prescribe the extent, if any, to which any ruling relating to the internal revenue laws shall be applied without retroactive effect. Accordingly, all rulings issued under the Internal Revenue Code are applied retroactively unless they specifically provide otherwise. Pursuant to section 7805(b), the Director, as the delegate of the Secretary, may prescribe the extent to which any ruling will apply without retroactive effect.

Held: The USAS-12 is a shotgun with a bore of more than one-half inch in diameter which is not particularly suitable for sporting purposes. The weight, size, bulk, designed magazine capacity, configuration, and other factors indicate that the USAS-12 is a semiautomatic version of a military-type assault shotgun. Accordingly, the USAS-12 is a destructive device as that term is used in 26 U.S.C. § 5845(f)(2). Pursuant to section 7805(b), this ruling is applied prospectively effective March 1, 1994, with respect to the making, transfer, and special (occupational) taxes imposed by the NFA. All other provisions of the NFA apply retroactively effective March 1, 1994.

ATTACHMENT B.

<https://www.atf.gov/firearms/docs/ruling/2001-1-destructive-device-usas-12-and-streetsweeper-shotguns/download>

18 U.S.C. 921(a)(4): DESTRUCTIVE DEVICE

26 U.S.C. 5845(f)(2): DESTRUCTIVE DEVICE (Nonsporting shotgun having a bore of more than one-half inch in diameter)

The registration period for the USAS-12, Striker-12, and Streetsweeper shotguns will close on May 1, 2001.

ATF Ruling 2001-1

Pursuant to ATF Rulings 94-1 (ATF Q.B. 1994-1, 22) and 94-2 (ATF Q.B. 1994-1, 24), the Bureau of Alcohol, Tobacco and Firearms (ATF) classified the USAS-12, Striker 12, and Streetsweeper shotguns as destructive devices under the National Firearms Act (NFA), 26 U.S.C. Chapter 53. The NFA requires that certain "firearms" be registered and imposes taxes on their making and transfer. The term "firearm" is defined in section 5845 to include "destructive devices." The term "destructive device" is defined in section 5845(f)(2) as follows:

[T]he term 'destructive device' means . . . (2) any type of weapon by whatever name known which will, or which may be readily converted to, expel a projectile by the action of an explosive or other propellant, the barrel or barrels of which have a bore of more than one-half inch in diameter, except a shotgun or shotgun shell which the Secretary finds is generally recognized as particularly suitable for sporting purposes; . . .

The USAS-12, Striker 12, and Streetsweeper shotguns were classified as destructive devices pursuant to section 5845(f) because they are shotguns with a bore of more than one-half inch in diameter which are not generally recognized as particularly suitable for sporting purposes.

Pursuant to 26 U.S.C. 7805(b), ATF. Ruls. 94-1 and 94-2 were issued prospectively with respect to the making, transfer, and special (occupational) taxes imposed by the NFA. Thus, although the classification of the three shotguns as NFA weapons was retroactive, the prospective application of the tax provisions allowed registration without payment of tax. ATF has contacted all purchasers of record of the shotguns to advise them of the classification of the weapons as destructive devices and that the weapons must be registered. ATF has registered approximately 8,200 of these weapons to date.

Held, the registration period for the USAS-12, Striker-12, and Streetsweeper shotguns will close on May 1, 2001. No further registrations will be accepted after that date. Persons in possession of unregistered NFA firearms are subject to all applicable penalties under 26 U.S.C. Chapter 53.

Date signed: February 2, 2001

ATTACHMENT C.

<https://www.atf.gov/firearms/docs/ruling/1982-2-kg-9-pistol-nfa-weapon/download>

27 C.F.R. 179.11: MEANING OF TERMS

The KG-9 pistol is a machinegun as defined in the National Firearms Act.

ATF Rul. 82-2

[Status of ruling: Active]

The Bureau of Alcohol, Tobacco and Firearms has examined a firearm identified as the KG-9 pistol. The KG-9 is a 9 millimeter caliber, semiautomatic firearm which is blowback operated and which fires from the open bolt position with the bolt incorporating a fixed firing pin. In addition, a component part of the weapon is a disconnecter which prevents more than one shot being fired with a single function of the trigger.

The disconnecter is designed in the KG-9 pistol in such a way that a simple modification to it, such as cutting, filing, or grinding, allows the pistol to operate automatically. Thus, this simple modification to the disconnecter together with the configuration of the above design features (blowback operation, firing from the open bolt position, and fixed firing pin) in the KG-9 permits the firearm to shoot automatically, more than one shot, without manual reloading, by a single function of the trigger. The above combination of design features as employed in the KG-9 is normally not found in the typical sporting firearm.

The National Firearms Act, 26 U.S.C. § 5845(b), defines a machinegun to include 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.

The “shoots automatically” definition covers weapons that will function automatically. The “readily restorable” definition defines weapons which previously could shoot automatically but will not in their present condition. The “designed” definition includes those weapons which have not previously functioned as machineguns but possess design features which facilitate full automatic fire by simple modification or elimination of existing component parts.

Held: The KG-9 pistol is designed to shoot automatically more than one shot, without manual reloading, by a single function of the trigger. Consequently, the KG-9 pistol is a machinegun as defined in section 5845(b) of the Act.

With respect to the machinegun classification of the KG-9 pistol under the National Firearms Act, pursuant to 26 U.S.C. § 7805(b), this ruling will not be applied to KG-9 pistols manufactured before January 19, 1982. Accordingly, KG-9 pistols manufactured on or after January 19, 1982, will be subject to all the provisions of the National Firearms Act and 27 C.F.R. Part 179.



U.S. Department of Justice

Bureau of Alcohol, Tobacco,
Firearms and Explosives

Assistant Director

Washington, DC 20226

www.atf.gov

MAR 21 2017

90000:GM
5000

Mark Barnes, Esq.
Outside Counsel to SB Tactical, LLC
1350 Eye St. NW, Suite 260
Washington, D.C. 20005

Re: Reversal of ATF Open Letter on the Redesign of "Stabilizing Braces"

Dear Mr. Barnes:

I am writing in response to your letter dated January 5, 2017, to Thomas Brandon, the Acting Director of the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) on behalf of your client SB Tactical, LLC. Your letter requests that ATF reconsider its position articulated in ATF's "Open Letter on the Redesign of 'Stabilizing Braces'" issued on January 16, 2015 (hereafter, the "Open Letter"). The *Open Letter* made it clear that stabilizing braces are perfectly legal accessories for large handguns or pistols. However, when employed as a shoulder stock with a firearm with a barrel less than 18 inches in length, the result would be making an unregistered NFA firearm. Your letter challenges the legal correctness of this latter conclusion and asks that ATF disavow it. Since receiving your letter we have re-examined the conclusions contained in the *Open Letter*. Although we stand by those conclusions, we agree that the *Open Letter* may have generated some confusion concerning the analytical framework by which those conclusions were reached. Thank you for the opportunity to clarify our analysis.

Background

As you are aware, the NFA, 26 USC § 5845, defines "firearm," in relevant part, as "a shotgun having a barrel or barrels of less than 18 inches in length" and "a rifle having a barrel or barrels of less than 16 inches in length." That section defines both "rifle" and "shotgun" as "a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder...." Pursuant to the plain language of the statute, ATF and its predecessor agency have long held that a pistol with a barrel less than 16 inches in length and an attached shoulder stock is an NFA "firearm."

Mark Barnes, Esq.

In 2012, ATF determined that a specific arm-stabilizing brace—marketed as “a shooter’s aid” to assist in shooting large buffer tube equipped pistols—was not a shoulder stock and therefore could be attached to a firearm without that act constituting the making of an NFA firearm. Following this determination, the firearms industry and members of the public sought clarification on whether the stabilizing brace may lawfully be used as a shoulder stock. To respond to these inquiries, ATF published the January 2015 *Open Letter*. In that letter ATF confirmed its previous determination that the use of stabilizing braces, as designed, would not create a short-barreled rifle when attached to a firearm. ATF also advised, however, that because the stabilizing brace was not designed as a shoulder stock, “use” of the device as a shoulder stock would constitute a “redesign” of the firearm to which it was attached, resulting in the classification of that firearm as a short-barreled rifle.

Your letter asserts that ATF’s analysis of “use” is untenable because the mere use of an otherwise lawfully possessed item for a purpose for which it was not designed does not constitute “redesign” as defined in the NFA. You support this argument with analogies involving items that are not firearms (*i.e.*, misuse of a screwdriver or hammer), and by distinguishing a prior ATF ruling, ATF Ruling 95-2, on which the *Open Letter* relies in its analysis of use. The unstated, but logical, result of your argument is that stabilizing braces, although designed, intended and marketed for use only to shoot from the arm, could be attached to a firearm and used as a shoulder stock without falling within the purview of the NFA. Under certain circumstances, such an absolute result is simply not consistent with the letter and intent of the NFA, as we illustrate in the next paragraph.

An accessory that can be attached to a firearm in any one of several configurations must be evaluated to determine whether attaching it in each of those configurations constitutes “making” an NFA firearm under both objective and subjective analyses. With respect to stabilizing braces, ATF has concluded that attaching the brace to a handgun as a forearm brace does not “make” a short-barreled rifle because in the configuration as submitted to and approved by FATD, it is not intended to be and cannot comfortably be fired from the shoulder. If, however, the shooter/possessor takes affirmative steps to configure the device for use as a shoulder-stock— for example, configuring the brace so as to permanently affix it to the end of a buffer tube, (thereby creating a length that has no other purpose than to facilitate its use as a stock), removing the arm-strap, or otherwise undermining its ability to be used as a brace – and then in fact shoots the firearm from the shoulder using the accessory as a shoulder stock, that person has objectively “redesigned” the firearm for purposes of the NFA. This conclusion is not based upon the mere fact that the firearm was fired from the shoulder at some point. Therefore, an NFA firearm has not necessarily been made when the device is not re-configured for use as a shoulder stock – even if the attached firearm happens to be fired from the shoulder.

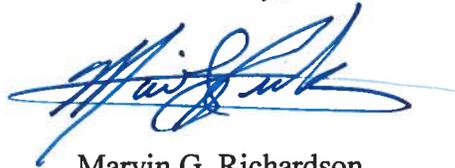
Mark Barnes, Esq.

To the extent the January 2015 *Open Letter* implied or has been construed to hold that incidental, sporadic, or situational “use” of an arm-brace (in its original approved configuration) equipped firearm from a firing position at or near the shoulder was sufficient to constitute “redesign,” such interpretations are incorrect and not consistent with ATF’s interpretation of the statute or the manner in which it has historically been enforced.

In that regard, we also note that the “making” of an NFA firearm pursuant to 26 U.S.C. § 5821 includes the altering of an existing firearm such that, after the alteration, the firearm meets one of the enumerated descriptions in 26 U.S.C. § 5845(a), whether or not that alteration is permanent. So, for example, one “makes” a short-barreled shotgun subject to the NFA by replacing a 20 inch barrel with a 16 inch barrel, even though that configuration may not be permanent. Nothing in the NFA requires that the “making” be irreversible. Similarly, an item that functions as a stock if attached to a handgun in a manner that serves the objective purpose of allowing the firearm to be fired from the shoulder may result in “making” a short-barreled rifle, even if the attachment is not permanent. *See*, Revenue Ruling 61-45. The fact that the item may allow, or even be intended by its manufacturer for other lawful purposes, does not affect the NFA analysis.

Again, to the extent the *Open Letter* was confusing, we appreciate the opportunity to clarify our position. Thank you for your inquiry regarding this matter.

Sincerely,



Marvin G. Richardson
Assistant Director
Enforcement Programs and Services



DIRECTOR

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

FEB 2 1994

OPEN LETTER TO ALL FEDERAL FIREARMS LICENSEES

The purpose of this letter is to advise you that **EFFECTIVE IMMEDIATELY** 7.62 x 39mm steel core ammunition has been reclassified as armor piercing ammunition AND Federal Firearms Licensees, except type 11 licensees, are no longer authorized to import or commercially sell 7.62 x 39mm steel core ammunition. **Existing stocks of 7.62 x 39mm steel core ammunition may only be exported or sold to law enforcement or government agencies.**

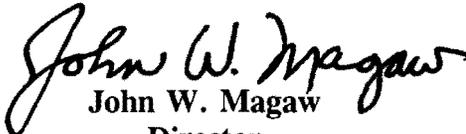
Section 921(a)(17)(B) defines armor piercing ammunition as:

"the term armor piercing ammunition means a projectile or projectile core which may be used in a handgun and which is constructed entirely (excluding the presence of traces of other substances) from one or a combination of tungsten alloys, steel, iron, brass, bronze, beryllium copper, or depleted uranium. Such term does not include shotgun shot required by Federal or State environmental or game regulations for hunting purposes, a frangible projectile designed for target shooting, a projectile which the Secretary finds is primarily intended to be used for sporting purposes, including a charge used in an oil and gas well perforating device."

Over the past several years, the Bureau of Alcohol, Tobacco and Firearms (ATF) has allowed the importation and commercial resale of 7.62 x 39mm steel core ammunition based on the fact that there were no handguns in commercial channels capable of chambering this ammunition. Investigations conducted by ATF have concluded that such handguns are now commercially available.

Therefore, you are advised that continued importation and/or resale of 7.62 x 39mm steel core ammunition will be considered a willful violation of law and regulations and could result in criminal prosecution and the revocation of your Federal Firearms License.

If you have any questions concerning this matter, contact the Firearms and Explosives Imports Branch at (202) 927-8320.


John W. Magaw
Director

MHI
Copy

FM 23-9

DEPARTMENT OF THE ARMY FIELD MANUAL

RIFLE, 5.56-MM, XM16E1

PROPERTY OF
QUARTERMASTER SCHOOL LIBRARY
U. S. ARMY QUARTERMASTER SCHOOL
FORT LEE, VA. 23801



HISTORICAL USE

HEADQUARTERS, DEPARTMENT OF THE ARMY
JULY 1966

Full magazine (20 rounds) -----	.7 lb.
Sling, M1 -----	.4 lb.
Firing weight (fully loaded with sling) -----	7.6 lb.
Bipod, M3 -----	.6 lb.
Bipod case -----	.2 lb.
Bayonet-knife, M7 -----	.6 lb.
Scabbard, M8A1 -----	.3 lb.

b. Lengths.

Rifle with bayonet-knife, M7 -----	44.25 in.
Rifle overall with flash suppressor -----	39 in.
Barrel (with flash suppressor) -----	21 in.
Barrel (without flash suppressor) -----	20 in.

c. Sights.

Front-----	Adjustable click-type post. Each click equals 2.8 centimeters per every 100 meters of range.
Rear-----	Adjustable, flip type. Normal range setting is for 0 to 300 meters. Long-range setting (L), 300 to 500 meters. Each notch of the windage drum equals 2.8 centimeters per every 100 meters of range.
Sight radius-----	19.75 inches.

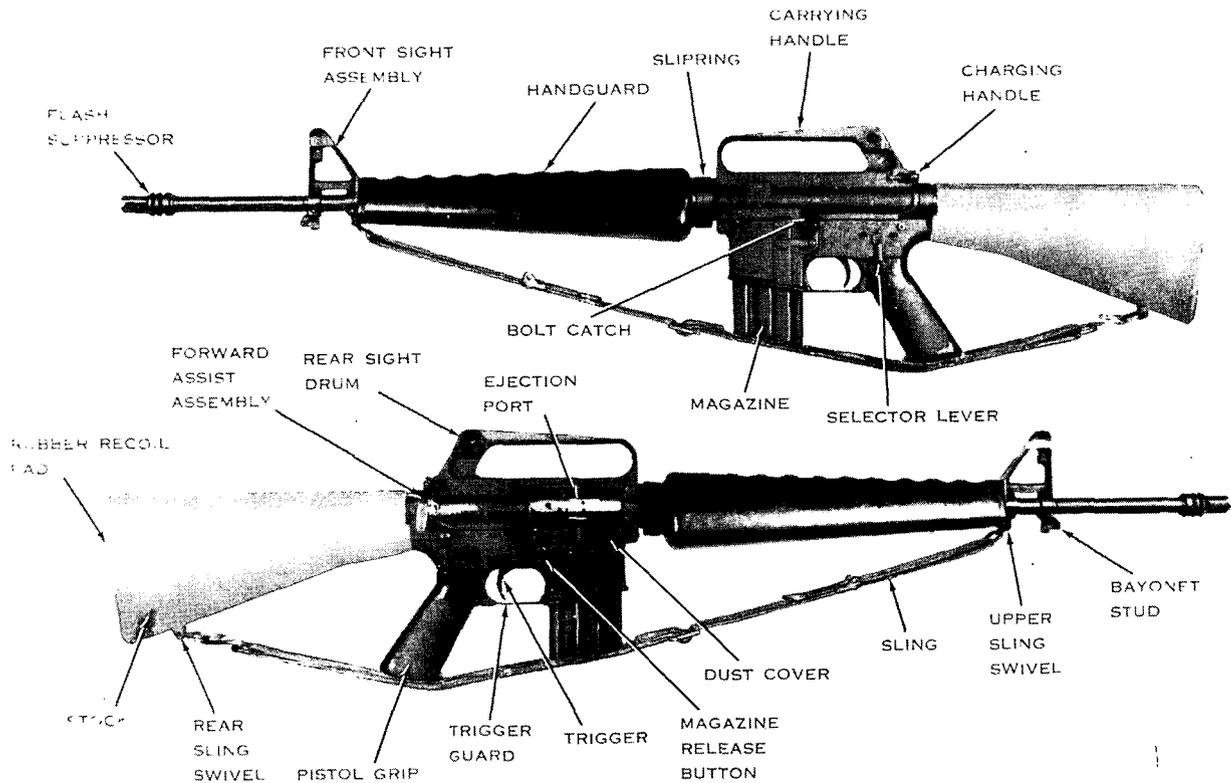


Figure 1. Rifle, 5.56-mm, XM16E1, right and left side views.

ATTACHMENT H.



ATTACHMENT I.



SAINT™ AR-15 PISTOL – 5.56



Share

With the new SAINT™ AR-15 pistol, Springfield Armory brings the same impact of its SAINT platform to a whole new category. The SAINT Pistol is highly capable and upgraded out of the box but in stock-free pistol form.

Instead of a rifle buttstock, the new SAINT AR-15 pistol features a rugged SB Tactical SBX-K forearm brace to reduce size, stabilize recoil, and enhance accuracy in one or two-hand shooting. A 7.5-inch barrel with a 1:7 twist makes the SAINT pistol small, fast, and ideal for CQB. The 416R stainless steel barrel is Melonite® treated to be harder and more accurate than chrome, and is chambered for 5.56 NATO (.223) so ammunition is affordable, versatile, and seriously capable.

[READ MORE](#)

SPECS

CALIBER 5.56x45mm NATO (.223REM)	LENGTH 26.5"	WEIGHT 5 lb 8 oz
UPPER RECEIVER Forged Type III Hard Coat Anodized, 7075 T6 Aluminum	LOWER RECEIVER Forged Type III Hard Coat Anodized, 7075 T6 Aluminum w/ Accutite™ Tension System	BARREL 7.5" 416R Stainless Steel, 1:7 Twist, Melonite®
GAS SYSTEM Direct Impingement Pistol-Length Gas Port w/ Low Profile Pinned Gas Block	TRIGGER Springfield Armory® Proprietary, Nickel Boron Coated GI	SIGHTS Not Included
TRIGGER GUARD Bravo Company	PISTOL GRIP Bravo Company Mod 3	HANDGUARD

United States Patent [19]

[11] **Patent Number:** 4,932,328

Pinkney et al.

[45] **Date of Patent:** Jun. 12, 1990

[54] **RELOADABLE STUN GRENADE**

[75] **Inventors:** Barry D. Pinkney; Donald L. Anderson, both of Jefferson, Ohio

[73] **Assignee:** Def-Tec Corporation, Rock Creek, Ohio

[21] **Appl. No.:** 369,303

[22] **Filed:** Jun. 21, 1989

[51] **Int. Cl.⁵** F42B 8/12; F42B 12/00

[52] **U.S. Cl.** 102/482; 102/368; 102/487; 102/498

[58] **Field of Search** 102/334, 367, 368, 369, 102/370, 395, 353, 445, 473, 482, 487, 498, 502, 529; 89/1, 11; 446/397-400

[56] **References Cited**

U.S. PATENT DOCUMENTS

1,539,609	5/1925	Taylor	102/498
3,492,945	2/1970	Filippi	102/498
3,505,959	4/1970	Lohnert et al.	102/487
3,599,571	8/1971	Richardson	102/368

FOREIGN PATENT DOCUMENTS

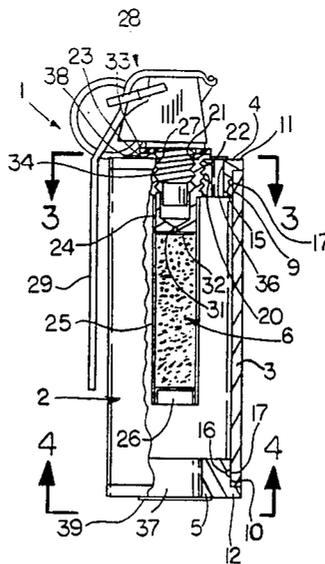
2007339	5/1979	United Kingdom	102/487
---------	--------	----------------	---------

Primary Examiner—Harold J. Tudor
Attorney, Agent, or Firm—Renner, Otto, Boisselle & Sklar

[57] **ABSTRACT**

Stun grenade includes a steel housing having a steel tubular body with steel end members brazed to the ends of the tubular body, and a brass collar member threadably received in a threaded central opening in one of the end members for supporting an explosive charge in the housing. At the inner end of the collar member is a cylindrical portion to which a tubular container filled with the explosive charge is attached. The outer diameter of the tubular container is less than the minimum diameter of the threaded opening in the one end member to permit the tubular container to be inserted through the threaded opening while attached to the collar member. At the outer end of the collar member is a threaded recess for threaded receipt of a fuse member externally of the housing. A flash hole in the collar member directs a flash which is produced when the fuse member is activated into the tubular container to ignite the explosive charge.

24 Claims, 1 Drawing Sheet



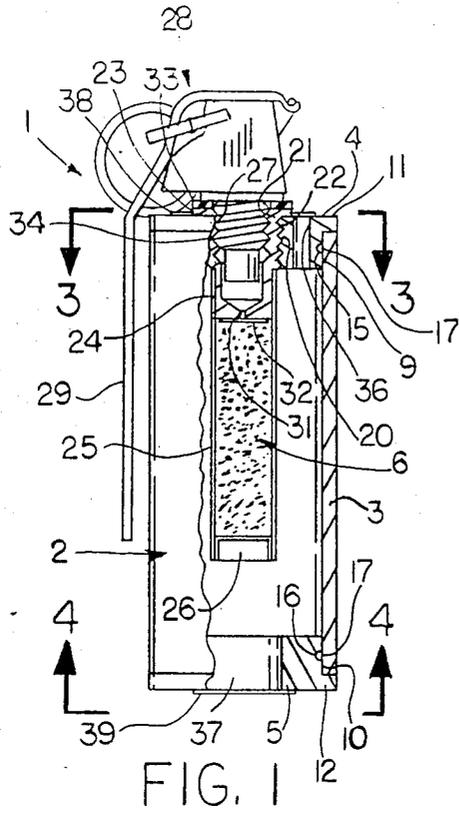


FIG. 1

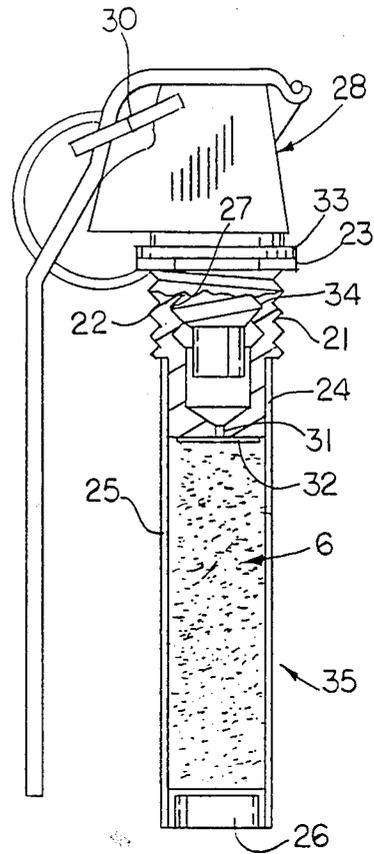


FIG. 2

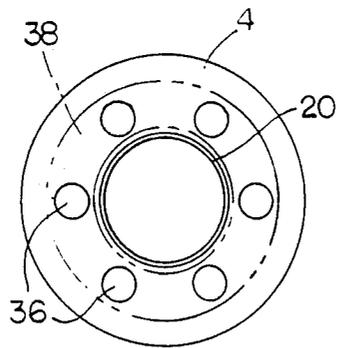


FIG. 3

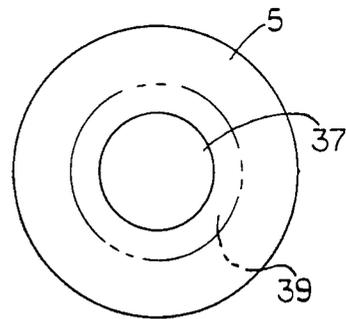


FIG. 4

RELOADABLE STUN GRENADE

BACKGROUND OF THE INVENTION

This invention generally relates to a stun grenade intended for use by trained law enforcement personnel and the like during tactical entry of barricaded or other high risk suspect areas. When detonated, the grenade produces a loud report accompanied by a brilliant flash that disorients those persons affected.

Stun grenades of this type are generally known. However, there is a need for a stun grenade that can easily be reloaded for both relatively low cost tactical and training purposes. Also, there is a need for a stun grenade that substantially eliminates the possibility of one or more parts thereof being propelled as a projectile by the force of the explosion. Furthermore, there is a need for a stun grenade that can be thrown directly through most windows and screens without having to break the window or cut the screen beforehand.

SUMMARY OF THE INVENTION

With the foregoing in mind, it is a principal object of this invention to provide a stun grenade that can safely be reloaded and reused a number of times thus making it cost effective for use for both tactical and training purposes.

Another object is to provide such a stun grenade that substantially eliminates the possibility of any part thereof becoming a projectile by the force of the explosion.

Still another object is to provide such a stun grenade that can be thrown directly through most windows and screens without first having to break the window or cut the screen.

Still another object is to provide such a stun grenade that protects the explosive charge from live gunfire hits.

Yet another object is to provide such a stun grenade that minimizes accidental injury by directing the force of the explosion out through the ends of the grenade rather than through the sides.

These and other objects of the present invention may be achieved by providing the stun grenade with a steel housing that can be reloaded with an explosive charge a number of times for low cost tactical and training purposes. To that end, a special collar member is threadably received in a threaded central opening in one end of the steel housing. At the inner end of the collar is a reduced diameter cylindrical end portion to which a cardboard tube containing the desired amount of explosive charge is attached for insertion through such threaded opening in the steel housing. At the outer end of the collar is a threaded recess for threaded engagement by a fuse member exteriorly of the housing. At the bottom of the recess is a flash hole for directing the flash that is produced when the fuse is activated into the cardboard tube to ignite the explosive charge. An adhesive tab that is easily burned through by the flash is desirably placed over the flash hole in the collar to prevent any portion of the explosive charge from getting up inside the collar during storage and handling.

The steel housing is also desirably sufficiently strong to protect the explosive charge from live gunfire hits and allows the grenade to be thrown directly through most windows and screens without prior breaking of the windows or cutting of the screens. Accidental injury is also minimized by constructing the grenade so that no parts can fly off during the explosion and by

directing the force of the explosion out through the ends of the housing rather than through the sides.

To the accomplishment of the foregoing and related ends, the invention, then, comprises the features hereinafter fully described and particularly pointed out in the claims, the following description and the annexed drawings setting forth in detail a certain illustrative embodiment of the invention, this being indicative, however, of but one of the various ways in which the principles of the invention may be employed.

BRIEF DESCRIPTION OF THE DRAWINGS

In the annexed drawings:

FIG. 1 is a fragmentary longitudinal section through a preferred form of stun grenade constructed in accordance with this invention;

FIG. 2 is an enlarged fragmentary longitudinal section through the reload portion of the stun grenade of FIG. 1;

FIG. 3 is an enlarged top plan view of the stun grenade of FIG. 1 as seen from the plane of the line 3—3 thereof with the reload portion removed; and

FIG. 4 is an enlarged bottom plan view of the stun grenade of FIG. 1 as seen from the plane of the line 4—4 thereof.

DETAILED DESCRIPTION OF THE PREFERRED EMBODIMENT

Referring now in detail to the drawings, and initially to FIG. 1, a preferred form of stun grenade in accordance with this invention is generally indicated by the reference numeral 1 and includes a housing 2 consisting of a tubular steel body 3 having steel end members 4, 5 brazed to the ends thereof. Although the dimensions of the steel tubing 3 may vary within limits, its outer diameter should be of a size that fits comfortably within the palm of the user's hand. Also, the strength of the tubing should be such that it will not only withstand the internal blast pressures when an explosive charge 6 contained therein is detonated, but will also protect the explosive charge against being hit by live gunfire. Moreover, the weight of the stun grenade should be such that it can readily be thrown directly through most windows and screens without prior breaking or cutting. To that end, the tubular body 3 is desirably made out of $\frac{1}{2}$ inch drawn over mandrel (D.O.M.) welded steel tubing having an outer diameter (O.D.) of approximately $1\frac{1}{4}$ inches and an inner diameter (I.D.) of approximately $1\frac{1}{8}$ inches and an overall length of approximately $4\frac{1}{2}$ inches.

The end members 4, 5 are also desirably made out of a suitable steel having the desired strength to withstand the force of the blast, such as 12L14 steel, and include cylindrical end portions 9, 10 having an O.D. slightly less than the I.D. of the steel tubing 3 for close sliding receipt in the ends thereof and flanges 11, 12 at the opposite end extending radially outwardly beyond the cylindrical portions 9, 10 a distance substantially corresponding to the thickness of the tubing 3 for abutting engagement against the ends thereof with the O.D. of the flanges 11, 12 substantially flush with the O.D. of the tubing 3. Such cylindrical portions 9, 10 may, for example, have a length of approximately $\frac{3}{8}$ inch and the flanges 11, 12 a thickness of approximately $\frac{1}{2}$ inch. Also, semi-annular grooves 15, 16 having a maximum width and depth, for example, of approximately 0.070 inch, are provided in the O.D. of the cylindrical portions 9,

ATTACHMENT L.

Try Prime

Paintball Grenades

Deliver to Jay
NASHUA 03064

Departments

Browsing History

EN

Account & Lists

Orders

Try Prime

0

Cart

Sports & Outdoors

Airsoft Guns

Airsoft Equipment

Airsoft Protective Gear

Paintball Markers

Paintballs

Tanks & Accessories

Paintball Protective Gear

FREE Shipping

All customers get FREE Shipping on orders over \$25 shipped by Amazon

Show results for

- Sports & Outdoors
- Sports & Fitness
- Airsoft & Paintball
- Paintball
- Grenades

Refine by

Amazon Prime



Eligible for Free Shipping

- Free Shipping by Amazon

Featured Brands

- CONDOR
- EnolaGaye
- Empire Battle Tested
- Tippmann
- Empire Paintball
- Taigear
- Valken

See more

Avg. Customer Review

- & Up
- & Up
- & Up
- & Up

Condition

- New
- Collectible

Price

- Under \$25
- \$25 to \$50
- \$50 to \$100

 Go

Seller

- Apex Quality Supply
- Hogan's Alley Paintball LLC
- Live Insane
- Point of Impact
- Ultimate Paintball
- Wicked Sports, Inc
- Paintball Discounters
- Flags And Stars
- Surplus Provisions
- TRADEMYGUN

Best sellers



Tippmann Big Boy II Grenade
\$6.95



TIPPMANN Big Boy Pull Pin Grenade in Poly Bag
Tippmann 3
\$12.36



Condor Grenade Pouch Black
CONDOR 42
\$10.35

Top rated



ACU Digital Camouflage Molle Hand Grenade Pouch
Taigear 2
\$10.95



TIPPMANN Pod Rocket Grenade, Green
Tippmann 4
\$8.95



Empire Paintball Empire BT Paint Grenade,
38
\$7.95

21 results for Sports & Outdoors : Sports & Fitness : Airsoft & Paintball : Paintball : Grenades

Sort by

See more



Condor Grenade Pouch Black
by CONDOR

\$10³⁵ ~~\$11.96~~

More Buying Choices
\$8.99 (16 new offers)

FREE Shipping on eligible orders

Show only CONDOR items

42



See Color Options

Enola Gaye HANG TEN Belt /
Bandolier - Grenade Carrier

by EnolaGaye

\$21⁰⁰

FREE Shipping on eligible orders

Show only EnolaGaye items

2



BT EMPIRE M8 Deluxe Style Pull Pin
Paintball Grenade with Real Paint Fill
by Empire Battle Tested

\$4⁹⁵ + \$6.25 shipping

More Buying Choices
\$4.95 (2 new offers)

Show only Empire Battle Tested items

12



TIPPMANN Big Boy Pull Pin
Grenade in Poly Bag
by Tippmann

\$12³⁶

More Buying Choices
\$12.36 (2 new offers)

FREE Shipping on eligible orders

Show only Tippmann items

3



See Size Options

Empire Paintball Empire BT Paint
Grenade, (Green/Yellow)

by Empire Paintball

\$4⁹⁵ - **\$12⁵⁰**

Some sizes are Prime eligible

More Buying Choices
\$4.95 (8 new offers)

FREE Shipping on eligible orders

Show only Empire Paintball items

38



Empire Paintball BT M-12 Paint
Grenade, Olive

by Empire Paintball

\$8⁷⁰

More Buying Choices
\$6.95 (4 new offers)

FREE Shipping on eligible orders

Show only Empire Paintball items

3



Tippmann Squadbuster Grenade
by Tippmann

\$4.99 (1 used & new offers)

Show only Tippmann items

9



See Color Options

Enola Gaye Deuce Pouch for Molle
Combat Systems - WP40 & BWP
Grenade Carrier

by EnolaGaye

\$25⁰⁰ - **\$27⁰⁰**

FREE Shipping on eligible orders

Show only EnolaGaye items

4



See Color Options

Enola Gaye EG18 Pouch for Molle
Combat Systems - Grenade Carrier
by EnolaGaye

\$23⁰⁰

FREE Shipping on eligible orders

Show only EnolaGaye items

2