

JEFFERSON CIRCUIT COURT
CASE NOS. 24-CI-000518, 24-CI-002451, and 24-CI-002351
DIVISION SEVEN (7)
JUDGE MELISSA LOGAN BELLOWS

DANA MITCHELL, *et al.*
PLAINTIFFS

v.

RIVER CITY FIREARMS, INC., *et al.*
DEFENDANTS

MARYANNE ELLIOTT, *et al.*
PLAINTIFFS

v.

RIVER CITY FIREARMS, INC., *et al.*
DEFENDANTS

ZURICH AMERICAN INSURANCE COMPANY,
PLAINTIFF

v.

RIVER CITY FIREARMS, INC., *et al.*,
DEFENDANTS

NOTICE OF HEARING

Pursuant to Rule 401 of the Jefferson County Rules of Practice, a Form AOC280, Notice of Submission of Case for Final Adjudication will be filed when the case is ready for submission so that this Motion may be scheduled for a hearing at the convenience of the Court.

DEFENDANT RSR GROUP, INC.'S
MOTION FOR JUDGMENT ON THE PLEADINGS

Defendant RSR Group, Inc. (“RSR”) through undersigned counsel, respectfully moves for judgment on the pleadings dismissing the Complaints and all claims therein against it with prejudice pursuant to CR 12.03.

In relevant part, CR 12.03 provides that a party “[a]fter the pleadings are closed but within such time as not to delay the trial . . . may move for judgment on the pleadings.” Here, the pleadings are closed, and consideration of this motion will not delay any trial. A Memorandum in Support of this Motion is tendered herewith.

WHEREFORE, for the reasons set forth in the supporting Memorandum, RSR respectfully requests that this Motion be granted, that the claims against it be dismissed with prejudice, and that it receive all other just and equitable relief to which it may be entitled. RSR respectfully requests oral argument on this motion.

Respectfully submitted,

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CERTIFICATE OF SERVICE

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**DEFENDANT RSR GROUP, INC.'S MEMORANDUM OF LAW IN SUPPORT OF
ITS MOTION FOR JUDGMENT ON THE PLEADINGS**

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Dated: July 6, 2026

Defendant RSR Group, Inc. (“RSR”) respectfully moves for judgment on the pleadings dismissing the Complaints and all claims therein against it with prejudice pursuant to CR 12.03.

I. SUMMARY OF THE ARGUMENT

Plaintiffs attempt to do exactly what Congress has forbidden: blame manufacturers and sellers of component parts for firearms for the harm caused by a third party who criminally misused them to cause Plaintiffs’ harm. Congress’s complete prohibition of civil actions attempting to blame firearm industry members for harm caused by the criminal misuse of their products by third parties applies in full force here. Even if that were not the case, well-established principles of Kentucky tort law independently require the dismissal of Plaintiffs’ claims.

Plaintiffs include those who were injured and family members of those who were killed during the April 10, 2023 shooting by Connor Sturgeon (the “Shooter”) at the Old National Bank in Downtown Louisville (“ONB”). Plaintiffs contend that the wholesale distributor who sold certain of the component parts installed on the firearm used by the Shooter is liable for the damages the Shooter caused. Those claims must be immediately dismissed because they are prohibited by a federal immunity statute, the Protection of Lawful Commerce in Arms Act, 15 U.S.C. §§ 7901-03 (“PLCAA”), which prohibits a civil action against a seller of component parts of a firearm for damages or other relief resulting from the criminal or unlawful misuse of a firearm or component parts of a firearm by a third party. The PLCAA’s protections, where they apply, are absolute—the statute prohibits covered suits from being filed in any state or federal court.

In addition to being barred by the PLCAA, Plaintiffs’ common-law claims should also be dismissed as a matter of law for several different independent reasons. First, Plaintiffs have failed to adequately allege causation. Second, Plaintiffs’ statutory claim should be dismissed because their factual allegations do not support a violation of the statute. Third, Plaintiffs’ claims for

punitive damages should be dismissed because they do not constitute an independent basis on which relief can be granted, and the conclusory allegations in their Complaints do not come close to meeting the high threshold to justify the recovery of punitive damages.

II. STATEMENT OF THE CASE

On April 10, 2023, the Shooter murdered five people and shot and injured eight others at ONB (the “Shooting”) using a Radical Firearms RF-15 semi-automatic rifle (“Subject Rifle”). The Shooter purchased the Subject Rifle from River City Firearms, Inc. (“RCF”) on April 4, 2023. He also purchased three PMAG magazines and an M-LOK vertical grip manufactured by Magpul, and a Crimson Trace red-dot sight (collectively the “Component Parts”) in the same transaction. The grip and red-dot sight were all part of the Subject Rifle at the time of the shooting, and at least one of the magazines was installed in it. RSR, a wholesale distributor, had allegedly sold the magazines, grip, and red-dot sight to RCF. The Shooter did not purchase anything directly from RSR.

The Mitchell case was filed on January 22, 2024, naming only RCF as a defendant. An Amended Complaint was filed in the Mitchell case on April 8, 2024, adding RSR and Magpul as defendants (“Mitchell Complaint”). On April 3, 2024, Zurich American Insurance Company filed a Complaint against RCF only asserting its subrogation rights associated with workers’ compensation benefits paid out on behalf of the victims of the shooting. The Complaint in the Elliott case was filed on April 8, 2024, naming RCF, RSR, and Magpul as defendants (“Elliott Complaint”). On May 6, 2024, the Zurich Plaintiffs filed an Amended Complaint adding RSR and Magpul as Defendants (“Zurich Complaint”). Plaintiffs in the Mitchell and Elliott cases are persons who were shot by the Shooter, as well as family members of persons who were shot by the Shooter, some of whom are also included among the Zurich Plaintiffs. The Mitchell and Elliott Complaints

both assert the same six causes of action: (1) negligent entrustment (against RCF only); (2) negligence; (3) wrongful death; (4) loss of spousal consortium; (5) loss of parental consortium (the Mitchell Complaint only); and (6) relief pursuant to KRS § 411.150. The Zurich Complaint raises causes of action against all Defendants for negligence, and against RCF only for negligent entrustment. None of the Complaints name the manufacturer of the Subject Rifle as a defendant because it is clear that any such claims would be bared by the PLCAA. Judge Haner, to whom the Elliott case was initially assigned, advised that he had a conflict of interest based on a relationship with one of the victims of the Shooting. All three cases were consolidated on June 18, 2024, and assigned to this Court, to whom the Mitchell case, the earliest filed, had been assigned.

RSR filed a motion to dismiss the Complaints on similar grounds to those in this motion. After briefing was completed, before the motion was argued, this Court took a leave of absence, and the cases were transferred to Special Judge Maze. Judge Maze advised that he also had a conflict based on a relationship with one of the victims of the Shooting. On February 20, 2025, plaintiffs filed a motion requesting that the case be “reassigned to a division which does not appear to have a conflict.” Judge Maze issued an Order dated February 24, 2025, granting plaintiffs’ motion and requesting that the cases “be reassigned by the Chief Circuit Judge and that a prescreen conflict check be performed of the other divisions of the Jefferson Circuit Court before random reassignment to a division without a conflict.” The cases were then reassigned to Judge Perry.

In an order dated May 19, 2025, Judge Perry denied RSR’s motion to dismiss, concluding that the Component Parts are not qualified products for purposes of the immunity provided by the PLCAA. On April 15, 2026, Judge Perry issued an order recusing himself pursuant to Rule 2.11 of the Kentucky Code of Judicial Conduct on the basis that he is “professionally and socially associated with the family of one of the victims in the underlying shooting incident,” and even

though “that individual is not a party to this litigation, [he] believes [his] impartiality could be reasonably questioned.” April 15, 2026 Order. The cases were then transferred back to this Court.

Since Judge Perry’s May 19, 2025 order denying RSR’s motion to dismiss, two events have occurred that justify granting a motion for judgment on the pleadings based on a renewal of the arguments raised in the motion to dismiss.¹ First, on June 5, 2025, the U.S. Supreme Court issued a unanimous decision regarding the PLCAA in the case of *Smith & Wesson Brands, Inc. v. Estados Unidos Mexicanos*, 605 U.S. 280 (2025) (“*S&W*”), a copy of which is attached hereto as Exhibit 1, holding that it is an immunity statute that provides immunity from being sued, the applicability of which should be determined at the earliest available opportunity. Second, on April 14, 2026, Kentucky enacted a law, House Bill 78 (“HB 78”), a copy of which is attached hereto as Exhibit 2, clarifying that the Component Parts at issue in this case are considered to be qualified products covered by the immunity provided by the PLCAA.

Based on the above, this Court should consider all of the issues originally raised in RSR’s motion to dismiss in connection with this motion for judgment on the pleadings.

III. ARGUMENT

A. STANDARD OF REVIEW

CR 12.03 allows a party to move for judgment on the pleadings, which motion should be granted when it appears beyond doubt that the “nonmoving party cannot prove any set of facts that would entitle him/her to relief.” *City of Pioneer Village v. Bullitt Cnty.*, 104 S.W.3d 757, 759 (Ky.

¹ It is appropriate for this Court to reconsider the arguments originally raised in the motion to dismiss pursuant to CR 54.02. *Bank of Danville v. Farmers Nat. Bank of Danville, Ky.*, 602 S.W.2d 160, 164 (Ky. 1980) (noting that an interlocutory order is “subject to change by the trial court at any time prior to the final adjudication”). *See also JPMorgan Chase Bank, N.A. v. Bluegrass Powerboats*, 424 S.W.3d 902, 909 (2014) (explaining that “efficient judicial process mandates that a trial court correct an erroneous ruling before finality” and if a “court believes before finality that it has made an error in the law, it is incumbent upon the court to correct the matter”).

2003). When matters outside of the pleadings are not considered, a Rule 12.03 motion is decided as “purely a matter of law.” *James v. Wilson*, 95 S.W.3d 875, 883–84 (Ky. App. 2002).

Federal law requires a different standard of review for purposes of the PLCAA, which prohibits the institution of a “qualified civil liability action” in any state or federal court. 15 U.S.C. § 7902(a). Because the PLCAA provides complete and substantive immunity from suit, not just a defense from liability, PLCAA immunity must be decided at the earliest available opportunity, and cannot be deferred until after the completion of discovery when it can be determined on the pleadings. The U.S. Supreme Court recently addressed the scope and purpose of the immunity provided by the PLCAA in a unanimous decision. In the *S&W* case, Mexico sued several firearm manufacturers claiming they “aided and abetted unlawful sales routing guns to Mexican drug cartels.” 605 U.S. at 285. The Supreme Court unanimously held that the PLCAA is an immunity statute that Congress enacted for the “core purpose” of:

halt[ing] a flurry of lawsuits attempting to make gun manufacturers pay for the downstream harms resulting from misuse of their products. In a “findings” and “purposes” section, Congress explained that PLCAA was meant to stop those suits—to prevent manufacturers (and sellers) from being held “liable for the harm caused by those who criminally or unlawfully misuse firearm[s].”

Id. at 298 (internal citation omitted).

The Supreme Court summarized Mexico’s claims as asserting a:

variety of tort claims against the defendants, mostly sounding in negligence. The basic theory is that the defendants failed to exercise “reasonable care” to prevent trafficking of their guns into Mexico, and so are responsible for the harms arising there from the weapons’ misuse.

S&W, 605 U.S. at 287. The Supreme Court summarily concluded such “theory, as all agree, runs straight into PLCAA’s general prohibition” and, therefore, “Mexico’s action, that is, seeks to hold firearms manufacturers liable for ‘the criminal or unlawful misuse’ of guns by third parties—and so, according to PLCAA, ‘may not be brought.’” *Id.* at 287-88 (citing 15 U.S.C. §§ 7902(a),

7903(5)(A)). The Supreme Court determined that because Mexico’s claims at the pleading stage did not plausibly allege an exception to the PLCAA applied, the “defendant manufacturers retain their PLCAA-granted immunity.” *Id.* at 299; *see also id.* at 301 (describing the PLCAA as providing a “general grant of immunity”) (Jackson, J., concurring). *See also In re Academy, Ltd.*, 625 S.W.3d 19, 35-36 (Tex. 2021) (unanimously granting petition for mandamus and holding that requiring defendant to present a defense on the merits to a case barred by the PLCAA would defeat the substantive immunity provided by the statute).

B. THE COMPLAINTS MUST BE DISMISSED PURSUANT TO THE PLCAA.

1. The PLCAA was Enacted to Provide Immunity.

One of the stated purposes of the PLCAA is to “prohibit causes of action against manufacturers [and] distributors ... for the harm solely caused by the criminal or unlawful misuse of firearm products ... by others when the product functioned as designed and intended.” *Id.* § 7901(b)(1). Congress made a number of findings regarding the necessity to enact the PLCAA, including:

- Lawsuits have been commenced against manufacturers, distributors, dealers and importers of firearms that operate as designed and intended which seek money damages and other relief for the harm caused by the misuse of firearms by third parties, including criminals.
- The manufacture, importation, possession, sale, and use of firearms and ammunition in the United States are heavily regulated by Federal, State, and local laws. Such Federal laws include the Gun Control Act of 1968, the National Firearms Act, and the Arms Export Control Act.
- Businesses in the United States that are engaged in interstate and foreign commerce through the lawful design, manufacture, marketing, distribution, importation, or sale to the public of firearms or ammunition products that have been shipped or transported in interstate or foreign commerce are not, and should not, be liable for the harm caused by those who criminally or unlawfully misuse firearm products or ammunition products that function as designed and intended.

15 U.S.C. §§ 7901(a)(3)-(5). Based upon its findings the express purposes stated therein, Congress enacted the PLCAA to prohibit qualified civil liability actions, such as this case, from being “brought in any Federal or State court.” *Id.* § 7902(a).

2. This Case is a Qualified Civil Liability Action.

As defined by the PLCAA, and subject to six limited exceptions, a “qualified civil liability action” barred from being filed in any state or federal court is defined as a:

civil action or proceeding or an administrative proceeding brought by any person against a manufacturer or seller of a qualified product or a trade association, for damages, punitive damages, injunctive or declaratory relief, or penalties or other relief resulting from the criminal or unlawful misuse of a qualified product by the person or a third party

15 U.S.C. § 7903(5)(A). Based on the allegations in the Complaints, this case is a civil proceeding brought by persons (Plaintiffs) against a seller (RSR) of qualified products (the Component Parts) for damages and other relief based on the criminal use (the Shooting) of the qualified products (the Component Parts) by a third party (the Shooter). *See generally* Compl.

3. RSR is a Seller.

The PLCAA defines a “seller,” with respect to a qualified product, in relevant part, as “a dealer (as defined in section 921(a)(11) of Title 18) who is engaged in the business as such a dealer in interstate or foreign commerce and who is licensed to engage in business as such a dealer under chapter 44 of Title 18.” 18 U.S.C. § 7903(2). Pursuant to 18 U.S.C. § 921(a)(11)(A), a “dealer” is defined as “any person engaged in the business² of selling firearms at wholesale or retail.” As a

² The PLCAA defines the term “engaged in the business” with reference to 18 U.S.C. § 921(a)(21). 15 U.S.C. § 7903(1). The term “engaged in the business,” relative to a dealer is defined 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” *Id.* § 921(a)(21)(C).

“wholesale distributor,” RSR is a seller pursuant to the terms of the PLCAA. Mitchell Compl. ¶ 27; Elliott Compl. ¶ 28.³

4. The Subject Rifle and Component Parts are Qualified Products.

The PLCAA defines a “qualified product,” in part, as a “firearm (as defined in subparagraph (A) or (B) of section 921(a)(3) of title 18, United States Code) ... that has been shipped or transported in interstate or foreign commerce.” 15 U.S.C. § 7903(4). Pursuant to 18 U.S.C. § 921(a)(3)(A), a firearm is defined as “any weapon ... which will or is designed to or may readily be converted to expel a projectile by the action of an explosive[.]” Pursuant to the allegations in the Complaints, the Subject Rifle is a firearm and therefore a qualified product pursuant to the terms of the PLCAA. *See generally* Compl. The PLCAA also defines a “component part of a firearm” as a qualified product. 15 U.S.C. § 7903(4). The term “component part” is not further defined in the PLCAA or the Gun Control Act, 18 U.S.C. §§ 921-34 (“GCA”).

Based on the allegations in the Complaints,⁴ the Component Parts are plainly each component parts of a firearm and therefore qualified products for purposes of the PLCAA. The term “component” is defined as a “part that combines with other parts to form something bigger.”⁵

³ The PLCAA provides immunity to a “seller of a qualified product” for damages or other relief “resulting from the criminal or unlawful misuse of a qualified product by ... a third party.” 15 U.S.C. § 7903(5)(A) (emphasis added). Accordingly, Plaintiffs’ claim that the Component Parts are not by themselves qualified products does not defeat RSR’s immunity under the PLCAA because it is undisputed that it is a seller of qualified products, and Plaintiffs’ damages resulted from the criminal misuse of the Subject Rifle, which they do not dispute to be a qualified product for purposes of the PLCAA.

⁴ As alleged in the Complaints, the Shooter had the grip, red-dot sight, and at least one of the magazines installed on the Subject Rifle, such that they constituted component parts of the Subject Rifle. Mitchell Compl. ¶¶ 60-77, 87; Elliott Compl. ¶¶ 60-74, 86. The Complaints allege that the magazine is an “ammunition-feeding device that contain[s] the unfired rounds” that can be “fire[d] before having to reload [the] weapon.” Mitchell Compl. ¶ 70; Elliott Compl. ¶ 70. According to Plaintiffs’ allegations, the red-dot sight “is mounted atop a rifle” and “project[s] a small red aiming dot on a clear viewing window” that provides a “fast and easy-to-use aiming system.” Mitchell Compl. ¶ 65; Elliott Compl. ¶ 65. The grip is alleged to be “affixed to the rifle’s lower rail for the shooter to grasp, reducing recoil and allowing for greater control” and “stability.” Mitchell Compl. ¶ 64; Elliott Compl. ¶ 64.

⁵ Cambridge Dictionary, Dictionary, Component, *available at* <https://dictionary.cambridge.org/us/dictionary/english/component> (last visited June 25, 2026).

A “part” is defined as a “separate piece of something, or a piece that combines with other pieces to form the whole of something.”⁶

Magazines,⁷ grips, and sights are all classified as component parts of a firearm, both for purposes of the GCA in general, and the PLCAA in particular. The Texas Supreme Court has unanimously held that magazines are component parts of a firearm and qualified products for purposes of the PLCAA. *In re Academy*, 625 S.W.3d at 29 (“both firearms and magazines (along with other component parts) are ‘qualified products’ subject to the PLCAA”). Similarly, the U.S. District Court for the Eastern District of Virginia held that magazines and grips are component parts of a firearm and therefore qualified products for purposes of the immunity provided by the PLCAA. *Lowy v. Daniel Defense, LLC*, No. 1:23-cv-1388-CMH-IDD, 2024 WL 3521508, at *3 (E.D. Va. July 24, 2024) (holding that aftermarket magazines and grips (made by Magpul) installed on a rifle “become component parts of the newly assembled firearm” for purpose of the immunity provided by the PLCAA), *rev’d in part & vac’d in part on other grounds*, 167 F.4th 175 (4th Cir 2026). The U.S. District Court for the District of Nevada applied the same reasoning to hold that an aftermarket bump stock was a component part of a rifle on which it was installed for purposes of the PLCAA. *Prescott v. Slide Fire Sols., LP*, 341 F. Supp. 3d 1185, 1187-90 (D. Nev. 2018).

Relevant provisions in the regulations adopted by the Bureau of Alcohol, Tobacco, Firearms and Explosives (“ATF”) pursuant to the GCA and publications by the ATF also confirm

⁶ Cambridge Dictionary, Dictionary, Part, available at <https://dictionary.cambridge.org/us/dictionary/english/part> (last visited June 25, 2026).

⁷ The ATF defines a “semiautomatic rifle” as “any repeating rifle which utilizes a portion of the energy of a firing cartridge to extract the fired cartridge case and chamber the next round, and which requires a separate pull of the trigger to fire each cartridge.” See 27 C.F.R. § 478.11. Without a magazine, there is no “next round” available to be chambered, and the “semi-automatic” design feature of such a rifle will not function; the rifle simply becomes a single shot rifle. Magazines have been held to be “arms” subject to the protection of the Second Amendment. See, e.g., *Fyock v. City of Sunnyvale*, 25 F. Supp. 3d 1267, 1276 (N.D. Cal. 2014), *aff’d*, 779 F.3d 991 (9th Cir. 2015) (holding that magazines are covered by the Second Amendment because “they are integral components to vast categories of guns”); *Ass’n of N.J. Rifle & Pistol Clubs, Inc. v. Att’y Gen. N.J.*, 910 F.3d 106, 116 (3d Cir. 2018), *abrogated on other grounds by N.Y. State Rifle & Pistol Ass’n v. Bruen*, 597 U.S. 1 (2022).

that magazines, grips, and sights are component parts of firearms. For example, only firearms deemed to be “particularly suitable for or readily adaptable to sporting purposes” are generally eligible for importation for sale to the consumer market. 18 U.S.C. § 925(d)(3). Pursuant to that statute, the ATF published a list of twenty parts used to assemble a semiautomatic rifle, no more than ten of which can be imported, unless the rifle as assembled is importable based on the sporting purposes test. 27 C.F.R. § 478.39. The parts of a semiautomatic rifle identified in that regulation include pistol grips, forearms, handguards, magazine bodies, magazine followers, and magazine floorplates. *Id.* §§ 478.39(c)(16)-(20). The ATF’s Guidebook - Importation & Verification of Firearms, Ammunition, and Implements of War, attached as Exhibit 3, identifies the sights, magazine, stock, grip, and forearm as being “component parts” of a semiautomatic rifle. Similarly, the ATF’s Firearm Component Identification Guide, attached as Exhibit 4, identifies sights, handguards, and pistol grips as being component parts of rifles used for aiming and providing physical holding points, respectively.

Despite the above, Judge Perry concluded that the Component Parts are not qualified products for purposes of the PLCAA because they are not “essential to the functioning” of the Subject Rifle, because it can “be fired and used without a large-capacity magazine, a red-dot sight, or a vertical grip.” May 19, 2025 Order at 4. He instead erroneously concluded that they are “accessories,” *id.*, a term not used in the PLCAA. “Accessories” is a term that has been invented by plaintiffs seeking to avoid the immunity the PLCAA provides. There is no basis to conclude that just because a product can function without a certain part installed in or on it, that such part is not a component part of the product. For example, a commercial passenger jet can function without seats, a car can function without a speedometer, a dryer can function without a lint trap, and a

freezer can function without an ice maker. But absent a tactical reason to do so, no one would contend that they are not component parts of the products in which they are installed.

The only authority⁸ cited for the above holding was the *Prescott* case. May 19, 2025 Order at 4. But the section of the *Prescott* decision cited is dicta addressing the discussion from the *Auto-Ordnance Corp. v. United States*, 822 F.2d 1566 (Fed. Cir. 1987) case⁹ about gun locks, sights, and compensators being non-taxable accessories for purposes of calculating the excise tax owed on a firearm. *Prescott*, 341 F. Supp. 3d at 1189. Its reference to the term “accessory” was not in the context of qualified products for purposes of the PLCAA, the GCA, or even firearms in general, but rather a dictionary definition of that term. *Id.* 1188. The holding in the *Prescott* case was that an aftermarket bump stock, which is not required for a rifle to “function” by discharging a round, is a component part and qualified product for purposes of the PLCAA.

The Kentucky legislature responded to this decision by enacting HB 78 during the next legislative session.¹⁰ The preamble to HB 78 notes that the PLCAA provides “essential protections to firearms manufacturers and sellers,” but that “recent litigation has demonstrated attempts to circumvent the protections afforded by the law[.]” HB 78 sought to confirm that the qualified products covered by the PLCAA include a “component part of, or an accessory intended for use

⁸ The order also cited, but did not discuss, *Green v. Kyung Chang Industry USA, Inc.*, No. A-21-838762-C, 2022 WL 987555 (Nev. Dist. Ct. Mar. 23, 2022). That “decision” was drafted by plaintiffs’ counsel in that case, not the court, and cited the *Prescott* decision as its sole support.

⁹ The *Auto-Ordnance* case, which was decided almost twenty years before the enactment of the PLCAA, did not even concern the interpretation of the GCA, but rather addressed the narrow issue of whether the value of certain sights was subject to the federal excise tax imposed by 26 U.S.C. § 4181. 822 F.2d at 1570-71 (explaining that “in a tax refund case, [any] doubt should be resolved in favor of the taxpayer”). In addition, to the extent relevant, the current regulations applicable to the calculation of excise tax imposed on firearms pursuant to Section 4181 now define “component parts” as “items that would ordinarily be attached to a firearm during use,” compared to “accessories,” which are defined as “[i]tems that are not designed to be attached to a firearm during use.” 27 C.F.R. §§ 53.61(b)(2) & (4). A “sight or set of sights (iron or optical),” a “magazine,” and a “forestock, handguard, [and] grips,” which are analogous to the “vertical grip” at issue in this case, are all defined as “component parts” when provided for use with the firearm. *Id.* § 53.61(b)(5)(ii). In contrast, examples of accessories include “cleaning equipment” and “gun cases for storage or transportation.” *Id.* § 53.61(b)(5)(iv).

¹⁰ HB 78 was amended to require the dismissal of only cases filed after its effective date, instead of applying to pending cases in which final judgment had not been entered.

with, a firearm or ammunition, including but not limited to ammunition magazines or clips, optical devices, or other products intended to be included in, attached to or used while attached to, or in conjunction with, a firearm or ammunition.” HB 78 § 1(1)(f).

5. The Complaints are Seeking Damages and Other Relief Resulting from the Criminal Use of Qualified Products by a Third Party.

According to the allegations in the Complaints, Plaintiffs are seeking damages and other relief arising from the criminal use of the Subject Rifle and Component Parts by a third party, the Shooter. In particular, Plaintiffs seek relief because the Shooter—who is not a party to this case—used the Subject Rifle with the Component Parts in the Shooting. The Shooter’s actions violated criminal laws including murder, KRS § 507.020, and assault in the first degree, KRS § 508.010.

Accordingly, the alleged damages and other relief sought by the Plaintiffs resulted from the criminal use (the Shooting) of qualified products (the Subject Rifle and Component Parts) by a third party (the Shooter). Their claims therefore constitute a qualified civil liability action, from which the PLCAA provides RSR with complete immunity by prohibiting this action from even being “brought in any Federal or State court,” unless one of the statute’s narrow exceptions applies.

6. The Complaints Do Not Satisfy Any Exceptions to the PLCAA.

There are six narrow categories of claims that the PLCAA excludes from the definition of a qualified civil liability action and therefore does not bar. 15 U.S.C. § 7903(5)(A). The PLCAA does not contain any exceptions for claims brought under a general negligence theory. *See Ileto v. Glock, Inc.*, 565 F.3d 1126, 1135 (9th Cir. 2009) (PLCAA preempts general negligence claims); *Delana v. CED Sales, Inc.*, 486 S.W.3d 316, 322 (Mo. 2016) (“PLCAA expressly preempts all general negligence actions seeking damages resulting from the criminal or unlawful use of a firearm”); *Estate of Kim ex rel. Alexander v. Coxe*, 295 P.3d 380, 386 (Alaska 2013) (“reading a

general negligence exception into the statute would make the negligence per se and negligent entrustment exceptions a surplusage”).

Both wrongful-death and loss-of-consortium claims require proof of an underlying tort, such as negligence. *See, e.g., Pete v. Anderson*, 413 S.W.3d 291, 303 (Ky. 2013) (“All three claims—wrongful death, loss of spousal consortium, and loss of parental consortium—depend on proving that the death was negligently caused.”); *Martin v. Ohio Cnty. Hosp. Corp.*, 295 S.W.3d 104, 107 (Ky. 2009) (noting that a loss of consortium claim must be based on negligent or wrongful conduct); *Johnson v. Basil as Next Friend of Johnson*, 584 S.W.3d 777, 781 (Ky. App. 2019) (explaining that the required elements of a wrongful death claim include “injury inflicted by the negligence or wrongful act”). Plaintiffs’ claims for wrongful death and loss of consortium are premised on the alleged negligence of RSR and similarly fail to satisfy an exception to the PLCAA. Mitchell Compl. ¶¶ 127, 144, 150, 154, 159; Elliott Compl. 144-45, 155-56.

The only exception to the PLCAA that Plaintiffs allege apply to their claims against RSR is what is often referred to as the predicate exception, which is defined as:

an action in which a manufacturer or seller of a qualified product knowingly¹¹ violated a State or Federal statute applicable to the sale or marketing of the product, and the violation was a proximate cause¹² of the harm for which relief is sought, including—

¹¹ The knowing violation requirement of the predicate exception to the PLCAA is an issue of federal law. The U.S. Supreme Court has repeatedly held that “knowingly,” when used in this manner, requires “showing that the defendant knew his conduct to be unauthorized by statute[.]” *Liparota v. United States*, 471 U.S. 419, 420, 425 (1985). *See also Ruan v. United States*, 597 U.S. 450, 454 (2022); *Rehaif v. United States*, 588 U.S. 225, 229 (2019).

¹² Proximate cause for purposes of the predicate exception to the PLCAA is also an issue of federal law, which requires a “direct relation between the injury asserted and the injurious conduct alleged.” *Holmes v. Sec. Inv. Prot. Corp.*, 503 U.S. 258, 268 (1992). The “general” rule has long been that proximate cause does not permit recovery for an injury that is “beyond the first step” of a causal chain. *Id.* at 271 (quoting *S. Pacific Co. v. Darnell-Taenzer Co.*, 245 U.S. 531, 533 (1918)). Under this standard, the law does not permit a “judicial remedy” for “every conceivable harm that can be traced to alleged wrongdoing.” *Lexmark Int’l, Inc. v. Static Control Components, Inc.*, 572 U.S. 118, 132 (2014) (quotation omitted). After all, illegal acts always “cause ripples of harm [that] flow far beyond” their immediate object. *Bank of America Corp. v. City of Miami*, 581 U.S. 189, 202 (2017). But liability has never followed “wherever those ripples travel.” *Id.* For that reason, “foreseeability alone does not ensure the close connection that proximate cause requires.” *Bank of America*, 581 U.S. at 202. “If one takes a broad enough view, all consequences of a negligent act, no matter how far removed in time or space, may be foreseen. Conditioning liability on foreseeability, therefore, is hardly a condition at all.” *Consol. Rail Corp. v. Gottshall*, 512 U.S. 532, 552–53 (1994). The “central question” is

(I) any case in which the manufacturer or seller knowingly made any false entry in, or failed to make appropriate entry in, any record required to be kept under Federal or State law with respect to the qualified product, or aided, abetted, or conspired with any person in making any false or fictitious oral or written statement with respect to any fact material to the lawfulness of the sale or other disposition of a qualified product; or

(II) any case in which the manufacturer or seller aided, abetted, or conspired with any other person to sell or otherwise dispose of a qualified product, knowing, or having reasonable cause to believe, that the actual buyer of the qualified product was prohibited from possessing or receiving a firearm or ammunition under subsection (g) or (n) of section 922 of title 18[.]

Id. § 7903(5)(A). Based on the examples provided in the PLCAA, as well as its expressly stated statutory purposes, federal appellate courts have held that the predicate exception can only be satisfied by the violation of statutes that specifically regulate the firearms industry, not general statutes that are simply applicable to the firearms industry along with everyone else.

In *Ileto*, the United States Court of Appeals for the Ninth Circuit held that alleged violations of California Civil Code Sections 1714(a) and 3479-80 could not be used to satisfy the predicate exception to the PLCAA. 565 F.3d 1126. California had codified its common law regarding negligence and public nuisance. *Id.* at 1132-33. Section 1714(a), regarding negligence, states that “[e]veryone is responsible, not only for the result of his or her willful acts, but also for an injury occasioned to another by his or her want of ordinary care or skill in the management of his or her property or person” Section 3479, regarding nuisance, stated that “[a]nything which is injurious to health ..., or is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property ... is a nuisance.” The court of

thus “whether the alleged violation led directly to the plaintiff’s injuries.” *Anza v. Ideal Steel Supply Corp.*, 547 U.S. 451, 461 (2006). And where the “theory of liability rests ... [on] separate actions carried out by separate parties” with no cooperation or coordination from the defendant, there is no proximate causal link to the defendant. *Hemi Grp., LLC v. City of New York*, 559 U.S. 1, 11 (2010) (plurality op.) (emphasis omitted).

appeals held that only “statutes that regulate manufacturing, importing, selling, marketing, and using firearms or that regulate the firearms industry—rather than general tort theories that happened to have been codified by a given jurisdiction” can be used to satisfy the predicate exception. *Ileto*, 565 F.3d at 1136.

Similarly, in *City of New York v. Beretta U.S.A. Corp.*, the Court of Appeals for the Second Circuit held that an alleged violation of a nuisance statute, N.Y. Penal Law § 240.45(1), could not satisfy the predicate exception to PLCAA. 524 F.3d 384 (2d Cir. 2008). New York’s nuisance statute states that a “person is guilty of criminal nuisance in the second degree when ... [b]y conduct either unlawful in itself or unreasonable under all the circumstances, he knowingly or recklessly creates or maintains a condition which endangers the safety or health of a considerable number of persons.” N.Y. Penal Law § 240.45(1). The court held that Section 240.45(1) is a “statute of general applicability that does not encompass the conduct of firearms manufacturers,” and therefore could not be used to satisfy the predicate exception. *City of New York*, 524 F.3d at 400. The court explained that the predicate exception can be satisfied only by the violation of a statute that: (1) “expressly regulate firearms”; (2) “courts have applied to the sale and marketing of firearms”; or (3) “clearly can be said to implicate the purchase and sale of firearms.” *Id.* at 404.

The only statute referenced in the Complaints is KRS 411.150, which governs a cause of action against those “aiding or promoting” a killing, discussed further *infra*.¹³ This is not a statute

¹³ Satisfaction of the predicate exception based on aiding and abetting is an issue of federal law, which “reflects a centuries-old view of culpability: that a person may be responsible for a crime he has not personally carried out if he deliberately helps another to complete its commission. To aid and abet a crime, a person must take an affirmative act in furtherance of that offense. And he must intend to facilitate the offense’s commission.” **** An aider and abettor must participate in a crime as in something that he wishes to bring about and seek by his action to make it succeed. *S&W*, 605 U.S. at 291 (cleaned up). The Court further noted that “routine and general activity that happens on occasion to assist in a crime—in essence, incidentally—is unlikely to count as aiding and abetting. So, for example, an ordinary merchant does not become liable for all criminal misuses of his goods, even if he knows that in some fraction of cases misuse will occur. The merchant becomes liable only if, beyond providing the good on the open market, he takes steps to promote the resulting crime and make it his own.” *Id.* at 281 (cleaned up). The Supreme Court rejected Mexico’s argument that the predicate exception was satisfied based on its aiding and abetting allegations because its “complaint

applicable to the sale or marketing of firearms and component parts for firearms, and is therefore not capable of satisfying the predicate exception to the PLCAA. *S&W*, 605 U.S. at 299 (warning the lower courts against broadly reading the predicate exception because doing so would “swallow most of the rule,” and noting it was doubtful “Congress intended to draft such a capacious way out of the PLCAA”).

C. PLAINTIFFS’ CLAIMS FOR NEGLIGENCE, WRONGFUL DEATH, AND LOSS OF CONSORTIUM SHOULD ALSO BE DISMISSED.

In addition to being barred by the immunity provided by the PLCAA, Plaintiffs’ claims for negligence, wrongful death, and loss of consortium should also be dismissed because Plaintiffs have failed to adequately plead the required elements. In particular, Plaintiffs cannot establish duty, any breach of duty, or causation.

1. Plaintiffs Have Failed to Adequately Plead Duty and Breach of Duty.

“The question of duty presents an issue of law.” *Mullins v. Commonwealth Life Ins. Co.*, 839 S.W.2d 245, 248 (Ky. 1992). Plaintiffs assert that “[m]embers of the firearms and firearm-accessories industries have a heightened duty of care because of the risks associated with products that make weapons more deadly.” Mitchell Compl. ¶ 80; Elliott Compl. ¶ 79. This novel, heightened duty for all members of an industry regardless of the specific acts at issue has no basis in law. Indeed, the Kentucky Supreme Court imposed an ordinary standard of duty in a case in which a firearms dealer retailer sold a firearm *directly* to an underage individual in violation federal law. See *T & M Jewelry, Inc. v. Hicks ex rel. Hicks*, 189 S.W.3d 526, 530-31 (Ky. 2006). The Court took great care to “impose no new or onerous burden on the industry,” and analyzed the common

does not plausibly allege that the defendant manufacturers aided and abetted gun dealers’ unlawful sales of firearms to Mexican traffickers. We have little doubt that, as the complaint asserts, some such sales take place—and that the manufacturers know they do. But still, Mexico has not adequately pleaded what it needs to: that the manufacturers ‘participate in’ those sales as in something that they wish to bring about, and seek by their action to make succeed.” *Id.* at 294 (cleaned up).

law duty in accordance with the existing requirements of federal firearms laws. *Id.* at 532. Plaintiffs' assertion of a heightened duty requirement for the legal firearms industry is entirely foreclosed by binding precedent.

Applying the correct standard, the ordinary duty of care that applies "requires every person to exercise ordinary care in his activities to prevent foreseeable injury." *T & M Jewelry*, 189 S.W.3d at 531. "Ordinary care is the same degree of care as a prudent person engaged in a similar or like business would exercise under the circumstances." *Id.* "In a case predicated on negligence it is necessary to demonstrate that the person so charged failed to discharge a legal duty or conform his conduct to the standard required." *Alderman v. Bradley*, 957 S.W.2d 264, 267 (Ky. App. 1997) (citing *Mitchell v. Hadl*, Ky., 816 S.W.2d 183 (1991)). Here, Plaintiffs have failed to allege that RSR did not act as a "like business" would "under the circumstances." *Id.* at 531. RSR sold legal products in a legal manner in the ordinary course of business. Thus, Plaintiffs have failed to allege any breach of its ordinary duty. That failure is fatal to all of Plaintiffs' negligence-based claims.

2. Plaintiffs Have Failed to Adequately Plead Causation.

Causation is also a required element of Plaintiffs' claims for negligence, wrongful death, and loss of consortium. *See Keaton v. G.C. Williams Funeral Home, Inc.*, 436 S.W.3d 538, 542 (Ky. App. 2013) ("To prevail on a negligence claim, the pleading party must prove three elements: 1) duty; 2) breach of that duty; and 3) consequent injury."); *Patton v. Bickford*, 529 S.W.3d 717, 734 (Ky. 2016); *Pete*, 413 S.W.3d at 303 ("All three claims—wrongful death, loss of spousal consortium, and loss of parental consortium—depend on proving that the death was negligently caused."). "The term 'consequent injury,' in turn, encompasses two distinct elements—actual injury and legal causation between the breach and the injury." *Keaton*, 436 S.W.3d at 542.

Causation has two elements, but-for causation (cause in fact) and proximate causation (legal cause). *Howard v. Spradlin*, 562 S.W.3d 281, 287 (Ky. App. 2018). “But-for causation requires the existence of a direct, distinct, and identifiable nexus between the defendant’s breach of duty (negligence) and the plaintiff’s damages such that the event would not have occurred ‘but for’ the defendant’s negligent or wrongful conduct in breach of a duty.” *Patton*, 529 S.W.3d at 730. In the present case, the allegations in the Complaints do not even establish but-for causation—*i.e.*—there is nothing to indicate that the Shooting would not have occurred if the Shooter did not have the Component Parts.

Legal cause is a question of law for the Court in this case. ““Legal causation,” which addresses the degree of causation and includes an element of foreseeability, “presents a question of law when there is no dispute about the essential facts and [only] one conclusion may reasonably be drawn from the evidence.”” *Pathways, Inc. v. Hammons*, 113 S.W.3d 85, 91–92 (Ky. 2003) (quoting *McCoy v. Carter*, Ky., 323 S.W.2d 210, 215 (1959)); *see also Bailey v. N. Am. Refractories Co.*, 95 S.W.3d 868, 872 (Ky. App. 2001) (causation “becomes a question of law for the Court where the facts are undisputed and are susceptible of but one inference”); *Howard*, 562 S.W.3d at 288 (“As with the determination of proximate cause generally, whether an undisputed act or circumstance was or was not a superseding cause is a legal issue for the court to resolve, and not a factual question for the jury.”)

Here, whether RSR’s sale of the Component Parts was a proximate cause of Plaintiffs’ harm, and whether the shooting was an intervening, superseding cause, can be readily determined by the allegations in the Complaints. Accordingly, this Court should decide causation as a matter of law. And it should decide that matter in favor of RSR. Even if Plaintiffs had sufficiently alleged negligent conduct by RSR they cannot establish causation for two distinct reasons: (1) its conduct

is not a legal cause of Plaintiffs' injuries; and (2) even if its conduct was a legal cause of Plaintiffs' injuries, the shooting was a superseding, intervening cause.

3. RSR's Alleged Conduct is Not a Legal Cause of Plaintiffs' Harm.

The Kentucky Supreme Court has adopted the substantial factor test for causation in § 431 of the Restatement (Second) of Torts. *Pathways, Inc.*, 113 S.W.3d at 91. Section 431 states:

In order to be a legal cause of another's harm, it is not enough that the harm would not have occurred had the actor not been negligent.... [T]his is necessary, but it is not of itself sufficient. The negligence must also be a substantial factor in bringing about the plaintiff's harm. The word "substantial" is used to denote the fact that the defendant's conduct has such an effect in producing the harm as to lead reasonable men to regard it as a cause, using that word in the popular sense, in which there always lurks the idea of responsibility, rather than in the so-called "philosophic sense," which includes every one of the great number of events without which any happening would not have occurred. Each of these events is a cause in the so-called "philosophic sense," yet the effect of many of them is so insignificant that no ordinary mind would think of them as causes.

In the present case, the sale of the Component Parts by RSR is not even a cause of the shooting in the "philosophic sense," because there is no allegation or reason to believe that the Shooting would not have occurred without the Component Parts. Certainly, however, the legal sale of the Component Parts is not something that any reasonable person would regard as the legal cause of an illegal shooting by a third-party criminal.

4. The Shooting was a Superseding, Intervening Cause.

Even if the sale of the Component Parts by RSR was assumed to be a legal cause of Plaintiffs' harm, Plaintiffs' claims for negligence, wrongful death, and loss of consortium against RSR should still be dismissed because the Shooting was an intervening, superseding cause. "The superseding intervening cause doctrine interplays with proximate causation in that a superseding cause breaks the chain of causation so that an otherwise negligent actor is relieved from liability." *Howard*, 562 S.W.3d at 288. In the "context of third-party intentional torts and criminal acts," the

Kentucky Supreme Court “has heavily relied on” Section 448 and 449 of the Restatement (Second) of Torts. *Id.* Section 448 states that:

The act of a third person in committing an intentional tort or crime is a superseding cause of harm to another resulting therefrom, although the actor’s negligent conduct created a situation which afforded an opportunity to the third person to commit such a tort or crime, unless the actor at the time of his negligent conduct realized or should have realized the likelihood that such a situation might be created, and that a third person might avail himself of the opportunity to commit such a tort or crime.

The Kentucky Court of Appeals has explained that a “superseding cause possesses the following attributes”:

- 1) an act or event that intervenes between the original act and the injury;
- 2) the intervening act or event must be of independent origin, unassociated with the original act;
- 3) the intervening act or event must, itself, be capable of bringing about the injury;
- 4) the intervening act or event must not have been reasonably foreseeable by the original actor;
- 5) the intervening act or event involves the unforeseen negligence of a third party [one other than the first party original actor or the second party plaintiff] or the intervention of a natural force;
- 6) the original act must, in itself, be a substantial factor in causing the injury, not a remote cause. The original act must not merely create negligent condition or occasion; the distinction between a legal cause and a mere condition being foreseeability of injury.

NKC Hospitals, Inc. v. Anthony, 849 S.W.2d 564, 568 (Ky. App. 1993).

In the present case, even if RSR’s conduct as alleged in the Complaints could be considered a legal cause of Plaintiffs’ harm, the Shooting constitutes a superseding, intervening act that broke any causation that could potentially be attributed to them based on all of the criteria set forth in *Howard*. First, the Shooting is an act or event that intervened between the original acts of RSR in selling the Component Parts, and Plaintiffs’ injuries arising from the shooting. 62 S.W.3d at 288.

Second, the Shooting was of independent origin, unassociated with RSR and committed unilaterally by the Shooter. *Id.* Third, the Shooter's intentional crimes were not only capable of bringing about the injuries alleged in the Complaints—they were the sole and direct cause of those injuries. *Id.* Fourth, RSR cannot be expected to foresee that its legal sale of legal products to RCF in accordance with the vast architecture of firearms regulations would result in the Shooter using the Component Parts in the Shooting. *Id.* Fifth, the Shooting was caused by the unforeseen act of a third party, the Shooter, which was not merely negligent, but intentional. *Id.* Sixth, although the sale of the Component Parts was *not* a substantial factor in causing the Shooting and, in fact, did not even amount to the creation of a negligent condition or occasion, *see infra*, assuming for the sake of argument that the Court decides otherwise, the final factor would be satisfied as well. Accordingly, Plaintiffs' claims against RSR for negligence, wrongful death, and loss of consortium should be dismissed based on lack of causation.

D. CLAIMS FOR VIOLATION OF KRS § 411.150 SHOULD BE DISMISSED.

Certain plaintiffs seek to hold RSR liable for allegedly aiding and promoting the Shooter's murder of their decedents pursuant to KRS 411.150. Mitchell Compl. ¶¶ 161-64; Elliott Compl. ¶¶ 148-53. In addition to being barred by the immunity provided by the PLCAA, Plaintiffs' claims based on violation of KRS 411.150 should be dismissed for the additional, independent reason that the facts alleged in the Complaints do not support a violation of that statute by RSR. KRS § 411.150 provides that the:

surviving spouse and child, under the age of eighteen (18) or either of them, of a person killed by the careless, wanton or malicious use of a deadly weapon, not in self-defense, may have an action against the person who committed the killing and all others aiding or promoting, or any one (1) or more of them.

The key issue is whether the defendant aided or promoted the killing. *Id.* To "aid" means "to help; to assist; to support, as by furnishing strength or means to effect a purpose; to forward; to

facilitate.” *Self v. Mantooth*, No. 2011-CA-001161-MR, 2012 WL 4209929, at *5 (Ky. App. Sept. 21, 2012). To “promote” means “to incite or urge on a person.” *Id.* To be liable for “aiding or promoting” a killing “requires some active participation in the killing by the person so charged.” *Id.* at *6. The caselaw interpreting this infrequently applied provision establishes that the statute only applies to active involvement in the actual killing, not merely furnishing a condition that allowed the person to commit the killing. *Id.* at *5-*6 (reviewing prior decisions).

Based on the factual allegations in the Complaints, RSR merely sold the Component Parts to RCF. It did not even sell the Component Parts to the Shooter, who criminally misused them. There is no allegation that RSR actively participated in the Shooter’s murders. Accordingly, Plaintiffs’ claims for violation of KRS § 411.150 must be dismissed.

E. PLAINTIFFS’ PUNITIVE DAMAGES CLAIMS SHOULD BE DISMISSED.

The Mitchell Plaintiffs raise an unnumbered claim for punitive damages and the Elliott Plaintiffs seek punitive damages as Claim No. VI. Mitchell Compl. ¶¶ 165-66; Elliott Compl. ¶¶ 157-58. Preliminarily, it should be noted that “punitive damages” is not an independent basis upon which relief may be granted, but rather a form of damages that may be awarded pursuant to certain claims for relief. To the extent the Complaints treat them as independent claims, they should be dismissed because they are not a basis on which a defendant may be held liable.

Plaintiffs’ request to recover punitive damages against RSR should be dismissed for two reasons. First, as addressed in detail above, all of their underlying claims for which they seek to recover damages, including punitive damages, should be dismissed. Second, even if they had a viable claim against RSR upon which relief could be granted, the factual allegations in their Complaints fail to satisfy the requirements to seek punitive damages.

In Kentucky, punitive damages may be awarded pursuant to either KRS 411.184 or the

common law. *Saint Joseph Healthcare, Inc. v. Thomas*, 487 S.W.3d 864, 870 (Ky. 2016)). KRS 411.184(2) provides that punitive damages may only be awarded based on “clear and convincing evidence, that the defendant from whom such damages are sought acted toward the plaintiff with oppression, fraud or malice.” Alternatively, punitive damages may be “awarded under the common law standard of ‘gross negligence,’” which “means a wanton or reckless disregard for the lives, safety, or property of others.” *Morris v. Boerste*, 641 S.W.3d 688, 695-96 (Ky. App. 2022).

Here, Plaintiffs cannot sustain a claim for punitive damages against RSR based on either theory. Plaintiffs’ allegations supporting their claim for punitive damages amount to nothing more than conclusory labels. Mitchell Compl. ¶ 166 (“conduct, actions, and inactions of Defendants constituted gross negligence, gross carelessness, or was so grossly reckless or wanton as to warrant an award of punitive damages”); Elliott Compl. 158 (“conduct, actions, and inactions of Defendants constituted gross negligence, gross carelessness, or were so grossly reckless or wanton as to warrant an award of punitive damages”). Beyond those bare assertions, Plaintiffs have no factual support for their claims that RSR acted “with oppression, fraud or malice” or “a wanton or reckless disregard for the lives, safety, or property of others,” *Morris*, 641 S.W.3d at 695-96, by legally selling the Component Parts, which are admittedly legal products, to RCF. Accordingly, Plaintiffs’ “claims” against RSR for punitive damages, as well as their request to recover punitive damages pursuant to their other claims for relief, should be dismissed.

F. ALL OF PLAINTIFF’S CLAIMS ARE BARRED BY KRS § 411.340.

The Complaints and all of the claims therein against RSR should also be dismissed with prejudice for the additional reason that they are barred by KRS § 411.340, which is the middleman provision of the Kentucky Product Liability Act.¹⁴ Section 411.340 was “designed to protect ...

¹⁴ KRS § 411.300(1) defines a “product liability action” to “include any action brought for or on account of personal injury [or] death ... caused by or resulting from the ... marketing [or] advertising, ... of any product.”). The Complaints

distributors, wholesalers, or retailers, who have no independent responsibility for the design or manufacture of a product.” *West v. KKI, LLC*, 300 S.W.3d 184, 192 (Ky. App. 2008) A distributor loses this “immunity” only where “it: (i) breaches an express warranty or (ii) knew or should have known at the time of distribution or sale that the product was in a defective condition and unreasonably dangerous.” *Elkins v. Extreme Prod. Grp., LLC*, No. CV 5:21-050-DCR, 2021 WL 8316416, at *2 (E.D. Ky. Dec. 21, 2021) (citing *Flint v. Target Corp.*, 362 F. App’x 446, 449 (6th Cir. 2010)). Plaintiffs’ claims against RSR are barred by Section 411.340 because Plaintiffs concede that RSR acted as a middleman relative to the Component Parts. Mitchell Compl. ¶ 78; Elliott Compl. ¶ 77. Each element of Section 411.340 is satisfied. The manufacturer of each of the Component Parts “is identified and subject to the jurisdiction of the court.” *West*, 300 S.W.3d at 191-92 (quoting KRS § 411.340). Magpul is a named defendant in all three Complaints. Crimson Trace Corporation (“Crimson Trace”), which is alleged to have manufactured the red-dot sight, is not named as a defendant. Crimson Trace is an Oregon corporation located in Missouri,¹⁵ and is subject to this Court’s jurisdiction. RSR is a distributor and sold the Component Parts in the same condition in which they were manufactured. Mitchell Compl. ¶¶ 7, 78, Elliott Compl. ¶¶ 28, 77.

are replete with claims that RSR improperly marketed the Component Parts so as to induce the Shooter into committing the Shooting. “If a claim is brought against a seller ... of a product which is alleged to have caused injury, then [Section 411.340] “applies, regardless of whether the action is founded on strict liability in tort, negligence or breach of warranty.” *Warren v. Lowe’s Home Centers, LLC*, No. CV 0:21-085-DCR, 2024 WL 420108, at *4 n.3 (E.D. Ky. Feb. 5, 2024) (citing *Monsanto Co. v. Reed*, 814 (Ky. 1997); see also *Davis v. Sig Sauer, Inc.*, No. 3:22-CV-00010-GFVT, 2024 WL 54595, at *4 (E.D. Ky. Jan. 4, 2024) (KRS 411.340 “applies to all damages claims arising from the use of products, regardless of the legal theory advanced”); *Stiens v. Bausch & Lomb Inc.*, 626 S.W.3d 191, 201 (Ky. Ct. App. 2020).

¹⁵ Crimson Trace is a subsidiary of American Outdoor Brands, Inc. See U.S. Securities and Exchange Commission, Form 10-K, American Outdoor Brand, Inc. at 51, F-8, F-9, Ex. 21.1 (Apr. 30, 2023), available at <https://ir.aob.com/static-files/22b6d756-7e2a-4501-ab38-ebc599b3198e> (last visited June 25, 2026) (“AOUT 10-K”). The Court may consider the AOUT 10-K in connection with the motion to dismiss without converting it into a motion for summary judgment. See, e.g., *Schell v. Young*, 640 S.W.3d 24, 33 (Ky. App. 2021) (holding that “[c]onversion from a motion to dismiss to a motion for summary judgment” does not occur where “court considers matters of public record”; “court may properly take judicial notice of public records and government documents, including public records and government documents available from reliable sources on the internet”) (citing *Polley v. Allen*, 132 S.W.3d 223, 226 (Ky. App. 2004)).

Plaintiffs have not alleged that RSR breached an express warranty.

Beyond conclusory allegations about the awareness in society of the possibility that firearms and their component parts can be used in criminal shootings, Plaintiffs have not alleged facts that would objectively demonstrate that RSR had reason to know the Component Parts were “defective and unreasonably dangerous to the user at the time of distribution or sale.” *Taylor v. Southwire Tools & Equip.*, 130 F. Supp. 3d 1017, 1023 (E.D. Ky. 2015). Plaintiffs do not even allege that the Component Parts were unreasonably dangerous to the user or consumer, i.e., the Shooter. Mere knowledge of the “dangers” associated with the use of a product is not sufficient to “overcome the protections afforded by” KRS 411.340. *Simmerman v. Ace Bayou Corp.*, No. CIV.A. 5: 14-382-DCR, 2014 WL 6633129, at *4 (E.D. Ky. Nov. 21, 2014). To defeat the immunity provided by KRS § 411.340, a plaintiff must allege that the product was unreasonably dangerous because it was in a “defective condition,” and that the distributor had knowledge of that conduction. *Conrad*, 2012 WL 5332494, at *2; *Mason v. Excel*, 2011 WL 847449, at *3 (W.D. Ky. 2011); *Weixler v. Paris Co.*, No. 3:02CV-390-H, 2003 WL 105503 at *2 (W.D. Ky. Jan. 2, 2003). Plaintiffs’ allegations of RSR’s alleged knowledge of the “danger” of the Component Parts fall far short of this high standard and amount to nothing more than the generalized public knowledge of the danger associated with firearms and their component parts applicable to all persons, including the Shooter as the user/consumer of the Component Parts. Accordingly, all of Plaintiffs’ claims against RSR are also barred by KRS § 411.340 and should be dismissed on that additional basis.

IV. CONCLUSION

For the above reasons, RSR respectfully requests that this Court grant its Motion, dismiss all Complaints and causes of action against it with prejudice, and grant such other relief as it deems just and proper. A proposed Order is submitted herewith.

Dated: July 6, 2026

Respectfully submitted,

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EXHIBIT 1

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EXH : 000001 of 000015



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Declined to Extend by [People v. Hardy](#), Cal.App. 2 Dist., April 22, 2026

145 S.Ct. 1556

Supreme Court of the United States.

[SMITH & WESSON BRANDS, INC.](#), et al. Petitioners

v.

ESTADOS UNIDOS MEXICANOS

No. 23-1141

Argued March 4, 2025

Decided June 5, 2025

Synopsis

Background: Government of Mexico brought action against gun manufacturers and distributor under the Protection of Lawful Commerce in Arms Act (PLCAA), alleging the aiding and abetting of illegal trafficking of guns into Mexico. The United States District Court for the District of Massachusetts, [F. Dennis Saylor IV](#), Chief Judge, [633 F.Supp.3d 425](#), dismissed the complaint for failure to state a claim. Mexico appealed, and the United States Court of Appeals for the First Circuit, Kayatta, Circuit Judge, [91 F.4th 511](#), reversed and remanded. Certiorari was granted.

Holdings: In a unanimous opinion, the Supreme Court, Justice Kagan, held that:

[1] claim that manufacturers elected to sell guns to, among others, known rogue dealers did not show aiding and abetting liability within the predicate exception to the PLCAA liability bar;

[2] claim that manufacturers had declined to suitably regulate the dealers' practices was passive nonfeasance which did not show aiding and abetting liability; and

[3] manufacturers' marketing and design decisions did not show aiding and abetting liability.

Reversed and remanded.

Justice Thomas issued a concurring opinion.

Justice Jackson issued a concurring opinion.

Procedural Posture(s): Petition for Writ of Certiorari; On Appeal; Motion to Dismiss for Failure to State a Claim.

West Headnotes (19)

[1] [Products Liability](#) [Defenses in general](#)
[Products Liability](#) [Weapons and Ammunition](#)

If a plaintiff can show that a manufacturer committed a gun-sale violation proximately causing the harm at issue, then, under the predicate exception to the Protection of Lawful Commerce in Arms Act's (PLCAA) general bar on suits against gun manufacturers for the misuse or criminal use of a firearm by a third party, a suit against a gun manufacturer can proceed, even though it arises from a third party's later misuse of a gun; the predicate violation opens a path to making a gun manufacturer civilly liable for the way a third party has used the weapon it made. [15 U.S.C.A. § 7903\(5\)\(A\)\(iii\)](#).

[5 Cases that cite this headnote](#)

[2] [Products Liability](#) [Defenses in general](#)
[Products Liability](#) [Weapons and Ammunition](#)

The predicate violation the Protection of Lawful Commerce in Arms Act (PLCAA) demands as an exception to the PLCAA's general bar on suits stemming from the criminal use or misuse of a firearm by a third party may come from aiding and abetting someone else's firearms offense. [15 U.S.C.A. § 7903\(5\)\(A\)\(iii\)](#).

[3 Cases that cite this headnote](#)

[3] [Products Liability](#) [Defenses in general](#)
[Products Liability](#) [Weapons and Ammunition](#)

Aiding and abetting can qualify as a predicate violation of the Protection of Lawful Commerce

in Arms Act (PLCAA), allowing a suit against a gun manufacturer based on the misuse or criminal use of a firearm by a third party, by virtue of another law assimilating an accomplice's liability to a principal's. 15 U.S.C.A. § 7903(5)(A)(iii).

3 Cases that cite this headnote

[4] **Products Liability** 🔑 Defenses in general

Products Liability 🔑 Weapons and Ammunition

A gun manufacturer that aids and abets a federal gun crime may itself commit a predicate violation of the Protection of Lawful Commerce in Arms Act (PLCAA), allowing a civil lawsuit against the manufacturer to proceed. 15 U.S.C.A. § 7903(5)(A)(iii).

2 Cases that cite this headnote

[5] **Products Liability** 🔑 Defenses in general

Products Liability 🔑 Weapons and Ammunition

Principles of aiding and abetting from the criminal law, establishing what counts as aiding and abetting and what does not, may determine whether a plaintiff can satisfy Protection of Lawful Commerce in Arms Act's (PLCAA) predicate exception and thus proceed with a civil suit against a gun manufacturer which would otherwise be barred. 15 U.S.C.A. § 7903(5)(A)(iii).

1 Case that cites this headnote

[6] **Federal Civil Procedure** 🔑 Insufficiency in general

“Plausibly” alleged, for purposes of a motion to dismiss for failure to state a claim, does not mean “probably,” but it asks for more than a sheer possibility that a defendant has acted unlawfully. Fed. R. Civ. P. 12(b)(6).

26 Cases that cite this headnote

[7] **Criminal Law** 🔑 Aiding, abetting, or other participation in offense

Federal aiding-and-abetting law reflects a centuries-old view of culpability: that a person may be responsible for a crime he has not personally carried out if he deliberately helps another to complete its commission. 18 U.S.C.A. § 2.

1 Case that cites this headnote

[8] **Criminal Law** 🔑 Aiding, abetting, or other participation in offense

To “aid and abet” a crime, a person must take an affirmative act in furtherance of that offense, and he must intend to facilitate the offense's commission.

1 Case that cites this headnote

[9] **Criminal Law** 🔑 Aiding, abetting, or other participation in offense

An aider and abettor must participate in a crime as in something that he wishes to bring about and seek by his action to make it succeed.

1 Case that cites this headnote

[10] **Criminal Law** 🔑 Aiding, abetting, or other participation in offense

Aiding and abetting is most commonly a rule of secondary liability for specific wrongful acts; it is possible for someone to aid and abet a broad category of misconduct, but then his participation must be correspondingly pervasive, systemic, and culpable.

1 Case that cites this headnote

[11] **Criminal Law** 🔑 Aiding, abetting, or other participation in offense

Aiding and abetting usually requires misfeasance rather than nonfeasance; absent an independent duty to act, a person's failures, omissions, or inactions, even if in some sense blameworthy, will rarely support aiding-and-abetting liability.

6 Cases that cite this headnote

[12] **Criminal Law** 🔑 Aiding, abetting, or other participation in offense

Routine and general activity that happens on occasion to assist in a crime, in essence, incidentally, is unlikely to count as “aiding and abetting.”

3 Cases that cite this headnote

[13] **Criminal Law** 🔑 Aiding, abetting, or other participation in offense

An ordinary merchant does not become liable as an aider and abettor for all criminal misuses of his goods, even if he knows that in some fraction of cases misuse will occur; the merchant becomes liable only if, beyond providing the good on the open market, he takes steps to promote the resulting crime and make it his own.

3 Cases that cite this headnote

[14] **Criminal Law** 🔑 Aiding, abetting, or other participation in offense

When a company merely knows that some bad actors are taking advantage of its products for criminal purposes, it does not aid and abet, even if the company could adopt measures to reduce their users’ downstream crimes.

2 Cases that cite this headnote

[15] **Products Liability** 🔑 Defenses in general
Products Liability 🔑 Weapons and Ammunition

Government of Mexico, which brought tort action against gun manufacturers arising out of gun violence in Mexico, failed to plausibly allege that gun manufacturers aided and abetted gun dealers' unlawful sales of firearms to Mexican traffickers by electing to sell guns to, among others, known rogue dealers, as required to fall within the predicate exception to the general bar of liability under the Protection of Lawful Commerce in Arms Act (PLCAA); complaint

did not pinpoint any specific transactions, but asserted that manufacturers assisted unidentified dealers in making a host of illegal firearms sales and treated such rogue dealers the same as law-abiding dealers, manufacturers did not directly supply any dealers, but sold to distributors, and any claim they had identified the bad-apple dealers supplied by the distributors was speculative. 15 U.S.C.A. § 7903(5)(A)(iii).

6 Cases that cite this headnote

[16] **Products Liability** 🔑 Defenses in general
Products Liability 🔑 Weapons and Ammunition

Government of Mexico, which brought tort action against gun manufacturers arising out of gun violence in Mexico, failed to plausibly allege that gun manufacturers aided and abetted gun dealers' unlawful sales of firearms to Mexican traffickers by failing to adequately regulate the gun dealers, as required to fall within the predicate exception to the general bar of liability under the Protection of Lawful Commerce in Arms Act (PLCAA); while manufacturers could have imposed constraints on their distribution chains to reduce the possibility of unlawful conduct or themselves monitor dealers’ sales for law violations, such omissions and inactions were passive nonfeasance, rather than aiding and abetting. 15 U.S.C.A. § 7903(5)(A)(iii).

6 Cases that cite this headnote

[17] **Products Liability** 🔑 Defenses in general
Products Liability 🔑 Weapons and Ammunition

Government of Mexico, which brought tort action against gun manufacturers arising out of gun violence in Mexico, failed to plausibly allege that gun manufacturers' marketing and design decisions resulted in the aiding and abetting of gun dealers' unlawful sales of firearms to Mexican traffickers, as required to fall within the predicate exception to the general bar of liability under the Protection of Lawful Commerce in Arms Act (PLCAA); while manufacturers produced assault rifles and sniper rifles which

were popular among Mexican drug cartels, such firearms were popular among law abiding citizens as well, use of Spanish language names and graphics alluding to Mexican history could appeal to the millions of law-abiding Hispanic Americans, and failure to produce guns with nondefaceable serial numbers was not required by federal law and simply did not show aiding and abetting. 15 U.S.C.A. § 7903(5)(A)(iii).

3 Cases that cite this headnote

[18] **Products Liability** 🔑 Defenses in general
Products Liability 🔑 Weapons and
 Ammunition

Under the Protection of Lawful Commerce in Arms Act (PLCAA), an action cannot be brought against a firearms manufacturer if it is founded on a third-party's criminal use of the company's product. 15 U.S.C.A. §§ 7902(a), 7903(5)(A).

1 Case that cites this headnote

[19] **Products Liability** 🔑 Defenses in general
Products Liability 🔑 Weapons and
 Ammunition

The predicate exception to the Protection of Lawful Commerce in Arms Act (PLCAA) allows for accomplice liability only when a plaintiff makes a plausible allegation that a gun manufacturer participated in a firearms violation as in something that it wished to bring about and sought to make succeed. 15 U.S.C.A. § 7903(5)(A)(iii).

4 Cases that cite this headnote

****1558 Syllabus***

***280** The Protection of Lawful Commerce in Arms Act (PLCAA) bars certain lawsuits against manufacturers and sellers of firearms. As relevant, it provides that a “qualified civil liability action ... may not be brought in any Federal or State court,” 15 U.S.C. § 7902(a), and defines that term to include a “civil action or proceeding” against a

firearms manufacturer or seller stemming from “the criminal or unlawful misuse” of a firearm by “a third party,” § 7903(5)(A). But PLCAA's general bar on these suits has an exception, usually called the predicate exception, relevant here. That exception applies to lawsuits in which the defendant manufacturer or seller “knowingly violated a State or Federal statute applicable to the sale or marketing” of firearms, and the “violation was a proximate cause of the harm for which relief is sought.” § 7903(5)(A)(iii).

The predicate violation PLCAA demands may come from aiding and abetting someone else's firearms offense. PLCAA itself lists as examples two ways in which aiding and abetting qualifies—when a gun manufacturer (or seller) aids and abets another person in making a false statement about a gun sale's legality or in making specified criminal sales. See § 7903(5)(A)(iii)(I)–(II). And more broadly, because federal law provides that whoever “aids [and] abets” a federal crime “is punishable as a principal,” 18 U.S.C. § 2(a), a gun manufacturer that aids and abets a federal gun crime may itself commit a PLCAA predicate violation.

Here, the Government of Mexico sued seven American gun manufacturers, alleging that the companies aided and abetted unlawful gun sales that routed firearms to Mexican drug cartels. The basic theory of its suit is that the defendants failed to exercise “reasonable care” to prevent trafficking of their guns into Mexico, and so are responsible for the harms arising there from the weapons’ misuse. That theory implicates PLCAA's general prohibition, so the complaint tries to plead its way into the predicate exception. It alleges that the manufacturers were “willful accessories” in unlawful gun sales by retail gun dealers, which in turn enabled Mexican criminals to acquire guns. And it sets out three kinds of allegations relating to how the manufacturers aided and abetted retailers’ unlawful sales: The manufacturers allegedly (1) supply firearms to retail dealers whom they know illegally sell to Mexican gun *281 traffickers; (2) have failed to impose the kind of controls on their distribution networks that would prevent illegal sales to Mexican traffickers; and (3) make “design and marketing decisions” intended to stimulate cartel members’ demand for their products. The District Court dismissed the complaint, but the First Circuit reversed, finding Mexico had plausibly alleged that defendants aided and abetted illegal firearms sales.

Held: Because Mexico's complaint does not plausibly allege that the defendant gun manufacturers aided and abetted gun

dealers' unlawful sales of firearms to Mexican traffickers, PLCAA bars the lawsuit. Pp. 1565 - 1570.

(a) Federal aiding and abetting law reflects the view that a person may be responsible for a crime he has not personally carried out if he deliberately helps another complete its commission. To aid and abet a crime, a person must take an affirmative act in furtherance of the offense and intend to facilitate its commission—or as Judge Learned Hand stated these requisites, must “participate in” a crime “as in something that he wishes to bring about” and “seek by his action to make it succeed.” *United States v. Peoni*, 100 F.2d 401, 402. In elaborating on that demand, this Court has developed several ancillary principles. First, aiding and abetting is most commonly liability for specific wrongful acts, though broader liability for a category of misconduct is possible if a wrongdoer's participation is correspondingly “pervasive, systemic, and culpable.” *Twitter, Inc. v. Taamneh*, 598 U.S. 471, 502, 143 S.Ct. 1206, 215 L.Ed.2d 444. Second, aiding and abetting usually requires misfeasance rather than nonfeasance: Absent an independent duty to act, failures, omissions, or inactions will rarely support liability. And third, routine and general activity that happens on occasion to assist crime—in essence, incidentally—is unlikely to count as aiding and abetting. Thus, for instance, an ordinary merchant does not become liable for criminal misuse of her goods simply by knowing that, in some fraction of cases, misuse will occur.

Two of this Court's cases illustrate these principles. In *Direct Sales Co. v. United States*, 319 U.S. 703, 63 S.Ct. 1265, 87 L.Ed. 1674, the Court held that a mail-order pharmacy could be convicted for assisting a small-town doctor's illegal distribution of narcotics. The pharmacy sold the doctor massive quantities of morphine (5,000 to 6,000 half-grain tablets monthly versus the typical physician's 400 quarter-grain tablets annually), actively stimulated his purchases through special discounts and high-pressure sales methods, and continued these practices despite law enforcement warnings. All this showed that the pharmacy not only knew of and acquiesced in the doctor's illicit enterprise but “join[ed] both mind and hand with him to make its accomplishment possible.” *Id.*, at 713, 63 S.Ct. 1265. By contrast, *282 in *Twitter*, the Court dismissed aiding and abetting claims against social-media companies for aiding and abetting a terrorist attack carried out by ISIS. Although the plaintiffs there alleged that ISIS supporters used the companies' platforms for recruiting and fundraising, and that the companies knew this but failed to adequately remove

ISIS content, that was not enough to make the companies liable for ISIS's terrorist acts. At most, the plaintiffs alleged that the companies provided their platforms for general use, then “stood back and watched” as ISIS misused them. *Id.*, at 499, 143 S.Ct. 1206. And more was needed for a provider of generally available goods and services to be liable for a customer's misuse of them—for example, conduct of the kind in *Direct Sales*. Pp. 1565 - 1567.

(b) Against the backdrop of that law, Mexico's complaint does not plausibly allege that the defendant manufacturers aided and abetted gun dealers' unlawful sales of firearms to Mexican traffickers. To begin, the complaint sets for itself a high bar. It does not pinpoint, as most aiding-and-abetting claims do, any specific criminal transactions that the defendants (allegedly) assisted. Instead, it levels a more general accusation: that all the manufacturers assist some number of unidentified rogue dealers in violation of various legal bars. The systemic nature of that charge cannot help but heighten Mexico's burden. To survive, it must be backed by plausible allegations of pervasive, systemic, and culpable assistance.

Mexico's lead claim—that the manufacturers elect to sell guns to, among others, known rogue dealers—fails to clear that bar. For one thing, it is far from clear that such behavior, without more, could ever count as aiding and abetting under the Court's precedents. And in any event, Mexico has not said enough to make its allegations on this point plausible: It does not confront that the manufacturers do not directly supply any dealers, and its complaint does not name alleged bad-apple dealers or provide grounds for thinking that anyone up the supply chain often acquires that information. What Mexico has plausibly alleged is only that manufacturers know some unidentified dealers routinely violate the law—but this describes “indifference” rather than assistance, similar to the insufficient allegations in *Twitter*.

For related reasons, Mexico's second set of allegations—that the manufacturers have declined to suitably regulate the dealers' practices—cannot fill the gap. Of course, responsible manufacturers might well impose constraints on their distribution chains to reduce the possibility of unlawful conduct. But a failure to do so is what *Twitter* called “passive nonfeasance.” 598 U.S., at 500, 143 S.Ct. 1206. Such “omissions” and “inactions”—especially in an already highly regulated industry—are rarely the stuff of aiding-and-abetting liability, and nothing in Mexico's allegations makes them so.

*283 Finally, Mexico's allegations about design and marketing decisions add nothing of consequence. Mexico focuses on production of “military style” assault weapons, but these products are widely legal and purchased by ordinary consumers. Manufacturers cannot be charged with assisting criminal acts simply because Mexican cartel members also prefer these guns. The same applies to firearms with Spanish-language names or graphics alluding to Mexican history—while they may be “coveted by the cartels,” they also may appeal to “millions of law-abiding Hispanic Americans.” Even the failure to make guns with non-defaceable serial numbers cannot show that manufacturers have “joined both mind and hand” with lawbreakers in the manner required for aiding and abetting. Pp. 1567 - 1569.

(c) This conclusion aligns with PLCAA's core purpose. Congress enacted PLCAA to halt lawsuits attempting to make gun manufacturers pay for harms resulting from the criminal or unlawful misuse of firearms. Mexico's suit closely resembles those lawsuits. And while the predicate exception allows some such suits to proceed, accepting Mexico's theory would swallow most of the rule. The Court doubts Congress intended to draft such a capacious way out of PLCAA, and in fact it did not. Pp. 1569 - 1570.

91 F.4th 511, reversed and remanded.

KAGAN, J., delivered the opinion for a unanimous Court. THOMAS, J., and JACKSON, J., filed concurring opinions.

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Opinion

Justice KAGAN delivered the opinion of the Court.

*284 **1562 The Government of Mexico brought this lawsuit against seven American gun manufacturers. As required by a federal *285 statute, Mexico seeks to show (among other things) that the defendant companies participated in the unlawful sale or marketing of firearms. See 15 U.S.C. § 7903(5)(A)(iii). More specifically, Mexico alleges that the companies aided and abetted unlawful sales routing guns to Mexican drug cartels. The question presented is whether Mexico's complaint plausibly pleads that conduct. We conclude it does not.

I

A

The Protection of Lawful Commerce in Arms Act (PLCAA), 119 Stat. 2095, 15 U.S.C. §§ 7901–7903, bars certain lawsuits against manufacturers and sellers of firearms. Congress enacted the statute in response to a spate of litigation trying to hold gun companies liable in tort for harms “caused by the misuse of firearms by third parties, including criminals.” § 7901(a)(3) (“Findings” section). To curb such suits, PLCAA provides that a “qualified civil liability action,” *286 as defined in the Act, “may not be brought in any Federal or State court.” § 7902(a). The Act’s definition of that term includes a “civil action or proceeding” against a firearms manufacturer or seller stemming from “the criminal or unlawful misuse” of a firearm by “a third party.” § 7903(5)(A).

[1] But PLCAA’s general bar on those suits has an exception, usually called the predicate exception, relevant here. That exception applies to suits in which the defendant manufacturer or seller “knowingly violated a State or Federal statute applicable to the sale or marketing” of firearms, and that “violation was a proximate cause of the harm for which relief is sought.” § 7903(5)(A)(iii). If a plaintiff can show that provision is satisfied—that, say, a manufacturer committed a gun-sale violation proximately causing the harm at issue—then a suit can proceed, even though it arises from a third party’s later misuse of a gun. Or otherwise said, the predicate violation opens a path to making a gun manufacturer civilly liable for the way a third party has used the weapon it made.

[2] [3] [4] [5] Notably here, the predicate violation PLCAA demands may come from aiding and abetting someone else’s firearms offense. The predicate exception itself lists as examples two ways in which aiding and abetting qualifies—when a gun manufacturer (or seller) aids and abets another person either in making a false statement about a gun sale’s legality or in making specified criminal sales. See **1563 § 7903(5)(A)(iii)(I)–(II). And more broadly, aiding and abetting can qualify as a PLCAA predicate violation by virtue of another law assimilating an accomplice’s liability to a principal’s. The federal statute generally accomplishing that task is 18 U.S.C. § 2(a), which provides that whoever “aids [and] abets” the commission of a federal crime “is punishable as a principal.” Because of that provision, a gun manufacturer that aids and abets a federal gun crime may itself commit a PLCAA predicate violation. So principles of aiding and abetting from the *287 criminal law—establishing what counts as aiding and abetting and what does not—may determine whether a plaintiff can satisfy PLCAA’s predicate exception and thus proceed with a civil suit otherwise barred.

And that dependence on aiding-and-abetting law is a feature of the case before us.

B

Mexico has a severe gun violence problem, which its government views as coming from north of the border. The country has only a single gun store, and issues fewer than 50 gun permits each year. But gun traffickers can purchase firearms in the United States—often in illegal transactions—and deliver them to drug cartels in Mexico. Those groups, predictably enough, use the imported firearms to commit serious crimes—drug dealing, kidnapping, murder, and others. According to the Mexican Government, as many as 90% of the guns recovered at crime scenes in Mexico originated in the United States. See App. to Pet. for Cert. 7a (Complaint).

The Mexican Government, seeking redress for this gun violence, brought suit in 2021 against seven American firearms manufacturers.¹ The suit, brought in a U. S. District Court, asserts a variety of tort claims against the defendants, mostly sounding in negligence. The basic theory is that the defendants failed to exercise “reasonable care” to prevent trafficking of their guns into Mexico, and so are responsible for the harms arising there from the weapons’ misuse. *Id.*, at 184a. That theory, as all agree, runs straight into PLCAA’s general prohibition. Mexico’s action, that is, *288 seeks to hold firearms manufacturers liable for “the criminal or unlawful misuse” of guns by third parties—and so, according to PLCAA, “may not be brought.” §§ 7902(a), 7903(5)(A). The complaint thus tries to plead its way into PLCAA’s predicate exception. It asserts, as that exception requires, that the third-party misuse of guns in Mexico resulted from the manufacturers’ knowing violations of gun laws. See § 7903(5)(A)(iii).

More specifically, the complaint alleges that the manufacturers’ firearms violations were ones of aiding and abetting, rather than of independent commission. See *id.*, at 71a (invoking this Court’s aiding-and-abetting caselaw); Tr. of Oral Arg. 58–59 (agreeing that the predicate violation alleged rests on § 2, the federal aiding-and-abetting statute). The manufacturers, according to Mexico, were “willful accessories” in unlawful gun sales by retail dealers, which in turn enabled Mexican criminals to acquire guns (and use them to commit violent offenses). App. to Pet. for Cert. 71a. The complaint sets out three kinds of allegations relating to

how ****1564** the manufacturers aided and abetted retailers' unlawful sales.

Mexico's primary line of argument is that the manufacturers supply firearms to retail dealers whom they know illegally sell to Mexican gun traffickers. The complaint explains that the manufacturers use a three-tier distribution system: They sell to wholesale distributors, who sell to retail dealers, who sell to customers. See *id.*, at 140a. A "small minority" of the dealers are responsible for most of the sales to Mexican traffickers; and those sales often violate federal gun laws—by, for example, involving straw purchasers or proceeding without background checks. *Id.*, at 44a; see *id.*, at 86a. ² Still more, the complaint alleges—and this is key—that the manufacturers know "who th[ose] bad apple dealers ***289** are." Tr. of Oral Arg. 70; see App. to Pet. for Cert. 44a (The defendants "know that these dealers engage in" prohibited practices); see also *id.*, at 54a–55a, 80a (similar). Yet the manufacturers continue to supply those dealers, as they do legitimate ones, in order to boost their own profits. By choosing not to cut off the flow of firearms to the known rogue dealers, the complaint asserts, the manufacturers become "culpable and intentional participant[s]" in the dealers' federal "statutory violations." *Id.*, at 42a, 85a. ³

Second, Mexico claims that the manufacturers have failed to impose the kind of controls on their distribution networks that would prevent illegal sales to Mexican traffickers. There are, Mexico contends, a raft of ways manufacturers could put "commonsense restraints on their supply chains." Brief for Respondent 32. For example, they could prohibit dealers from making "bulk sales" to individual customers, because guns sold in that way (Mexico says) are likely to be "diverted to the illegal market." App. to Pet. for Cert. 86a–87a. So too, they could bar dealers from selling their firearms at gun shows or out of their homes, because those sales (Mexico again says) often ignore regulatory requirements like background checks. See *id.*, at 88a–89a, 91a–92a. And more generally, manufacturers could implement processes for "monitor[ing] or "supervis[ing] their [dealers'] sales practices," so as to minimize illegal sales to traffickers. *Id.*, at 89a; see *id.*, at 137a–138a. Yet the defendant manufacturers, Mexico states, have done none of those things. Rather, they have embraced "a see-no-evil, hear-no-evil, speak-no-evil approach" to "their gun distribution system." *Id.*, at 32a. ***290** And that quite "deliberate[]" approach works to "funnel firearms to the cartels." Brief for Respondent 23.

And third, Mexico alleges that the manufacturers make "design and marketing decisions" intended to stimulate cartel members' demand for their products. *Ibid.* Most prominently, Mexico asserts that the manufacturers have "increased production of military-style" assault weapons, with an eye toward cultivating the criminal market. App. to Pet. for Cert. 104a; see Brief for Respondent 23. For example, one manufacturer has made a ".50 caliber long ****1565** range sniper rifle," which cartels have used to attack the police and military. App. to Pet. for Cert. 99a. In addition, Mexico says, the manufacturers make guns whose serial numbers can be "obliterated or defaced," thus hindering police tracing efforts. *Id.*, at 131a. And the manufacturers produce firearms whose names or aesthetic features appeal to cartel members. Colt, for example, makes the ".38 caliber Super 'El Jefe' pistol; the .38 caliber Super 'El Grito' pistol; and the .38 caliber 'Emiliano Zapata 1911' pistol"—the last of which includes Zapata's image and the words "It is better to die standing than to live on your knees." *Id.*, at 75a.

The defendant manufacturers moved to dismiss Mexico's complaint, contending that PLCAA barred the suit. The District Court granted the motion. [633 F.Supp.3d 425, 432 \(Mass. 2022\)](#). But the Court of Appeals for the First Circuit reversed. It found that Mexico's complaint plausibly "allege[d] that defendants have been aiding and abetting the [illegal] sale of firearms by dealers." [91 F.4th 511, 529 \(2024\)](#). And because, in the court's view, the complaint also plausibly alleged that the defendants' aiding-and-abetting conduct proximately caused injury to Mexico, PLCAA's predicate exception was satisfied. *Id.*, at 538. As a result, Mexico's suit against the manufacturers could go forward.

We granted certiorari. [603 U. S. —, 145 S.Ct. 116, — L.Ed.2d — \(2024\)](#).

***291 II**

[6] Mexico's complaint survives PLCAA only if, in accord with usual pleading rules, it has plausibly alleged conduct falling within the statute's predicate exception. See *Ashcroft v. Iqbal*, [556 U.S. 662, 678–679, 129 S.Ct. 1937, 173 L.Ed.2d 868 \(2009\)](#). Because Mexico relies exclusively on an aiding-and-abetting theory, that means plausibly alleging that the manufacturers have aided and abetted gun dealers' firearms offenses (such as sales to straw purchasers), so as to proximately cause harm to Mexico. See *supra*, at 1562 – 1563. We need not address the proximate cause question,

because we find that Mexico has not plausibly alleged aiding and abetting on the manufacturers' part. "Plausibly" does not mean "probably," but "it asks for more than a sheer possibility that a defendant has acted unlawfully." *Iqbal*, 556 U.S., at 678, 129 S.Ct. 1937. And Mexico has not met that bar. Its complaint does not plausibly allege the kind of "conscious ... and culpable participation in another's wrongdoing" needed to make out an aiding-and-abetting charge. *Twitter, Inc. v. Taamneh*, 598 U.S. 471, 493, 143 S.Ct. 1206, 215 L.Ed.2d 444 (2023).

A

[7] [8] [9] Federal aiding-and-abetting law "reflects a centuries-old view of culpability: that a person may be responsible for a crime he has not personally carried out" if he deliberately "helps another to complete its commission." *Rosemond v. United States*, 572 U.S. 65, 70, 134 S.Ct. 1240, 188 L.Ed.2d 248 (2014); see 18 U.S.C. § 2. To aid and abet a crime, a person must "take[] an affirmative act in furtherance of that offense." *Rosemond*, 572 U.S., at 71, 134 S.Ct. 1240. And he must "intend to facilitate [the offense's] commission." *Ibid*. Or as Judge Learned Hand stated those requisites, in what has become a canonical formulation, an aider and abettor must "participate in" a crime "as in something that he wishes to bring about" and "seek by his action to make it succeed." *United States v. Peoni*, 100 F.2d 401, 402 (CA2 1938); see *Twitter*, 598 U.S., at 490, 143 S.Ct. 1206; *Nye & Nissen v. United States*, 336 U.S. 613, 619, 69 S.Ct. 766, 93 L.Ed. 919 (1949).

*292 **1566 [10] [11] [12] [13] In elaborating on that demand, this Court has developed several ancillary principles. First, aiding and abetting is most commonly "a rule of secondary liability for *specific* wrongful acts." *Twitter*, 598 U.S., at 494, 143 S.Ct. 1206 (emphasis added). It is possible for someone to aid and abet a broad category of misconduct, but then his participation must be correspondingly "pervasive, systemic, and culpable." *Id.*, at 502, 143 S.Ct. 1206. Second, aiding and abetting usually requires misfeasance rather than nonfeasance. Absent an "independent duty to act," a person's "failure[s]," "omissions," or "inactions"—even if in some sense blameworthy—will rarely support aiding-and-abetting liability. *Id.*, at 489, 500, 143 S.Ct. 1206. And third, routine and general activity that happens on occasion to assist in a crime—in essence, "incidentally"—is unlikely to count as aiding and abetting. *Rosemond*, 572 U.S., at 77, n. 8, 134 S.Ct. 1240. So, for example, an "ordinary merchant[]" does not

"become liable" for all criminal "misuse[s] of [his] goods," even if he knows that in some fraction of cases misuse will occur. *Twitter*, 598 U.S., at 489, 143 S.Ct. 1206; see *id.*, at 499, 143 S.Ct. 1206. The merchant becomes liable only if, beyond providing the good on the open market, he takes steps to "promote" the resulting crime and "make it his own." *United States v. Falcone*, 109 F.2d 579, 581 (CA2) (L. Hand, J.), *aff'd*, 311 U.S. 205, 61 S.Ct. 204, 85 L.Ed. 128 (1940).

Two of our cases—one approving liability for aiding another's crime, the other not—illustrate how all this doctrine plays out in practice. In *Direct Sales Co. v. United States*, 319 U.S. 703, 63 S.Ct. 1265, 87 L.Ed. 1674 (1943), we held that a mail-order pharmacy could be convicted for assisting a small-town doctor's illegal distribution of narcotics. The pharmacy, Direct Sales, sold huge amounts of *morphine* to Dr. John Tate: Whereas the average physician required no more than 400 quarter-grain tablets annually, Direct Sales sold Tate some 5,000 to 6,000 half-grain tablets every month. See *id.*, at 706, 63 S.Ct. 1265. Still more, Direct Sales "actively stimulated" Tate's purchases, by giving him special discounts for his most massive orders and using "high-pressure sales methods." *Id.*, at 705, 711, 63 S.Ct. 1265. And *293 it did all that against the backdrop of law enforcement warnings: The Bureau of Narcotics had informed Direct Sales that "it was being used as a source of supply" by lawbreaking doctors. *Id.*, at 707, 63 S.Ct. 1265. All that evidence, this Court found, was enough to sustain Direct Sales's conviction. It showed that Direct Sales "not only kn[ew of] and acquiesce[d]" in Tate's "illicit enterprise," but "join[ed] both mind and hand with him to make its accomplishment possible." *Id.*, at 713, 63 S.Ct. 1265.

[14] By contrast, this Court recently ordered the dismissal of a suit against several social-media companies for aiding and abetting a terrorist attack carried out by ISIS. See *Twitter*, 598 U.S., at 506–507, 143 S.Ct. 1206. The plaintiffs, victims of the attack, alleged that adherents of ISIS used the companies' platforms for recruiting and fundraising. The complaint further asserted that the companies knew that was so, yet failed to identify and remove the ISIS-related accounts and content. See *id.*, at 478, 481, 143 S.Ct. 1206. But we held that was not enough to make the companies liable for ISIS's terrorist acts. The companies' relationship with ISIS and its supporters, we reasoned, was "the same as their relationship with their billion-plus other users: arm's length, passive, and largely indifferent." *Id.*, at 500, 143 S.Ct. 1206. There were no allegations that the companies had given ISIS "any special treatment," or "encourag[ed], solicit[ed], or advis[ed]" the group. *Id.*, at 498, 500, 143 S.Ct. 1206. Instead,

after providing their platforms for general use, the companies ****1567** “at most allegedly stood back and watched.” *Id.*, at 499, 143 S.Ct. 1206. More was needed, we stated, for a provider of generally available goods or services to be liable for a customer's misuse of them—for example, conduct of the kind in *Direct Sales*. See *Twitter*, 598 U.S., at 502, 143 S.Ct. 1206. When a company merely knows that “some bad actors” are taking “advantage” of its products for criminal purposes, it does not aid and abet. *Id.*, at 503, 143 S.Ct. 1206. And that is so even if the company could adopt measures to reduce their users’ downstream crimes. See *ibid.*

*294 B

Viewed against the backdrop of that law, Mexico's complaint does not plausibly allege that the defendant manufacturers aided and abetted gun dealers’ unlawful sales of firearms to Mexican traffickers. We have little doubt that, as the complaint asserts, some such sales take place—and that the manufacturers know they do. But still, Mexico has not adequately pleaded what it needs to: that the manufacturers “participate in” those sales “as in something that [they] wish [] to bring about,” and “seek by [their] action to make” succeed. *Peoni*, 100 F.2d at 402; see *Twitter*, 598 U.S., at 490, 143 S.Ct. 1206.

To begin with, Mexico's complaint sets for itself a high bar. The complaint does not pinpoint, as most aiding-and-abetting claims do, any specific criminal transactions that the defendants (allegedly) assisted. It does not say, for example, that a given manufacturer aided a given firearms dealer, at a particular time and place, in selling guns to a given Mexican trafficker not legally permitted to buy them under a specified statute. Instead, the complaint levels a more general accusation: that all the manufacturers assist some number of unidentified rogue gun dealers in making a host of firearms sales in violation of various legal bars. The systemic nature of that charge is not necessarily fatal. But as noted earlier, it cannot help but heighten Mexico's burden. See *supra*, at 1565 - 1566. To survive, the charge must be backed by plausible allegations of “pervasive, systemic, and culpable assistance.” *Twitter*, 598 U.S., at 502, 143 S.Ct. 1206.

[15] Mexico's lead claim—that the manufacturers elect to sell guns to, among others, known rogue dealers, see *supra*, at 1563 - 1564 fails to clear that bar, for a package of reasons. For one thing, it is far from clear that such behavior, without more, could ever count as aiding and abetting under our precedents.

Direct Sales is the case Mexico relies on. See Brief for Respondent 24. But that case was more particularized than this one, involving as it did the aid given to a ***295** single named offender in violating a specified narcotics law. And yet more important, the abettor there did more than sell a product to a known lawbreaker, as it would to all others. The pharmacy, recall, not only supplied Dr. Tate, but also “actively stimulated” his far-greater-than-average purchases. 319 U.S., at 705, 63 S.Ct. 1265; see *id.*, at 712, n. 8, 63 S.Ct. 1265 (noting the significance of “stimulation” and “active incitement to purchase”); *id.*, at 713, 63 S.Ct. 1265 (similarly stating that “[t]here [was] informed and interested coöperation, stimulation, instigation”). Mexico's complaint asserts nothing similar here. To the contrary, the complaint repeatedly states that the manufacturers treat rogue dealers just the same as they do law-abiding ones—selling to everyone, and on equivalent terms. See App. to Pet. for Cert. 44a–46a, 79a, 83a–84a, 139a–141a. So the complaint, even if taken at face value, would stretch the bounds of our caselaw.

And in any event, we cannot take the allegation here at face value, because Mexico has not said enough to make it plausible. ****1568** In asserting that the manufacturers intentionally supply guns to bad-apple dealers, Mexico never confronts that the manufacturers do not directly supply any dealers, bad-apple or otherwise. They instead sell firearms to middlemen distributors, whom Mexico has never claimed lack independence. See *supra*, at 1563 - 1564, 1564, n. 3.⁴ Given that industry structure, Mexico's complaint must offer some reason to believe that the manufacturers attend to the conduct of individual gun dealers, two levels down. But it does not so much as address that issue. And even assuming the manufacturers know everything the distributors know, the complaint still would not adequately support the charge that they have identified the bad-apple dealers. Mexico does not itself name those dealers, though they are the ostensible ***296** principals in the illegal transactions claimed.⁵ Nor does Mexico provide grounds for thinking that anyone up the supply chain—whether manufacturer or distributor—often acquires that information. Indeed, the complaint points out that government agencies only sporadically provide upstream companies with information tracing Mexican crime guns to certain dealers. See App. to Pet. for Cert. 47a–48a. So Mexico's allegation on this score is all speculation; even on a motion to dismiss, it is not enough.

What Mexico has plausibly pleaded respecting sales to offenders is a lesser wrong, which does not rise to the level of aiding and abetting. Mexico's complaint alleges that

some, though unidentified, dealers often engage in illegal transactions with Mexican traffickers. See *id.*, at 43a–44a, 71a–73a, 81a–85a, 87a. So too, the complaint alleges that the manufacturers know that much to be true—that among the whole class of dealers, there are some who routinely violate the law. See *id.*, at 31a–34a, 43a–50a, 82a–85a, 87a. And finally the complaint alleges, with sufficient plausibility, that the manufacturers could do more than they do to figure out who those rogue dealers are, and then to cut off their supply of guns. See *id.*, at 34a–39a, 46a–50a, 132a–141a. But that is to say little more than the plaintiffs said in *Twitter*. According to the complaint there, the social-media companies knew that among their customers were ISIS supporters, whom they could have done more to identify and remove. See 598 U.S., at 481–482, 143 S.Ct. 1206; *supra*, at 1566 – 1567. Still, we decided, that “nonfeasance” was not enough to hold the companies responsible for the terrorists’ unlawful acts. *Twitter*, 598 U.S., at 489, 143 S.Ct. 1206. *297 And the same is true here, for the same reasons. Mexico’s plausible allegations are of “indifferen[ce],” rather than assistance. *Id.*, at 500, 143 S.Ct. 1206; see *id.*, at 498, 143 S.Ct. 1206. They are of the manufacturers’ merely allowing some unidentified “bad actors” to make illegal use of their wares. *Id.*, at 503, 143 S.Ct. 1206.

[16] For related reasons, Mexico’s second set of allegations—that the manufacturers have declined to suitably regulate the dealers’ practices, see *supra*, at 1564 – 1565 cannot fill the gap. Of course, responsible manufacturers might well impose **1569 constraints on their distribution chains to reduce the possibility of unlawful conduct. (Mexico’s prime examples, recall, are bans on bulk sales or sales from homes—permitted under federal law, but in Mexico’s view conducive to unlawful transactions. See *supra*, at 1564.) So too, those manufacturers might decide, as Mexico urges, to themselves monitor dealers’ sales for law violations. See *ibid.* But a failure to do so is, again, what *Twitter* called “passive nonfeasance”—a “failure to stop” independent retailers downstream from making unlawful sales. 598 U.S., at 500, 143 S.Ct. 1206. Such “omissions” and “inactions,” especially in an already highly regulated industry, are rarely the stuff of aiding-and-abetting liability. *Id.*, at 489, 143 S.Ct. 1206. And nothing special in Mexico’s allegations makes them so. A manufacturer of goods is not an accomplice to every unaffiliated retailer whom it fails to make follow the law.

[17] Finally, Mexico’s allegations about the manufacturers’ “design and marketing decisions” add nothing of consequence. Brief for Respondent 23. As noted above,

Mexico here focuses on the manufacturers’ production of “military style” assault weapons, among which it includes AR–15 rifles, AK–47 rifles, and .50 caliber sniper rifles. See *supra*, at 1564; App. to Pet. for Cert. 121a. But those products are both widely legal and bought by many ordinary consumers. (The AR–15 is the most popular rifle in the country. See T. Gross, How the AR–15 Became the Bestselling Rifle in the U. S., NPR (Apr. 20, 2023.) The manufacturers cannot be charged *298 with assisting in criminal acts just because Mexican cartel members like those guns too. The same is true of firearms with Spanish-language names or graphics alluding to Mexican history. See *supra*, at 1564 – 1565. Those guns may be “coveted by the cartels,” as Mexico alleges; but they also may appeal, as the manufacturers rejoin, to “millions of law-abiding Hispanic Americans.” Tr. of Oral Arg 80; Reply Brief 20. That leaves only the allegation that the manufacturers have not attempted to make guns with non-defaceable serial numbers. See *supra*, at 1564 – 1565. But the failure to improve gun design in that way (which federal law does not require) cannot in the end show that the manufacturers have “join[ed] both mind and hand” with lawbreakers in the way needed to aid and abet. *Direct Sales*, 319 U.S., at 713, 63 S.Ct. 1265.

C

[18] All of that means PLCAA prevents Mexico’s suit from going forward. The kinds of allegations Mexico makes cannot satisfy the demands of the statute’s predicate exception. That exception permits a suit to be brought against a gun manufacturer that has aided and abetted a firearms violation (and in so doing proximately caused the plaintiff’s harm). See § 7903(5)(A)(iii); *supra*, at 1562 – 1563. And Mexico’s complaint, for the reasons given, does not plausibly allege such aiding and abetting. So this suit remains subject to PLCAA’s general bar: An action cannot be brought against a manufacturer if, like Mexico’s, it is founded on a third-party’s criminal use of the company’s product. See §§ 7902(a), 7903(5)(A); *supra*, at 1562 – 1563.

[19] And that conclusion, we note, well accords with PLCAA’s core purpose. Recall that Congress enacted the statute to halt a flurry of lawsuits attempting to make gun manufacturers pay for the downstream harms resulting from misuse of their products. See *supra*, at 1562 – 1563. In a “findings” and “purposes” section, Congress explained that PLCAA was meant to stop those suits—to prevent manufacturers (and *299 sellers) from being held “liable

for the harm caused by those who criminally or unlawfully misuse firearm[s].” ****1570** § 7901(a)(5). Mexico’s suit closely resembles the ones Congress had in mind: It seeks to recover from American firearms manufacturers for the downstream damage Mexican cartel members wreak with their guns. Of course, the law Congress wrote includes the predicate exception, which allows some suits falling within PLCAA’s general ban to proceed. But that exception, if Mexico’s suit fell within it, would swallow most of the rule. We doubt Congress intended to draft such a capacious way out of PLCAA, and in fact it did not. The predicate exception allows for accomplice liability only when a plaintiff makes a plausible allegation that a gun manufacturer “participate[d] in” a firearms violation “as in something that [it] wishe[d] to bring about” and sought to make succeed. *Peoni*, 100 F.2d at 402. Because Mexico’s complaint fails to do so, the defendant manufacturers retain their PLCAA-granted immunity.

We therefore reverse the judgment of the Court of Appeals and remand the case for further proceedings consistent with this opinion.

It is so ordered.

Justice THOMAS, concurring.

The Court today correctly decides that Mexico has not plausibly pleaded that its suit falls under the predicate exception to the Protection of Lawful Commerce in Arms Act (PLCAA). This exception allows otherwise-prohibited suits against gun manufacturers to go forward if, among other requirements, the manufacturer has “knowingly violated a State or Federal statute applicable to the sale or marketing of the product.” 15 U.S.C. §§ 7902(a), 7903(5)(A)(iii). I write separately to note that the Court’s opinion does not resolve what a plaintiff must show to establish that the defendant committed a “violation.” § 7903(5)(A)(iii). It concludes only that Mexico has not adequately pleaded its theory ***300** of the case—that, as a factual matter, the defendant gun manufacturers committed criminal aiding and abetting. See *ante*, at 1567 - 1569.

In future cases, courts should more fully examine the meaning of “violation” under the PLCAA. It seems to me that the PLCAA at least arguably requires not only a plausible *allegation* that a defendant has committed a predicate violation, but also an earlier *finding* of guilt or liability in an adjudication regarding the “violation.” Allowing plaintiffs to proffer mere allegations of a predicate violation would force many defendants in PLCAA litigation to litigate

their criminal guilt in a civil proceeding, without the full panoply of protections that we otherwise afford to criminal defendants. And, these defendants might even include ones who were *cleared* in an earlier proceeding, such as through a noncharging decision or a not-guilty or not-liable verdict. Such collateral adjudication would be at best highly unusual, and would likely raise serious constitutional questions that would counsel in favor of a narrower interpretation. See *United States v. Jin Fuey Moy*, 241 U.S. 394, 401, 36 S.Ct. 658, 60 L.Ed. 1061 (1916) (“A statute must be construed, if fairly possible, so as to avoid not only the conclusion that it is unconstitutional but also grave doubts upon that score”). Particularly given the PLCAA’s aim of *protecting* gun manufacturers from litigation, see § 7901, this issue warrants careful consideration.

Justice JACKSON, concurring.

The Court holds that Mexico’s complaint fails to plausibly allege that gun manufacturers aided or abetted violations of firearms laws, as necessary to trigger the predicate exception to the Protection of Lawful Commerce in Arms Act (PLCAA), 15 U.S.C. § 7903(5)(A)(iii). I agree. I write ****1571** separately to explain that, in my view, the complaint’s core flaw is its failure to allege any nonconclusory statutory violations in the first place.

***301** Tellingly, that failure exposes Mexico’s lawsuit as precisely what Congress passed PLCAA to prevent. PLCAA was Congress’s response to a flood of civil lawsuits that sought to hold the firearms industry responsible for downstream lawbreaking by third parties. *Ante*, at 1562 - 1563, 1569 - 1570. Activists had deployed litigation in an effort to compel firearms manufacturers and associated entities to adopt safety measures and practices that exceeded what state or federal statutes required. H. R. Rep. No. 109–124, pp. 18–20 (2005). Congress expressed concern that these lawsuits “attempt[ed] to use the judicial branch to circumvent the Legislative branch.” § 7901(a)(8). PLCAA embodies Congress’s express rejection of such efforts—stymying those who, as Congress put it, sought “to accomplish through litigation that which they have been unable to achieve by legislation.” H. R. Rep. No. 109–124, at 18. Put differently, PLCAA reflects Congress’s view that the democratic process, not litigation, should set the terms of gun control.

Viewed in light of this objective, Congress’s inclusion of the predicate exception makes perfect sense. The exception allows lawsuits to proceed—despite PLCAA’s general grant of immunity—if the complaint alleges that a gun

manufacturer or seller “knowingly violated a State or Federal statute applicable to the sale or marketing of the product, and the violation was a proximate cause of the harm for which relief is sought.” § 7903(5)(A)(iii). By tying the exception to statutory violations, Congress kept the door open to civil liability—but only liability flowing from duties that the People, rather than the courts, had chosen to impose.

PLCAA's predicate exception might well be triggered by aiding and abetting another's violation of a firearms statute, as the provision's two examples make clear. First, § 7903(5)(A)(iii)(I) describes, for example, aiding and abetting “any person in making any false or fictitious oral or written statement with respect to any fact material to the lawfulness of *302 the sale or other disposition of a qualified product”—conduct that violates 18 U.S.C. §§ 922(m), 923(g), or 924(a)(3)(A). Likewise, § 7903(5)(A)(iii)(II) covers aiding and abetting “any other person to sell or otherwise dispose of a qualified product, knowing, or having reasonable cause to believe, that the actual buyer of the qualified product was prohibited from possessing or receiving a firearm or ammunition under” 18 U.S.C. §§ 922(g) and (n)—sales that breach §§ 922(b), (d), or (t)(1), for instance. Critically, both predicate-exception examples relate to the aiding and abetting of *particular statutory violations*.

All that Mexico alleges here is that firearms-industry-wide practices—though lawful on their own—facilitated dealers’

unspecified downstream violations. Mexico does not tether its claims to alleged statutory breaches. *Ante*, at 1567. Nor does it identify the dealers who would be the principals for any underlying statutory violations, as the Court observes. *Id.*, at 12. At bottom, then, Mexico merely faults the industry writ large for engaging in practices that legislatures and voters have declined to prohibit. *Id.*, at 1568 - 1569.

It is for these reasons that I view Mexico's allegations as insufficient to satisfy PLCAA's predicate exception, regardless of whether the business practices described might suffice to establish aiding-and-abetting or other forms of vicarious liability in distinct statutory or common-law contexts. Cf. **1572 *Twitter, Inc. v. Taamneh*, 598 U.S. 471, 507, 143 S.Ct. 1206, 215 L.Ed.2d 444 (2023) (JACKSON, J., concurring). Devoid of nonconclusory allegations about particular statutory violations, Mexico's lawsuit seeks to turn the courts into common-law regulators. But Congress passed PLCAA to preserve the primacy of the political branches—both state and federal—in deciding which duties to impose on the firearms industry. Construing PLCAA's predicate exception to authorize lawsuits like the one Mexico filed here would distort that basic design.

All Citations

605 U.S. 280, 145 S.Ct. 1556, 221 L.Ed.2d 910, 31 Fla. L. Weekly Fed. S 31

Footnotes

- * The syllabus constitutes no part of the opinion of the Court but has been prepared by the Reporter of Decisions for the convenience of the reader. See *United States v. Detroit Timber & Lumber Co.*, 200 U.S. 321, 337, 26 S.Ct. 282, 50 L.Ed. 499.
- 1 The defendant manufacturers are Smith & Wesson Brands, Inc.; Barrett Firearms Manufacturing, Inc.; Beretta USA Corp.; Century International Arms, Inc.; Colt's Manufacturing Company, LLC; Glock, Inc.; and Sturm, Ruger & Co., Inc. The suit also names as a defendant one gun distributor—Witmer Public Safety Group, Inc., which does business as Interstate Arms. But the complaint barely mentions that company, so for simplicity's sake we refer to all the defendants as manufacturers.
- 2 A straw purchaser is “a person who buys a gun on someone else's behalf while falsely claiming that it is for himself.” *Abramski v. United States*, 573 U.S. 169, 171–172, 134 S.Ct. 2259, 189 L.Ed.2d 262 (2014).
- 3 The complaint makes no allegations about the relationship between the manufacturers and the distributors, even though the distributors stand in between the manufacturers and the dealers selling to Mexican traffickers. Neither does the complaint, in setting out the assertions above, distinguish the lone distributor

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defendant from the manufacturer defendants. See *supra*, at 1563, n. 1. Indeed, the complaint says virtually nothing about the distributor's sales practices, to bad-apple dealers or otherwise.

4 As noted above, Mexico's suit names one distributor as a defendant. See *supra*, at 1563, n. 1. But the complaint says virtually nothing about that company, and nothing at all about its choice of dealers.

5 At one point, Mexico's complaint cites a Washington Post article from 2010 naming “12 dealers that sold the most guns recovered” at crime scenes in Mexico. App. to Pet. for Cert. 44a; see Tr. of Oral Arg. 62. But the article itself explains that those dealers could have made the list because of “sales volume [or] geography” rather than especial wrongdoing. J. Grimaldi & S. Horwitz, Mexican Cartels Wielding American Weapons, Washington Post, Dec. 13, 2010, p. A10, col. 1.

End of Document

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EXHIBIT 2

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CHAPTER 177

1

CHAPTER 177

(HB 78)

AN ACT relating to firearms liability protections and declaring an emergency.

WHEREAS, the Protection of Lawful Commerce in Arms Act, 15 U.S.C. secs. 7901 to 7903, provides essential protections to firearms manufacturers and sellers against certain lawsuits arising from criminal or unlawful use of their products; and

WHEREAS, recent litigation has demonstrated attempts to circumvent the protections afforded by the law through overly broad interpretations of the provided exceptions; and

WHEREAS, it is essential to ensure that firearms manufacturers and sellers are not unfairly held liable for the criminal misuse of their lawfully sold, legal products by defining terms and identifying when a claim may proceed under the laws of the Commonwealth of Kentucky;

NOW, THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 411 IS CREATED TO READ AS FOLLOWS:

(1) *As used in this section:*

- (a) *"Manufacturer" means any person engaged in the business of manufacturing a qualified product, including any and all owners, directors, officers, and employees of a manufacturer;*
- (b) *"Negligent entrustment":*
 - 1. *Means the supplying of a qualified product by a seller for use by another person when the seller knows, or reasonably should know, the person to whom the product is supplied is likely to, and does, use the product in a manner involving unreasonable risk of physical injury to the person or others; and*
 - 2. *Does not include instances in which the harm was caused by a person who was not entrusted with the qualified product directly by the seller;*
- (c) *"Person" means any individual, corporation, company, association, firm, partnership, society, joint stock company, or any other entity, including any governmental entity;*
- (d) *"Proximate cause" means the requirement that the plaintiff was directly injured by the defendant's allegedly unlawful conduct;*
- (e) *"Qualified civil liability action":*
 - 1. *Means a civil action or proceeding, or an administrative proceeding, or any claim asserted in any action or proceeding, brought by any person against a manufacturer or seller of a qualified product, or a trade association, for damages, including punitive damages, injunctive or declaratory relief, abatement, restitution, fines, penalties, or any other relief, resulting from, on the basis of, arising out of, or in relation to the criminal or unlawful misuse, alteration, or modification of a qualified product by the person or a third party, under any theory of liability, including but not limited to statutory claims, or claims arising from tort or contract; and*
 - 2. *Does not include a claim:*
 - a. *Brought against a transferor convicted under 18 U.S.C. sec. 924(h), or a comparable or identical state felony law, by a party directly harmed by the conduct of which the transferee is convicted;*
 - b. *Brought against a seller for negligent entrustment or negligence per se;*
 - c. *In which a manufacturer or seller of a qualified product knowingly violated the Gun Control Act, 18 U.S.C. sec. 921 et seq., the National Firearms Act, 26 U.S.C. sec. 5801 et seq., the Arms Export Control Act, 22 U.S.C. sec. 2778 et seq., or the Export Control Reform Act of 2018, 50 U.S.C. secs. 4801 to 4852, or any equivalent state statute that is*

ACTS OF THE GENERAL ASSEMBLY

intended to and exclusively does impose specific and concrete obligations on manufacturers and sellers regarding the manner in which qualified products are manufactured, distributed, or transferred to unlicensed persons, including the obligations in KRS Chapters 237 and 527, and the violation was the sole proximate cause of the harm for which relief is sought. This exception does not include claims premised on nuisance or negligence, whether based in statute or common law;

- d. For breach of contract or warranty in connection with the purchase of the product; or*
- e. For death, physical injuries, or property damage resulting directly from a defect in design or manufacture of the product, when lawfully used as intended in a reasonably foreseeable manner, except that where the discharge of the product was caused by a volitional act that meets the elements of a criminal offense, then the act shall be considered the sole proximate cause of any resulting death, personal injuries, or property damage.*

The exceptions enumerated in this subparagraph shall not be construed to be in conflict, and this section shall not be construed to create a public or private cause of action, claim, or remedy. The enumerated exceptions in this subparagraph shall be construed to limit the scope of the claims available to the extent that they conflict with the statutory law or common law of this Commonwealth;

- (f) "Qualified product" means a firearm as defined in KRS 237.060, ammunition as defined in KRS 237.060, or a component part of, or an accessory intended for use with, a firearm or ammunition, including but not limited to ammunition magazines or clips, optical devices, or other products intended to be included in, attached to or used while attached to, or in conjunction with, a firearm or ammunition;*
 - (g) "Seller":*
 - 1. Means any person engaged in the business of selling a qualified product at wholesale or retail, including import and export, and includes all owners, directors, officers, and employees of the entity; and*
 - 2. Does not include entities that meet the definition of "manufacturer" in paragraph (a) of this subsection;*
 - (h) "Trade association" means any corporation, unincorporated association, federation, business league, or professional or business organization:*
 - 1. That is not organized or operated for profit and no part of the net earnings of which inures to the benefit of any private shareholder or individual;*
 - 2. That is an organization described in 26 U.S.C. sec. 501(c)(6), and exempt from tax under 26 U.S.C. sec. 501(a); and*
 - 3. Two (2) or more members of which are manufacturers or sellers of a qualified product; and*
 - (i) "Unlawful use" means conduct that violates a statute, ordinance, or regulation as it relates to the use of a qualified product.*
- (2) A qualified civil liability action shall not be brought against any manufacturer or seller of a qualified product, or trade association.*
 - (3) This section expressly preempts any local statutes, laws, or regulations that specifically impose liability on qualified product manufacturers, sellers, or trade associations, or that attempt to do so in a generally applicable manner to the extent the state or local law, statute, or regulation allows for civil actions, civil proceedings, and administrative proceedings for damages, punitive damages, injunctive or declaratory relief, abatement, restitution, fines, penalties, or other relief resulting from criminal misuse, alteration, or modification of a qualified product under any theory of liability, including but not limited to statutory claims or claims arising from tort or contract, except for causes of action expressly allowed in this section.*
 - (4) (a) A claim premised on an exception to the immunity granted by this section shall plead with particularity the factual allegations providing the basis for the application of the exception, including but not limited to those necessary to establish scienter and proximate cause.*

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3

- (b) *Any qualified civil liability action or any action involving a claim premised on an exception to the immunity granted by subsection (1)(e)2. of this section shall allege particularized facts establishing that the manufacturer or seller of a qualified product, or trade association, was the proximate cause of the damages alleged. The court shall determine whether the particularized facts alleged by the plaintiff suffice to establish proximate cause as a matter of law.*
- (c) *Any manufacturer or seller of a qualified product, or trade association, shall be permitted to make a special motion under this subsection for dismissal or for entry of summary judgment in any qualified civil liability action or any action involving a claim premised on an exception to the immunity granted by this section, which shall be heard within forty-five (45) days of the motion. If discovery is required to rule on the motion, the court may order a discovery period not to exceed sixty (60) days and the discovery shall be limited to the issues of whether the action is subject to dismissal under this section. Any denial of a special motion to dismiss or special motion for summary judgment shall be immediately appealable, the appeal shall be expedited, and the timelines in this subsection shall be enforceable as of right by an action in mandamus in the Court of Appeals of Kentucky.*
- (5) *Any manufacturer or seller of a qualified product, or trade association, harmed by a claim brought, maintained, or continued in violation of this section after the effective date of this Act may initiate a civil action in a court of competent jurisdiction and may seek against any party, or the party's attorney of record:*
 - (a) *Appropriate injunctive relief;*
 - (b) *Actual damages;*
 - (c) *Punitive damages if it is established that the defendant acted with actual malice or with willful misconduct;*
 - (d) *Costs; and*
 - (e) *Reasonable attorney's fees.*
- (6) *Notwithstanding any other law to the contrary, the provisions of:*
 - (a) *KRS Chapter 367;*
 - (b) *Any public nuisance law; or*
 - (c) *Any general law of this Commonwealth;*

shall not be considered as statutes intended to and exclusively imposing specific and concrete obligations on manufacturers and sellers regarding the manner in which qualified products are manufactured, distributed, or transferred to unlicensed persons for purposes of this section and shall not provide a basis to circumvent the explicit requirements of subsection (1)(e)2. of this section.
- (7) *A qualified civil liability action may not be brought in any court by a foreign state or government, and the exceptions to the immunity provided in this section shall not apply to claims brought by a foreign state or government.*
- (8) *The Attorney General shall have authority to:*
 - (a) *Enforce the provisions of this section;*
 - (b) *Intervene in any civil action brought under this section; and*
 - (c) *Issue guidance to carry out the provisions of this section.*

➔Section 2. This Act shall apply to any qualified civil liability actions, including any claims asserted in any qualified civil liability action, filed on or after the effective date of this Act against a manufacturer or seller of a qualified product, or trade association.

➔Section 3. If any provision of this Act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the Act that can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

➔Section 4. Whereas protection of the Second Amendment, and industries supporting the Second Amendment, is necessary and essential to fundamental liberty, an emergency is declared to exist, and this Act takes effect upon its passage and approval by the Governor or upon its otherwise becoming a law.

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Veto Overridden April 14, 2026.

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U.S. Department of JusticeBureau of Alcohol, Tobacco, Firearms and Explosives



ATF Guidebook - Importation & Verification of Firearms, Ammunition, and Implements of War

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This publication was prepared by the Firearms and Explosives Imports Branch (FEIB), Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) to assist Importers and other Firearms Industry Members in identifying firearms, ammunition, and defense articles that may be imported into the United States and to further clarify and facilitate the import process. The FEIB Guidebook was developed to provide guidance in the importation process through the proper recognition and correct use of required forms, regulatory policies, and prescribed import procedures. This guide presents a comprehensive overview of the importation process and provides both relevant and definitive explanations of procedural functions by outlining the existing imports controls including the Arms Export Control Act (AECA), the National Firearms Act (NFA) and the Gun Control Act (GCA).

If there are any additional questions or further information is needed, please contact the Firearms and Explosives Imports Branch at (304) 616-4550.

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ATF Guidebook - Importation & Verification of Firearms, Ammunition, and Implements of War

How to Use This Guidebook

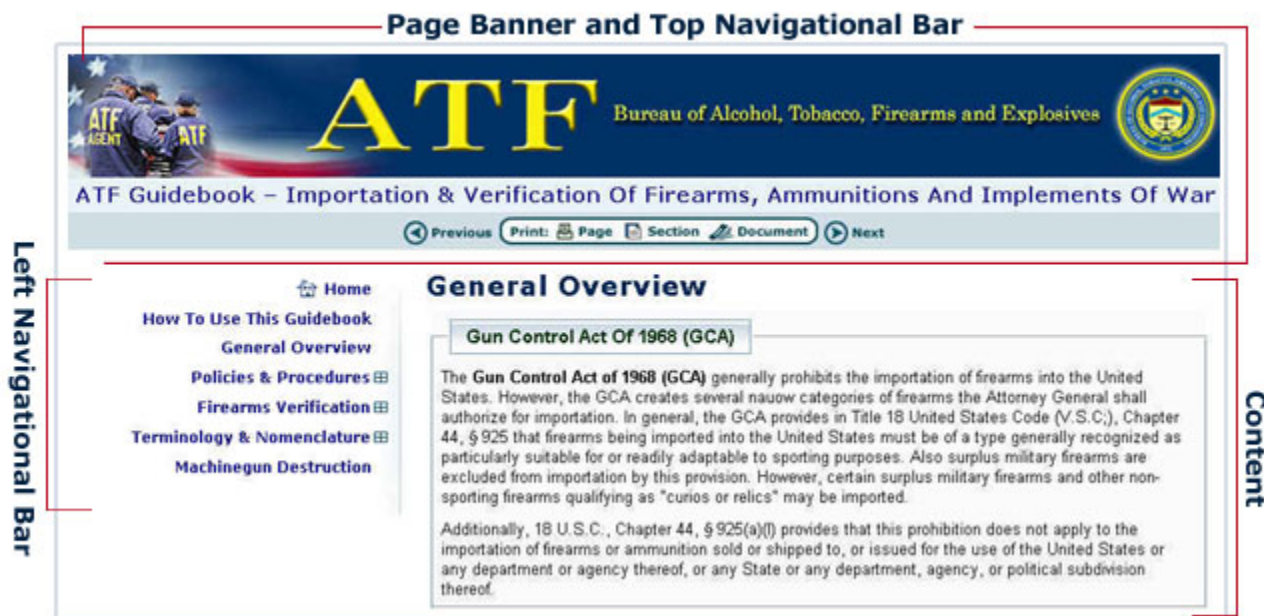
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How To Use This Guidebook

Layout of the page

As depicted in the following illustration, the page is organized into three main areas: the page banner and top navigational bar, the left navigational bar and the content area.



Page Banner and Top Navigational Bar

The Page Banner identifies the organization and is comprised of the ATF Seal and Bureau's name. The top navigational bar is comprised of functional utilities that facilitate navigation within the pages of the guidebook, and allows the user to print the guidebook by page, by section, or as a whole document.



Select this icon to return to the previous page. This icon is disabled if the previous page is not available.



Select this icon to print the firearms or page on your selected local printer.



Select this icon to print the whole section that pertains to the current page. This utility will be disabled if the current page is the only page in its section.



Select this icon to print the entire guidebook. The system will display the PDF file and allow the user to print the PDF document to the selected local printer.



Select this icon to navigate to the page that follows the current page. This icon is disabled if the next page is not available.

Left Navigational Bar

The left navigational bar itemizes the primary and secondary subjects of the guidebook and allows the user to navigate directly to a subject area.

- Select a link on the left navigational bar to navigate to that page.
- The plus sign () that follows a hyperlink indicates that the link has secondary menus. Select the link preceding the plus sign or select the plus sign to expand the secondary menus. The secondary menu link can then be selected to navigate to that page. When expanded, the plus sign will change into a minus sign (). Selecting the main section link or selecting the minus sign will collapse the secondary menus again.

Content Area

The content area presents information pertaining to the selected page. When appropriate, the scroll bar will appear on the right side of the browser window to allow the user to scroll through the content.

Conventions Used In The Guidebook

Graphical Utility Icons

The Guidebook uses graphical icons to emphasize items of interest to the users and to differentiate between types of content, as follows:

-  The e-mail icon precedes an e-mail address. Select this icon or the corresponding name to send an e-mail.
-  The phone icon precedes a phone number to provide more emphasis to the phone number.
-  The web icon precedes a URL (Uniform Resource Locator) indicating the address of a website. Select the web icon or the URL to access that website.
-  The view icon expands an image or text that further clarifies or elaborates a sentence or paragraph that precedes the icon. Select the view icon or the corresponding text link to expand the content.
-  The print icon allows the user to print the current page or the text that precedes the icon. Select the print icon to print.

Document Icons

The Guidebook uses document icons to display a document link and to indicate the type of document, such as MS Word or Acrobat PDF. Select the document icon or the document link to view that document.

-  MS Project document icon
-  Adobe Acrobat PDF document icon
-  MS Word document icon

 [ATF Internet](#)

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Bureau of Alcohol, Tobacco, Firearms and Explosives



ATF Guidebook - Importation & Verification of Firearms, Ammunition, and Implements of War

General Overview

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General Overview

National Firearms Act (NFA)

The importation of certain firearms, including but not limited to, machineguns, silencers, certain weapons made from rifles or shotguns, and destructive devices is also restricted under the **National Firearms Act (NFA). 26 U.S.C. § 5844.**

Arms Export Control Act of 1976 (AECA)

The importation of certain defense articles to include certain firearms, firearms parts, ammunition and certain other military equipment is subject to the provisions of the **Arms Export Control Act of 1976 (AECA). 22 U.S.C. § 2778.**

Gun Control Act of 1968 (GCA)

The **Gun Control Act of 1968 (GCA)** generally prohibits the importation of firearms, firearm frames or receivers, firearm barrels and ammunition into the United States. However, the GCA creates several narrow categories of firearms the Attorney General shall authorize for importation. In general, the GCA provides in Title 18, United States Code (U.S.C.), Chapter 44, Section 925 that firearms or ammunition may be imported into the United States: (1) for the purpose of scientific testing or research or for competition training under the provisions of Title 10, Chapter 401; (2) as unserviceable firearms, other than a machinegun as defined in **26 U.S.C. § 5844**, (not readily restorable to firing condition) if imported as a curio or museum piece; (3) if the firearms or ammunition are of a type generally recognized as particularly suitable for or readily adaptable to "sporting purposes"; or (4) the firearms or ammunition were previously taken out of the United States by the person who is bringing in the firearms or ammunition. Surplus military firearms and other non-sporting firearms qualifying as "curios or relics" may be imported. **18 U.S.C. § 925 (e).** Title **18 U.S.C. § 925(a)(1)** provides that the prohibition on the importation of firearms, firearm frames or receivers, firearm barrels and ammunition does not apply to the importation of firearms or ammunition sold or shipped to, or issued for the use of the United States or any department or agency thereof, or any State or any department, agency, or political subdivision thereof.

Handguns being imported into the United States must also be recognized as particularly suitable for or readily adaptable to sporting purposes under **18 U.S.C. § 925(d)(3)**. An ATF Form 4590, Factoring Criteria for Weapons, is used in evaluating handguns for these purposes.

Handguns evaluated on the Form 4590 must obtain a certain numeric value before they are approved for importation. The factoring criteria are based upon certain considerations such as dimensions, material used in construction, weight, caliber, safety features, and miscellaneous equipment. For additional information on the importability of handguns, see Factoring Criteria in this FEIB Guidebook.

In determining whether a particular rifle or shotgun is suitable for or readily adaptable to sporting purposes within the meaning of the statute, ATF generally relies upon an analysis of the physical features of the firearm. Determinations regarding the classification of a specific rifle or shotgun are made on a case-by-case basis using criteria that includes the overall

appearance, length, weight, receiver or frame design and construction, designed magazine capacity, configuration and the presence of various physical characteristics designed for military and law enforcement application that distinguish the sample rifle or shotgun from traditional sporting firearms. (See e.g., ATF Rul. 94-1, 94-2, 95-3).

18 U.S.C. § 925(d) and **27 CFR 478.116** authorize the conditional importation of a firearm or ammunition for the purpose of examination and testing by ATF in connection with the making of a determination as to whether the importation of the firearm or ammunition will be allowed under this section. An ATF Form 6, Application and Permit for Importation of Firearms, Ammunition and Implements of War, is used to initiate the importation. A Form 6 that is conditionally approved instructs the U.S. Customs and Border Protection (CBP) to deliver the firearm or ammunition from the port of entry to ATF. If, upon completion of ATF's examination the firearm or ammunition is determined to be importable, the firearm or ammunition will be returned to the importer or to their broker. If the firearm or ammunition is found to be unsuitable for importation the firearm or ammunition must be export by you, the importer, pursuant to an export license from the Department of State or Commerce, abandoned to ATF for destruction, or ATF will seek forfeiture.

 [ATF Internet](#)

U.S. Department of Justice

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ATF Guidebook -
Importation & Verification of Firearms,
Ammunition, and Implements of War

Policies and Procedures

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Policies & Procedures Overview

The following policies and procedures are required to initiate the importation of firearms, ammunition and implements of war:

Laws & Regulations (In Brief)

- The importation of firearms, firearm frames and receivers, firearm barrels, and ammunition is subject to the provisions of **18 U.S.C., Chapter 44**, the GCA and the implementing regulations in **27 CFR, Part 478**.
 - The importation of certain firearms, including but not limited to, machineguns, silencers, certain large caliber weapons, other concealable weapons and explosive or incendiary weapons is also subject to the provisions of **26 U.S.C., Chapter 53**, the NFA and the implementing regulations in **27 CFR, Part 479**.
 - The importation defense articles to include certain firearms, firearm parts, ammunition and other defense articles on the U.S. Munitions Import List (USMIL) is also subject to the provisions of the **22 U.S.C. § 2778**, the AECA and the implementing regulations in **27 CFR, Part 447**. (see **27 CFR § 447.21** for list of articles on the USMIL)
1. In order to engage in the business of importing firearms or ammunition for resale, you must obtain a Federal Firearms License (FFL) as an importer. You may apply for a license by executing the ATF Form 7, Application for License, and forwarding it, with fingerprints, photographs and fee attached, to the address indicated on the form. You are also encouraged to check with State and local authorities to ensure you will be complying with their requirements for conducting a firearms or ammunition business within their jurisdiction.
 2. In order to engage in the business of importing articles on the USMIL, including firearms, firearm parts or ammunition (other than sporting shotguns, shotgun parts, or shotgun shells) for resale, you must also be registered with ATF as an importer of USMIL articles. You may apply for registration by executing ATF Form 4587, Application to Register as an Importer of U.S. Munitions Import List Articles, in duplicate, with an original signature on both copies, and enclosing your a check made payable to: Bureau of Alcohol, Tobacco, Firearms and Explosives, in the amount of \$250 for 1 year; \$500 for 2 years; \$700 for 3 years; \$850 for 4 years; or \$1,000 for 5 years. The Form 4587 and check should be forwarded to the address indicated on the form.
 3. In order to engage in the business of importing, manufacturing, or dealing in firearms coming within the purview of the NFA, you must register and pay a special (occupational) tax (SOT). NFA firearms include machineguns, destructive devices, short-barreled shotguns, short-barreled rifles, etc. You may register as an NFA SOT taxpayer by executing ATF Form 5630.7 and forwarding it with the fee attached to the Bureau of Alcohol, Tobacco, Firearms and Explosives, P.O. Box 371962M, Pittsburgh, PA 15250-7962. As an SOT, you are required to have an Employer Identification Number (EIN). You may apply for your EIN by executing Form SS-4 (instruction sheet attached). You are also encouraged to check with State and local authorities to ensure you will be complying with their requirements regarding NFA weapons.
 4. An approved import permit on ATF Form 6, Application and Permit for Importation of Firearms, Ammunition and Implements of War, is required to import these articles into the United States and allows the importation of the articles listed on the form. A permit is valid for one year from its approved date.

5. A Federally licensed firearms dealer, pawnbroker or manufacturer, other than a manufacturer of ammunition only (Type 06 FFL) may obtain a permit to occasionally import a firearm for the FFL's personal use, or for the personal use of a customer (the customer's name, address and purpose of importation should be shown in the item entitled 'Specific Purpose of Importation' on the Form 6 Part I), without becoming licensed and registered as an importer.
6. A Federally licensed firearms collector may obtain a permit to occasionally import curio or relic firearms for the purpose of enhancing the collector's personal firearms collection, without becoming licensed and registered as an importer. However, a licensed collector may not import surplus military curio or relic firearms or nonsporting handguns.
7. An unlicensed person may obtain a permit to import sporting ammunition (excluding armor-piercing, tracer, or incendiary ammunition) and firearm parts (other than frames, receivers, firearm barrels, or barreled actions) without engaging the services of an FFL, provided the items are for personal use and not for resale. Generally, ATF cannot issue a permit authorizing the importation of firearms barrels for nonsporting or surplus military firearms.
8. In order to engage in the business of exporting, manufacturing, or brokering items on the USMIL you must be registered with the Department of State which administers the export and manufacturing provisions of the AECA. Generally, persons holding a manufacturer's FFL (Types 06, 07, and 10) must register as a manufacturer with the Department of State unless specifically exempted by an International Traffic in Arms Regulation (ITAR). For further information, you should contact:
Office of Defense Trade Controls PM/DDTC
Department of State Suite 1200 SA-I
2401 E Street, NW Washington, DC 20522-0112
 (202) 663-2980  www.pmdtc.org
9. The Department of Commerce regulates the exportation of sporting shotguns, shotgun parts, sporting shotgun ammunition, firearm-type accessories and certain parts (e.g. sights, scopes, and mounts). For further information you should contact:
Bureau of Industry and Security
Export Counseling Division
Department of Commerce
19th Street & Pennsylvania Ave., NW Washington, DC 20230
 (202) 482-4811  www.bis.doc.gov

 [ATF Internet](http://ATFInternet)

Import Requirements for Firearms & Ammunition

It shall be unlawful for any person other than an FFL, knowingly to import, or bring into the United States, any firearms or ammunition. 18 U.S.C. § 922(a)(1).

However, as provided in **18 U.S.C. § 925**, the GCA generally allows the importation of sporting firearms and ammunition and certain surplus military firearms classified as curios or relics.

Sporting Firearms and Ammunition

To qualify for importation under **18 U.S.C. § 925(d)(3)**, a firearm or ammunition must not fall under the definition of firearm as defined in **26 U.S.C. § 5845(b)**, and must be of a type generally recognized as particularly suitable for or readily adaptable to sporting purposes.

- **Handguns** – Pistols & revolvers must meet size & safety requirements and accrue a qualifying point value specified on ATF Form 4590, Factoring Criteria for Weapons.
- **Rifles and Shotguns** –Firearms such as single shot, lever action, bolt action and certain semiautomatic long guns with generally recognized sporting features.

NOTE: ATF has determined that certain features designed for military application are indicative of non-sporting rifles and shotguns. Features which are not recognized as sporting include, but are not limited to, folding or telescoping stocks, pistol grips that protrude conspicuously beneath the action of the weapon, a bayonet or bayonet mount, a flash suppressor or threaded barrel designed to accommodate a flash suppressor, a grenade launcher and night sights. These features as well as other information concerning a particular firearm may result in ATF classifying a rifle or shotgun as non-sporting. Additional information regarding this subject is available in the  [Report and Recommendation of the ATF Working Group on the Importability of Certain Semiautomatic Rifles](#) or [The Department of Treasury Study on the Suitability of Modified Semiautomatic Assault Rifles \(4/98\)](#)

- **Ammunition** - Sporting ammunition is all ammunition EXCEPT, tracer or incendiary rounds, ammunition for destructive devices, less than lethal (i.e., rubber projectiles) and armor piercing ammunition as defined in **18 U.S.C. § 921(a)(17)** and **27 CFR § 478.11**.

Surplus Military Firearms

- A surplus military firearm is any firearm which has ever been possessed by a regular or irregular military force. Surplus military firearms are prohibited from importation under **18 U.S.C. § 925(d)(3)**; however, **§ 925(e)** authorizes licensed importers (FFL type 08 or 11) to import surplus military rifles and shotguns classified as curios or relics; and handguns classified as curios or relics which meet the sporting criteria. In order to qualify for importation the firearms must be in their original military configuration and cannot have been sporterized. Further, under the AECA, the importation of U.S.-origin surplus military firearms is generally prohibited without retransfer authorization from the Department of State. **27 CFR § 447.57**.

 [ATF Internet](#)

ATF Form 4590 – Factoring Criteria for Weapons

 [Form 4590](#) is intended for informational use only. Copies are provided for your review to promote a better understanding of how ATF determines the importability of handguns but may not be submitted for consideration by ATF as the form is used by ATF only.

The **ATF Form 4590, Factoring Criteria for Weapons**, was implemented as a result of the Gun Control Act of 1968 (GCA). Following the enactment of the GCA, the Treasury Department established an advisory council known as the Firearms Evaluation Panel to provide guidance in determining an import standard, and to identify which firearms met this standard for importation into the United States. The panel focused its attention on handguns and recommended the adoption of a factoring criteria to evaluate certain types of handguns. The resulting factoring criteria for handguns is a one-page worksheet utilized by ATF's Firearms Technology Branch to calculate a numeric score that is used in determining whether a certain handgun may be legally imported into the United States.

- **Form 4590** establishes certain standards and prerequisites for imported handguns. Those qualifying benchmarks establish the minimum size and weight requirements for handguns under consideration for importation. Each submitted sample can accrue additional points based on the cumulative evaluation of its configuration, design, and enhanced safety features that further contribute to overall sporting and safety characteristics. The factoring criteria apply only to complete firearms, not actions, frames or receivers.
- Generally, domestically produced firearms are not subject to the factoring criteria as long as they remain within the United States. However, if a U.S. made handgun were exported, it would be subject to the factoring criteria before it could be imported back into the United States. An exception to this rule is provided if the person who exported the firearm is the person bringing it back into the United States. In such an instance the sporting purposes test does not apply. **18 U.S.C. § 925(d)(4)**.
- Handguns that are classified as surplus military curios or relics are also subject to the factoring criteria. Failure to obtain a sufficient numeric score on ATF Form 4590 would prohibit their importation.

 [ATF Internet](#)

Restricted Importation

- **NFA Firearms** – Those firearms as defined in **26 U.S.C. § 5845**, which include such firearms as machineguns, machinegun receivers, silencers, short barreled rifles, short barreled shotguns, destructive devices, smoothbore pistols, and certain other firearms (including certain unserviceable weapons).
- **Surplus Military Firearms** – Those firearms which are generally not authorized for importation under **18 U.S.C. § 925(d)(3)**.
- **Nonsporting Firearms** – such as handguns which do not meet the sporting purpose criteria on ATF Form 4590, any rifle or shotgun with a folding stock or folding bayonet, and shotguns having a fixed magazine with a capacity of more than 5 cartridges and certain military style semiautomatic rifles and shotguns.
- **Nonsporting Ammunition** – including armor piercing ammunition, tracer ammunition (except sporting shotgun ammunition), ammunition for destructive devices, and incendiary ammunition. (see **18 U.S.C. § 921(a)(17)(B)**).
- **Proscribed Countries** – Importation of firearms (other than sporting shotguns), ammunition (other than sporting shotgun ammunition), and munitions list articles originating in certain countries is prohibited. 📖 View List
- **Voluntary Restraining Agreement** – Certain restrictions apply to both ammunition and firearms (other than sporting shotguns) which are located or manufactured in Georgia, Kazakhstan, Kyrgystan, Moldova, Russian Federation, Turkmenistan, Ukraine or Uzbekistan and any firearm or ammunition manufactured in the former Soviet Union located anywhere in the world. Only the following stipulated firearm models or parts for these models are importable under the present agreement. **27 CFR § 447.52**. 📖 View List

 [ATF Internet](#)

Conditional Importation

ATF may authorize firearms, ammunition and implements of war to be imported for examination by ATF's Firearms Technology Branch to determine their import status. Items which are determined to be nonimportable generally must be forfeited to the United States government, exported under a State Department license, or destroyed under Customs supervision. **18 U.S.C. § 925(d); 26 U.S.C. § 5844.**

- Conditional importation is also allowed for articles imported for storage in a CBP Bonded Warehouse (CBW) or in a Foreign Trade Zone (FTZ).

When ATF approves a conditional importation, the ATF Form 6 is stamped "CONDITIONAL IMPORTATION PER ATTACHMENT" in red letters. The applicant will also receive a letter attachment outlining the reasons why this application was conditionally approved and providing further importation instructions.

If CBP releases the firearm(s) to you or your broker under conditional importation, it is your responsibility to forward the firearm(s) to ATF's Firearms Technology Branch. You are not required to affix the required markings of **18 U.S.C. § 923(i); 27 CFR § 478.92 and 26 U.S.C. § 5842; 27 CFR § 479.102** to conditionally imported firearms; however, if you do, ATF will consider them in its evaluation. View forms below -

- [ATF F 5330.3A \(Form 6, Part I\) - Application and Permit for Importation of Firearms, Ammunition, and Implements of War](#)
- [ATF F 5330.3B \(Form 6, Part II\) - Application and Permit for Importation of Firearms, Ammunition and Implements of War \(for use by members of the US Armed Forces\)](#)
- [ATF F 5330.3C \(ATF E Form 6A\) - Release and Receipt of Imported Firearms, Ammunition and Implements of War](#)
- [ATF F 5330.3D \(Form 6NIA\) - Application and Permit for Temporary Importation of Firearms and Ammunition by Nonimmigrant Aliens](#)

 [ATF Internet](#)

Arms Export Control Act

Arms Export Control Act of 1976 – 22 U.S.C. § 2778

The United States Munitions Import List

With respect to Section 38 of the AECA, only the permanent importation provisions are administered by ATF. Permanent and temporary export, as well as the temporary import provisions are administered by the Department of State. Importation regulations issued under this law are in 27 CFR Part 447 and are included in the 

[Federal Firearms Regulations Reference Guide, ATF P 5300.4](#). See Part 447 of that publication.

The USMIL is compiled in conjunction with Department of State, Directorate of Defense Trade Controls (DDTC) and enumerates defense articles and defines defense services that may be imported into the United States under the provisions the AECA administered by ATF.

Articles on the USMIL also include items in a partially completed state (such as forgings, castings, extrusions, and machined bodies) that have reached a stage in manufacture where they have been clearly identified as defense articles. **27 CFR, § 447.22.**

Anyone engaged in the business of importing articles on the U.S. Munitions Import List for commercial purposes must register with ATF as an importer under the AECA using ATF Form 4587 and pay the prescribed fee. **27 CFR §§ 447.31 and 447.32.**

The term "firearms" is defined in **27 CFR § 447.11** as

"A weapon, and all components and parts therefore, not over .50 caliber which will or is designed to or may be readily converted to expel a projectile by the action of an explosive, but shall not include BB and pellet guns, and muzzle loading (black powder) firearms (including any firearm with a matchlock, flintlock, percussion cap, or similar type of ignition system) or firearms covered by Category 1(a) established to have been manufactured in or before 1898."

The provisions of **27 CFR § 447.2** in part, provide that all items on the USMIL which are "firearms" or "ammunition" as defined in **18 U.S.C § 921(a)** are subject to the interstate and foreign commerce controls contained in Chapter 44 of Title **18 U.S.C** and **27 CFR Part 478**. If they are "firearms" within definition set out in **26 U.S.C § 5845(a)**, they are also subject to the provisions of **27 CFR Part 479**.

Importation of Firearm Parts and Other Munitions Import List Articles

Firearm parts (other than parts for sporting shotguns), gas masks and other articles enumerated in the USMIL, **27 CFR § 447.21**, also require an import permit  [ATF Form 6 \(part 1\)](#).

View Related Links  [PDF version of Subpart C – US Munitions Import List](#)

Importers Registration

You may apply for registration by completing the  [ATF Form 4587](#), Application To Register as an Importer of U.S. Munitions Import List Articles, in duplicate, and enclosing your check made payable to the Bureau of Alcohol, Tobacco, Firearms and Explosives.

Importer Registration Fee Schedule

\$250	1 year
\$500	2 years
\$700	3 years
\$850	4 years
\$1000	5 years

* Fees subject to change by regulation.

The completed application Form 4587 and check must be mailed directly to the address indicated on the form.

NOTE: Once ATF has received and processed your application, one copy of the completed form will be returned to you with your registration number. You may then begin submitting ATF Forms 6 (including your registration number entered on Line 12) to the Firearms and Explosives Imports Branch for the commodities you intend to import.

 [ATF Internet](#)

Types of Forms

The following types of forms and processes are relevant in the importation of firearms and ammunitions:

- [Applications](#)
- [Processing ATF Form 6 Part I](#)
- [Processing ATF Form 6A](#)
- [Forms Required for Importation](#)
- [Sample of Required Forms](#)
- [ATF Form 6 Parts I, II, 6NIA & 6A Exemptions](#)

 [ATF Internet](#)

Types of Forms

Types of Forms

- [Applications](#)
- [Processing ATF Form 6 Part I](#)
- [Processing ATF Form 6A](#)
- [Forms Required for Importation](#)
- [Sample of Required Forms](#)
- [ATF Form 6 Exemptions](#)

Applications

To obtain approval of submitted applications, the items to be imported must be correctly and completely identified on the ATF Form 6. In the case of new or unusual firearms, photographs and drawings of all markings should be submitted with the permit. It is strongly recommended that persons wishing to import firearms, ammunition, and defense articles first determine if the items are importable and then obtain an approved ATF Form 6 before acquiring the items abroad or attempting to bring them into the United States. Items may be conditionally imported pursuant to **18 U.S.C. § 925(d) and/or 26 U.S.C. § 5844**.

ATF FORM 6

Application and Permit for Importation of Firearms, Ammunition and Implements of War

This is the form generally needed to import firearms, ammunition and other defense articles into the United States.

This is the form generally needed to import firearms, ammunition and other defense articles into the United States.

NOTE: It typically takes the Firearms and Explosives Imports Branch (FEIB) personnel four to six weeks to process a properly executed ATF Form 6 import permit application.

Permit Application Tracking System

One tracking method employed by importers involves the use and placement of an internal control number or optional number generated by the importers on the permit applications they submit. ATF encourages the use of internal control numbers or optional numbers by importers. Importers who elect to use an internal control numbers or optional numbers (*composed of no more than 20 alpha-numeric characters*) should place these numbers at the top of their ATF Forms 6 in the space entitled **For Applicant's Optional Use**. Our database will allow us to capture these unique numbers as a key field, and allows us to search for a given application the unique number established by the importer.

Types of Forms

Types of Forms

[Applications](#)

[Processing ATF Form 6 Part I](#)

[Processing ATF Form 6A](#)

[Forms Required for Importation](#)

[Sample of Required Forms](#)

[ATF Form 6 Parts I, II, 6NIA & 6A Exemptions](#)

Processing ATF Form 6 Part I –  [View Form](#)

To assist us in the processing of your forms in a timely manner, we ask that you ensure the following:

- The form is the most current edition, is fully completed, and contains accurate and complete information. If the form is missing information or does not contain the required supporting documentation, it will be disapproved and returned to you, along with a letter stating the reason(s) for disapproval. If the information on the form is not legible, it may cause a delay in processing.
- **Item 1** contains a complete and valid 15-digit FFL number and the expiration date. The 9th digit of the FFL number indicates the year the license expires, and the 10th character indicates the month. The expiration date also appears on the face of the license.
 - **A**=Jan
 - **B**=Feb
 - **C**=Mar
 - **D**=Apr
 - **E**=May
 - **F**=June
 - **G**=Jul
 - **H**=Aug
 - **J**=Sept
 - **K**=Oct
 - **L**=Nov
 - **M**=Dec
- **Item 2** contains your business telephone number. You may also provide a business fax number. Please note "**B**" next to your business telephone number and the "**F**" next to your fax number.
- **Item 3** notes the name of the country of export. Pursuant to **27 CFR § 447.52**, ATF is prohibited from approving applications to import articles that were manufactured in, or are being exported from, a proscribed country.
- **Item 4** lists the name and address of your Customs broker, if you are using one. If you would like the Form 6 to be returned to the broker, indicate by checking the box at the bottom of this section.
- **Item 5** contains your name and address, not the name and address of the person for whom you may be importing the articles. If you use your own tracking number, please enter it in the "For Applicant's Optional Use" section of Form 6 at the top of the form.
- **Item 6** lists the foreign seller's name and address.

- **Item 7** lists the foreign shipper's name and address. If this information is identical to the information in Item 6, you may note the words "**See Item 6.**"
- **Item 8a** notes the name, address, and the country in which the firearm was manufactured. This section needs, at minimum, the full name and country of the manufacturer. Pursuant to **27 CFR § 447.52**, ATF is prohibited from approving applications to import articles that were manufactured in, or being exported from a proscribed country.
- Item **8b** notes only the following acronyms:
 - **SG**=shotgun
 - **RI**=rifle
 - **PI**=pistol
 - **RE**=revolver

Any information you can provide to further identify articles may be noted in **Item 8b**. For example, if you know the firearm is a nonsporting or an NFA firearm, you may note this information separately, directly under columns **Item 8b-d**, after you have described the articles in **Items 8a-k**. Also, if you are importing frames or receivers, indicate this in the same area. If you enter items on a separate attached sheet, put the total quantity of all articles applied for on the front of the application in **Item 8d**.

Please ensure all required information required by **Item 8** is included on attachments. Copies of invoices or catalogs may not contain sufficient information for ATF to determine if the articles are importable.

- **Items 8c-k** notes further description of the article, such as caliber/gauge, quantity, unit cost in US dollars, USMIL category, model designation, barrel and overall lengths in inches, serial number, if known, and the condition of the articles (N=new and U=used). The USMIL categories are in **27 CFR § 447.21** as outlined in our ATF Publication 5300.4.

For example, firearms and firearms components are **Category I** and ammunition is **Category III**.

- **Item 9a, 9b, or 9c** must be checked. Please note that **Items 9b and 9c** pertain to U.S. military defense articles designated as Significant Military Equipment (SME) by the Department of State (e.g. firearms and firearm component parts, ammunition and ammunition components, military vehicles, military aircraft) and not to goods manufactured for the commercial or civilian market. You must check **Item 9b** if the SME sought for importation contains U.S. manufactured parts or components or parts or components that were manufactured with U.S. military technical data or assistance and the SME was provided to by the U.S. government to a foreign government through a grant or Foreign Military Sales program, **and** you must attach to your application a copy of the written retransfer authorization issued to the foreign seller by the following office:

Department of State

Office of Regional Security and Arms Transfer Policy (RSAT),

 (202) 647-9750

- You must check **Item 9c** if the SME sought for importation contain U.S. manufactured parts or components and/or foreign manufactured parts or components that were manufactured with U.S. military technical data or assistance, and were provided to a foreign government pursuant to an export license issued by the Department of State, **and**

you must attach to your application a copy of the written retransfer authorization issued to the foreign seller by the following office:

Department of State

Directorate of Defense Trade Controls (DDTC),

 (202) 663-1282

- **Item 10** must ALWAYS state the specific purpose of importation, such as, without limitation, resale, gun show, personal use, on behalf of an individual, entry or removal from a CBW or FTZ, etc. Please provide the name of the special (occupational) taxpayer (SOT) and/or law enforcement/government entities ultimately demonstrating or receiving the imported articles. If you are importing on behalf of a non-licensee, include his or her name and addresses in this section.
- **Item 11.** This item pertains to the Arms Export Control Act of 1976 (AECA). If you completed the
-  [ATF F 5330.4 \(4587\)](#), Application to Register as an Importer of U.S. Munitions Import List Articles (USMIL), and paid \$250-\$1000 to become a registered importer, you must check "yes", even if the item(s) you are applying for do not fall under the AECA.
- **Item 12** notes the full 10-digit AECA number which was issued by the Firearms and Explosives Imports Branch (FEIB) when you completed Form 4587.
- **Item 13** bears your original signature.
- **Item 14** notes your title, such as Importer, CEO, or President.
- **Item 15** is the date the person in Item 13 signed the form.
- The detachable perforated strip located at the top of the triplicate Form 6 is completely removed.
- All carbon sheets are completely removed, if located inside the original Form 6 import permit application.
- Three (triplicate) copies of any supporting documentation pertaining to the application are submitted, which includes fax copies. The supporting documentation must be attached to each copy of the Form 6.
- Any separate sheets you prepare and attach to the completed Form 6, listing articles you wish to import must coincide with the format (Items 8a-k) on the face of the form. You must submit three copies of these attachment sheets, attached to each copy of the Form 6.
- Supporting documentation lists only those articles listed on the completed Form 6, and those articles are identical and distinctly identified by the manufacturer's name and address, type, caliber/gauge, model designation, and serial number(s) if known.
- ATF's four-to-six weeks processing period begins the day FEIB receives the application. Please try to wait until that period expires before contacting FEIB to inquire about the receipt or processing status of your Form 6, as it interrupts and delays the processing of your applications and those of other applicants.
- Forms 6 are processed on a first-come, first-served basis. Any Form 6 resubmitted because your initial permit has or will soon expire, will be considered a newly received Form 6. **27 CFR § 447.43** states that Form 6 import permit applications are valid for one year from their issuance date. Please ensure that your applications are submitted with sufficient lead time to avoid your current permit from expiring. Also remember that only the articles which are listed on the approved permit may be imported within the approved time period.

- Firearms returned to the United States for repair, replacement, or customizing and subsequent export should be imported with a temporary import license issued by the U.S. Department of State:

U.S. State Department**Directorate of Defense Trade Controls**

PM/DTC, Room 1304, SA-1

Washington, DC 20037

 (202) 663-1282 [ATF Internet](#)

Types of Forms

Importing Activities

- [Applications](#)
- [Processing ATF Form 6 Part I](#)
- [Processing ATF Form 6A](#)
- [Forms Required for Importation](#)
- [Sample of Required Forms](#)
- [ATF Form 6 Exemptions](#)

Processing ATF Form 6A  [View Form](#)

ATF F 6A, Release and Receipt of Imported Firearms, Ammunition and Implements of War is used to release firearms, firearms parts, ammunition and other defense articles to you from U.S. Customs and Border Protection officials.

As FFL importers (Types 08 or 11) and/or AECA registered importers, the information below will provide you with the procedure and process needed to ensure Customs and Border Protection (CBP) officials release your imported articles to you.

- An approved ATF Form 6 permit will be returned to you along with two blank ATF Forms 6A. You must fully complete Section I of the ATF Form 6A for each incoming shipment.
- **27 CFR § 447.45(a) and 27 CFR § 448.112(c)** impose an additional requirement on all registered and FFL (Type 08 or 11) importers. In addition to the ATF Forms 6 and 6A already required to obtain the release of firearms, firearms parts, or ammunition, you must also present to CBP officials a copy of the export license authorizing the export of the articles from the country of export. If the exporting country does not require the issuance of an export license, you instead must present a certification, signed under penalties of perjury, attesting to that effect.
- CBP may conduct a physical examination of the articles to ensure the articles imported coincide with the approved Form 6 and completed Form 6A.
- CBP will complete Section II of the first Form 6A if they are satisfied that the shipment of firearms(s), ammunition or implements of war is authorized by ATF. The CBP official should return the Form 6 to you and send the first Form 6A, with Section II completed, directly to FEIB.
- Within 15 days after the articles have been released by CBP, including release from a CBW or FTZ the importer must complete the marking requirements of **27 CFR § 478.92** and/or **§ 479.102** and the record keeping requirements of **27 CFR § 478.122**.
- Within that same 15 days, 27 CFR § 478.112 provides that each importer of firearms must complete Section III of the second ATF Form 6A and forward it directly to FEIB. Your original signature must be placed in Item 19.
- Section **478.129(d)** requires licensed importers to maintain permanent records of the importation or other acquisition of firearms, including Forms 6 or 6A. To satisfy this requirement, in view of the current instructions to prepare the Form 6A in duplicate, ATF recommends that importers either retain a photocopy of the second Form 6A in their records or prepare the Form 6A in triplicate and retain the third copy in their records.

 [ATF Internet](#)

Types of Forms

Types of Forms

- [Applications](#)
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- [Processing ATF Form 6A](#)
- [Forms Required for Importation](#)
- [Sample of Required Forms](#)
- [ATF Form 6 Parts I, II, 6NIA & 6A Exemptions](#)

Forms required for Importation

- **ATF Form 6 – Part I: white, generally used by licensees and certain non-licensees**
 [View Form](#)
 - Except as provided in 27 CFR Parts 447 and 478, importers cannot secure the release of firearms, firearm component parts, ammunition, or other USMIL defense articles from Customs and Border Protection (CBP) custom without presenting an approved ATF Form 6 permit.
 - Restrictions apply to various types of firearms and ammunition; the type of importer; the country of origin; and the purpose of importation.
- **ATF Form 6 – Part II: blue, restricted to use by members of the U.S. Armed Forces on active duty outside the U.S.**  [View Form](#)
 - U.S. military personnel must have been on temporary duty (TDY) or have been on active duty outside of the U.S. within 60 days preceding the intended importation.
 - The firearm or ammunition must be suitable for sporting purposes.
 - The firearm cannot be a surplus military firearm.
 - The country of manufacture or exportation of the firearm or ammunition cannot be proscribed pursuant to **27 CFR § 478.52**.
 - The firearm or ammunition must be intended for personal use and not as a gift or resale.

NOTE: Military members must complete the Form 6 Part I to import implements of war, such as firearms component parts.
- **ATF Form 6A – green, this form must be completed to secure the release of articles from Customs and Border Protection (CBP) custody.**  [View Form](#)
 - Licensed and registered importers must submit only the first of two copies to CBP.
 - Non-licensed importers submit single copy to CBP.
 - CBP officials complete and sign Section II of the first copy and submit it directly to ATF without returning it to the importer.
 - Licensed and registered importers must complete Section III of second copy within 15 days of release by CBP and submit directly to ATF.
- **ATF Form 6NIA – white, form used by nonimmigrant aliens for temporary importation.**  [View Form](#)
 - Form must be submitted with a valid hunting license from any U.S. state, or an invitation/registration to compete in a qualified competitive shooting event or

exhibit firearms or ammunition at a qualified sports/hunting trade show. **27 CFR § 478.100.**

- o Permit is valid for one year from approval date. Nonimmigrant aliens may enter U.S. multiple times as long as their hunting license or permit, or invitation/registration is valid at the time of entry into to the U.S. Only the firearms, ammunition, and other articles approved on the Form 6 NIA may be imported.

Forms required for Importation of defense articles into the United States for commercial resale and distribution

Commodity	Federal Firearms License	Federal Explosives License/User's Permit	ATF Form 4587 Registration as importer under the AECA	ATF Form 5530.7 (SOT) as Importer of NFA weapons	Approved ATF Form 6 Import Permit
Implements of War (All USMIL defense articles other than firearms and ammunition)			√		√
Sporting Shotguns and Sporting Shotgun Ammunition	√ Type 08 or 11 FFL				√
All Other Firearms EXCLUDING NFA Firearms and Destructive Devices	√ Type 08 or 11 FFL		√		√
NFA Firearms EXCLUDING Destructive Devices	√ Type 08 or 11 FFL		√	√ To become a Class I Special (Occupational Taxpayer)	√
Destructive Devices	√ Type 11 FFL		√	√ To become a Class I Special (Occupational Taxpayer)	√
Barrels for Sporting Rifles and Handguns			√		√
Barrels for Sporting Shotguns					√
Barrels for Nonsporting/NFA Firearms			√		√
Dual Use (Sporting/Nonsporting) Barrels			√		√
Barrels for Surplus Military Firearms			√		√
Rifle and Handgun Ammunition other than Ammunition for Destructive Devices and	√ Type 08 or 11 FFL		√		√

Armor Piercing Ammunition					
Ammunition for Destructive Devices and Armor Piercing Ammunition	√ Type 11 FFL		√		√
Bulk Smokeless Powder	√ Type 08 or 11 FFL	√ Explosives Importers License/User's Permit	√		√
Smokeless Powder Pre-packaged in Cans	√ Type 08 or 11 FFL		√		√
Plastic Explosives		√ Explosives Importers License/User's Permit	√		√

import application process – required documentation

Types of Imported Defense Articles or Action	Initial Form 6	Second Form 6	Government Agency Purchase Order/Contract	Original Law Enforcement Letter (original signature)	Penalty of Perjury Certification (original signature REQUIRED)	Foreign Source (original signature ONLY needed for SMCR's)	Identity of Sporting Firearms to Be Manufactured	State Dept. Retransfer Authorization needed with Form 6
Sporting Firearms & Sporting Ammunition	√							
Barrels for Sporting Firearms	√							
Barrels for Nonsporting/NFA Firearms	√		√					
Dual Use (Sporting/Nonsporting) Barrels	√						√ (Model Designations)	
Barrels for Surplus Military Firearms	√		√					
Surplus Military Firearms	√		√ OR √*		√	√		
Surplus Military Curio or Relic Firearms	√				√	√ Firearm's last 5-Year History		
NFA Dealer Sales	√			√**				

Sample(Machineguns only)								
Firearms (Including Frames& Receivers), and Ammunition Into CBW/FTZ	√				√ Surplus Military Firearms	√ Surplus Military Firearm s		
Firearms (Including Frames& Receivers), and Ammunition Removed from CBW/FTZ		√	√ OR √ Surplus Military Firearms (other than Curios & Relics) or Nonsporting Firearms & Ammunition					
Nonsporting firearms, Nonsporting Ammunition, and NFA Firearms (Including Machineguns)	√		√ OR √*					
Firearm Barrels,& Rifle & Handgun Component Parts (Excluding Framesor Receivers) Into CBW/FTZ	√	The removal of firearm barrels from a CBW/FTZ for entry into the U.S. DOES require a second approved Form 6. However, ATF DOES NOT require a second Form 6 for other firearm component parts, but Customs MAY require a second approved Form 6.						
To be removed from CBW/FTZ		√	√ OR √**					
U.S. OriginMilitary Defense Articles	√	Depending on type of U.S. origin military defense articles being imported, additional documentation including the above categories may be required along with the retransfer authorization.						√

* The required law enforcement demonstration requests documentation for NFA firearms must always include the specific imported firearm by type, caliber, model designation and quantity. Requests to import two or more firearms of a particular model will be approved only if the dealer/importer provides documentation showing bona fide reasons that a single firearm will be insufficient. See **27 CFR §479.105(d)**; See also **ATF Ruling 2002-5**; **ATF NFA Guidebook**.

** For machineguns classified as a curio or relic, the importer must provide detailed information as to why a particular weapon is suitable for law enforcement purposes, who the expected customers would be, and information as to the availability of firearms to fill subsequent orders. **27 CFR 479.105**; See also **ATF Rulings 85-2, 2002-5**; **ATF NFA Guidebook**.

Types of Forms

Types of Forms

- [Applications](#)
- [Processing ATF Form 6 Part I](#)
- [Processing ATF Form 6A](#)
- [Forms Required for Importation](#)
- [Sample of Required Forms](#)
- [ATF Form 6 Parts I, II, 6NIA & 6A Exemptions](#)

Samples of required forms

Frequently encountered Forms include:

-  [Customs Form 4455](#) – Resale as a registered importer under the AECA
-  [ATF F 5330.3A \(Form 6, Part I\)](#) – Application & Permit for Importation of Firearms, Ammunition & IOW
-  [ATF F 5330.3B \(Form 6, Part II\)](#) – Application & Permit for Importation of Firearms, Ammunition & IOW
-  [ATF F 5330.3C \(ATF E Form 6A\)](#) – Release & Receipt of Import of Firearms, Ammunition and/or Implements of War
-  [ATF F 5330.4 \(4587\)](#) – Application to Register as an Importer of U.S. Munitions Import List Articles

Required Forms Listed Alphanumerically

The forms designated as ATF F can be accessed from the  [ATF website](#).

The forms designated as CF, FBI and SS can be accessed from the  [U.S. Customs Border& Protection website](#).

ATF F 4473 PT.I (5300.9)	CF 19	CF 3171
ATF F 4473 PT I (SV) (5300.9)	CF 26	CF 3173
ATF F 4473 PT.II (5300.9)	CF 28	CF 3229
ATF F 4590	CF 178	CF 3299
ATF F 5013.3 (eForm6 Request)	CF 214A	CF 3311
ATF F 5300.11	CF 214B	CF 3347
ATF F 5300.11a	CF 214C	CF 3347a
ATF F 5300.26	CF 216	CF 3461
ATF F 5300.27	CF 226	CF 3485
ATF F 5300.28	CF 247	CF 3495

ATF F 5300.38	CF 300	CF 3499
ATF F 5300.42	CF 301	CF 4315
ATF F 5310.12 (Form 7)	CF 339A	CF 4455
ATF F 5310.16 (Form 7CR)	CF 339C	CF 4457
ATF F 5320.1 (Form 1)	CF 339V	CF 4609
ATF F 5320.2 (Form 2)	CF 349	CF 4790
ATF F 5320.3 (Form 3)	CF 350	CF 5106
ATF F 5320.4 (Form 4)	CF 400	CF 5125
ATF F 5320.5 (Form 5)	CF 442	CF 5523
ATF F 5320.9 (Form 9)	CF 446	CF 7507
ATF F 5320.10 (Form 10)	CF 449	CF 7509
ATF F 5320.20	CF 450	CF 7512
ATF F 5330.3A (Form 6 Part I)	CF 1300	CF 7512A
ATF F 5330.3B (Form 6 Part II)	CF 1302	CF 7512B
ATF F 5330.3D (Form 6 NIA)	CF 1302A	CF 7514
ATF F 5330.4 (4587)	CF 1303	CF 7523
ATF F 5330.20	CF 1304	CF 7533
ATF F 5400.4	CF 1400	CF 7551
ATF F 5400.5	CF 1401	CF 7552
ATF F 5400.8	CF 3078	CF 7553
ATF F 5400.13	CF 3124	FBI FD-258
ATF F 5400.21	CF 3124E	SS-4
ATF F 5400.28		
ATF F 5400.29		

Types of Forms

Types of Forms

- [Applications](#)
- [Processing ATF Form 6 Part I](#)
- [Processing ATF Form 6A](#)
- [Forms Required for Importation](#)
- [Sample of Required Forms](#)
- [ATF Form 6 Parts I, II, 6NIA & 6A Exemptions](#)

ATF Form 6 Parts I, II, 6NIA & 6A Exemptions

1. No approved ATF Form 6 is required to import any antique firearm, as that term is defined in the GCA and the NFA. 27 CFR 578.115(c).

NOTE: *you may need to supply proof to Customs to establish that a certain firearm, which is not marked as being manufactured in or before 1898 is an antique firearm as defined in Federal law.*

2. Importations by agencies of United States Government are exempt from ATF's import controls and permit requirements. 27 CFR 478.141(a)(1); 27 CFR 447.53.(a)(1).
3. The importation of components for items being manufactured under contract for the Department of Defense is exempt from the import permit and registration requirements of 27 CFR Part 447. 27 CFR 53(a)(2). See also 27 CFR 447.53(b)
4. The importation of articles (other than those which would be "firearms" as defined in 18 U.S.C. 921(a) (3) manufactured in foreign countries for persons in the United States pursuant to Department of State approval is exempt from the import permit and registration requirements . 27 CFR 447.52(a)(3). See also 27 CFR 447.53(b).
5. Pursuant to 27 CFR 447.41(c), an import permit is not required for the importation of –

The U.S. Munitions Import List articles from Canada, except articles enumerated in Categories I, II, III, IV, VI(e), VIII(a), and XX, and

Nuclear weapons strategic delivery systems and all specifically designed components, parts, accessories, attachments, and associated equipment thereof (see Category XXI), or

Minor components and parts for Category I(a) and I(b) firearms except barrels, cylinders, receivers (frames) or complete breech mechanisms, when the total value does not exceed \$100 wholesale in any single transaction.

6. The return of U.S. goods by the person who exported/took them out of the United States. 27 CFR 478.115(a).
7. Foreign military personnel on official assignment to the U.S. who bring firearms or ammunition into the U.S. for their exclusive use while on official duty in the U.S. (excluding NFA weapons). 27 CFR 478.115(d)(2)
8. Official representatives of foreign governments who are accredited to the U.S. government or are en route to or from other accredited countries (excluding NFA weapons). 27 CFR 478.115(d)(3)

9. Officials of foreign governments and distinguished foreign visitors who have been so designated by the Department of State (excluding NFA weapons). 27 CFR 478.115(d)(4).
10. Foreign law enforcement officers of friendly foreign governments entering the U.S. on official law enforcement business (excluding NFA weapons). 27 CFR 478.115(d)(5).
11. Sporting shotgun parts other than firearm frames or receivers or barrels.
12. Air guns, pellet guns, starter guns and flare guns provided they are not firearms as defined in **18 U.S.C. § 921(a)(3)** and do not have tear gas dissemination capability.
13. Firearm accessories such as gun cases, slings, and cleaning kits.

 [ATF Internet](#)

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EXH : 000034 of 000105

U.S. Department of Justice

Bureau of Alcohol, Tobacco, Firearms and Explosives



ATF Guidebook - Importation & Verification of Firearms, Ammunition, and Implements of War

General Information

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Types of Importers

The commercial importation of firearms, ammunition and implements of war for commercial purposes is generally done by a Type 08 or Type 11 Federal Firearms Licensee (FFL) who must also be registered with ATF under the Arms Export Control Act (AECA). The commercial importation of sporting shotguns, sporting shotgun parts, and ammunition for sporting shotguns is exempt from the registration requirements of the AECA. Listed below are those who may engage in importation activities.

Licensed Importer

A holder of a Type 08 or Type 11 FFL and AECA registration. A licensed importer may obtain an approved ATF Form 6 (Part I) import permit to import sporting firearms, sporting ammunition, surplus military rifles and shotgun, and surplus military curio or relic handguns that meet the sporting criteria for on ATF Form 4590, for commercial purposes. Firearms imported by a licensed importer must be marked in accordance with the provisions of 18 U.S.C. § 923(i) and 27 CFR § 478.92 (also see Marking Requirements in this guide)

Licensed Dealer, Pawnbroker & Manufacturer

A holder of a Type 01, Type 02, or Type 07 FFL respectively. A licensed dealer, pawnbroker or firearms manufacturer may occasionally obtain an approved ATF F 6 (Part I) import permit to import firearms and ammunition for his or her own use, for repair, or as the import agent for a specific customer. A licensed dealer, pawnbroker or firearms manufacturer may not import firearms or ammunition for resale or other commercial purposes. **18 U.S.C. § 922(a)(1)(A).**

Licensed Collector

A holder of a Type 03 FFL. A licensed collector may obtain an approved ATF F 6 (Part I) import permit to import rifles and shotguns, other than surplus military rifles and shotguns, which have been classified as curio or relics, for their personal collection. A licensed collector may also import a handgun, other than a surplus military handgun, which has been classified as curio or relic. for their own personal collection provided the handgun meets the sporting criteria for on ATF Form 4590.

Registered Importer

Any person registered with ATF as an importer of U.S. Munitions Import List Articles pursuant to ATF Form 4587. A registered importer may import articles enumerated on the U.S. Munitions Import List (USMIL) into the United States for commercial purposes pursuant to an approved ATF Form 6. If the articles sought for importation for are also subject to the import controls of the Gun Control Act (GCA) (e.g., firearms, firearm barrels, ammunition, and/or the National Firearms Act (NFA) (e.g, machineguns, silencers, etc,) the importer would also need to hold a Type 08 or 11 Federal Firearms License under the GCA and pay Special (occupational) tax under the NFA.

Non-Licensed Resident of the U.S.

Any person residing in the U.S. who does not hold an FFL. A non-licensed resident of the U.S. may obtain an approved ATF F 6 (Part I) import permit to import sporting ammunition for his or her own use but not for resale or other commercial purpose. However, a non-licensed resident of the U.S. may not obtain an approved ATF Form 6 import permit to import nonsporting ammunition or any firearm. Any non-licensee who desires to import a firearm into the U.S. must have the firearm imported on his or her behalf by a qualified FFL, and the subsequent transfer of the firearm to the non-licensee must be in compliance with Federal, State and local law.

Non-Licensed, Non-Resident U.S. Citizen

A U.S. Citizen who lives abroad. A non-licensed U.S. citizen, who lives abroad and intends to return to the U.S. with sporting firearms, sporting ammunition or certain implements of war (e.g., firearm component parts) acquired while outside the U.S., may obtain an approved ATF F 6 (Part I) import permit to import sporting firearms and ammunition into the U.S. **prior to his or her return to the U.S.** for his or her own personal use.

U.S. Military Personnel

Members of the U.S. armed forces. A member of the U.S. armed forces who is on active duty outside the U.S. or who has been on active duty outside the U.S. within the 60-day period immediately preceding the intended importation, may obtain an approved ATF Form 6 (Part II) import permit to import sporting firearms and ammunition to his or her place of residence for his or her own personal use. **18 U.S.C. 925(a)(4).**

Alien

A foreign national. An alien entering the U.S. to establish residency may obtain an approved ATF F 6 (Part I) import permit, prior to the date U.S. residency is established (90 days after his or her date of arrival in the U.S.) to import sporting firearms, sporting ammunition, and certain implements of war (e.g., firearm component parts). The items approved for importation must accompany the alien or be contained in his or her shipment of personal effects. **18 U.S.C. 922 (d)(3).**

Non-Immigrant Alien

A foreign national temporarily in the U.S. A non-immigrant alien may obtain an approved ATF F 6 (NIA) to temporarily import firearms and ammunition (other than firearms subject to the controls of the National Firearms Act (NFA) for lawful hunting activities, to attend a qualified shooting event, or for exhibition at a qualified trade show. The event or trade show must be sponsored by a national, State or local firearms organization devoted to the collection, competitive use, or other sporting use of firearms. The non-immigrant alien must attach to his or her Form 6 (NIA) permit application, as appropriate, a copy of a valid hunting license or permit issued to him or her by a jurisdiction within the U.S., a copy of his or her invitation to participate in a qualified hunting or shooting event, or a copy of his or her reservation for exhibiting at a qualified trade show. An approved Form 6 (NIA) will be valid for a period not to exceed 12 months, and may be used for multiple, temporarily importations of any or all of the items listed on the approved Form 6 (NIA) during that 12-month period. If the Form 6 (NIA) permit application approved by ATF was supported by attaching a copy of a qualified hunting license or permit, the non-immigrant alien will need to present both the approved Form 6 (NIA) **and** a valid, qualified hunting license or permit to U.S. Customs and Border Protection (CBP)

officials at the time of each entry into the U.S. If the Form 6 (NIA) permit application was supported by attaching copies of more than one invitation or reservation to participate in qualified shooting competitions or exhibit at qualified trade shows, the non-immigrant alien may present the approved Form 6 (NIA) to CBP officials for multiple entries into the U.S., the number of which will be limited to the number of such documents attached to his or her approved import permit. **18 U.S.C. 922(g)(5).**

For additional information on the importation of firearms and ammunition by foreign nationals, please go to [Subsection R of the Question and Answer Section of ATF P 5300.4, Federal Firearms Regulations Reference Guide \(9/2005\)](#).

 [ATF Internet](#)

Sales and/or Sales Samples of Certain Firearms, Ammunition and Firearm Barrels

Sales to Law Enforcement and Government Agencies

NOTE: Law enforcement and government entities are authorized to import and/or receive firearms, firearm barrels and ammunition classified as:

- Nonsporting firearms and NFA Firearms such as machineguns, silencers, short-barreled shotguns and rifles, destructive devices and firearms identified as any other weapons
- Surplus military firearms (other than those classified as curios or relics)
- Barrels for surplus military firearms and nonimportable firearms
- Tracer or incendiary ammunition
- Ammunition for destructive devices
- Armor piercing ammunition

Generally, importers are prohibited from importing the articles listed above for placement into his or her general warehouse or normal place(s) of storage unless the importer has attached to his or her ATF Form 6 import permit application specific documentation demonstrating that the articles are entering into the commerce of the United States for an authorized purpose. **18 U.S.C. § 921(d)(3), 922(o), and 26 U.S.C. § 5844.** Importers desiring to store any of these articles at a location within the United States who cannot attach such documentation to their Form 6 application may, however, submit an ATF Form 6 import permit application seeking authorization to place the articles into a qualified Customs Bonded Warehouse (CBW) or Foreign Trade Zone (FTZ). The importers must clearly state in Item 10 of their Form 6 application that the listed articles are to be entered into a CBW or FTZ by referencing its identity/number and address of the CBW or FTZ into which the articles will be placed. If the articles sought for importation are surplus military firearms surplus military ammunition, or firearm or ammunition components of U.S. origin, importers must attach to their Form 6 application written retransfer authorization from the U.S. Department of State. If any of these articles were provided to a foreign government under a Military Assistance Program, the written retransfer authorization must be issued by the Office of Regional Security and Arms Transfer Policy (RSAT) within the Department of State. If any of these articles were provided to a foreign government under a Foreign Military Sales program, the written retransfer authorization must be issued by the Directorate of Defense Trade Controls (DDTC) within the Department of State. If the required written retransfer authorization is not attached to such a Form 6 application, the Forms 6 will be returned to the applicants without action. You may contact the RSAT office at (202) 647-9750, or DDTC at (202) 663-1282.

After their placement into a CBW or FTZ, an importer desiring to subsequently withdraw these articles for entry into the United States must submit a second ATF Form 6 seeking authorization to withdrawal for entry into the United States. The importer must, in Item 10 of the Form 6, reference the permit number of the approved Form 6 under which the articles were placed into the CBW or FTZ, and the specific purpose of importation.

Nonsporting and NFA Firearms

Importers seeking to withdraw nonsporting or NFA firearms from a CBW or FTZ must indicate in Item 10 of the Form 6 that the firearms sought for importation are to be removed from the CBW or FTZ:

- for sale to a law enforcement or government agency. Importers seeking to withdraw nonsporting or NFA firearms from a CBW or FTZ must attach to the Form 6 a purchase order from a law enforcement or government agency, or a copy of a government contract, referencing the firearms sought for importation
- for use as a sales sample by a licensed special (occupational) taxpayer (NFA firearms only). See "Sales Samples (NFA Firearms Only)" below for documentation requirements
- for scientific testing or research purposes (machineguns may not be imported for scientific testing research purposes). Importers must attach to the Form 6 a detailed written description of the scientific testing or research to be performed.

Surplus Military Firearms

Surplus military firearms which have **NOT** been classified as curios or relics may be imported only for sale to a law enforcement or government agency. Importers seeking to withdraw surplus military firearms from a CBW or FTZ must attach to the Form 6 a purchase order from a law enforcement or government agency, a copy of a government contract, referencing the firearm sought for importation.

Barrels for Surplus Military Firearms and Nonimportable Firearms

Barrels of **all** surplus military firearms, including barrels for surplus military NFA firearms, may only be imported for sale or other disposition to a law enforcement or government agency. Importers seeking to withdraw barrels of surplus military firearms from a CBW or FTZ must attach to the Form 6 a purchase order from a law enforcement or government agency, or a copy of a government contract, referencing the barrels sought for importation.

Barrels of nonimportable firearms that are not surplus military firearms may be imported for sale or other disposition to a law enforcement or government agency. Importers must attach to the Form 6 a purchase order from a law enforcement or government agency, or a copy of a government contract, referencing the barrels sought for importation. Further, such barrels that may be used in the assembly of importable and nonimportable firearms may also be imported:

- for use in the assembly of importable firearms. The importer must specify in Item 10 of the Form 6 the specific model designation(s) of the importable firearms the barrels will be used to assemble
- for resale to third parties. The importer must state in Item 10 of the Form 6 that the purchaser has or will be advised that the barrels may only be used in the assembly of importable firearms and must list the models for which the barrels will be sold

Tracer or Incendiary Ammunition

Tracer or incendiary ammunition may be imported:

- for sale or other distribution to a law enforcement or government agency. Importers seeking to withdraw tracer or incendiary ammunition must attach to the Form 6 a purchase order from a law enforcement or government agency, or a copy of a government contract, referencing the ammunition sought for importation

- for scientific testing or research purposes. Importers must attach to the Form 6 a detailed written description of the scientific testing or research to be performed)

Ammunition for Destructive Devices

Ammunition for destructive devices may be imported by a Type 11 FFL:

- for sale or other distribution to a law enforcement or government agency. Importers seeking to import ammunition for destructive devices must attach to their Form 6 a purchase order from a law enforcement or government agency, or a copy of a government contract, referencing the ammunition sought for importation
- for scientific testing or research purposes. Importers must attach to the Form 6 a detailed written description of the scientific testing or research to be performed)

Armor Piercing Ammunition

Armor piercing ammunition may be imported by a Type 11 FFL:

- for sale or other distribution to a law enforcement or government agency. Importers seeking to import armor piercing ammunition must attach to their Form 6 a purchase order from a law enforcement or government agency, or a copy of a government contract, referencing the ammunition sought for importation
- for scientific testing or research purposes. Pursuant to **27 CFR § 478.149**, an importer may sell or otherwise distribute armor piercing ammunition to any person intending to use armor piercing ammunition for scientific testing or research purposes when that person has provided the importer with a copy of their written approval from ATF authorizing them to procure the armor piercing ammunition for such purposes. The importer must attach a copy of ATF's approval to his Form 6 application.

National Firearms Act Sales Samples

Licensed firearms importers who have paid special (occupational) tax (SOT) may import NFA firearms themselves and for sale or distribution to licensed firearms dealers who have paid SOT, for use as sales samples pursuant to the provisions of **27 CFR §§ 479.105(d) and 479.112(d)**, and ATF Rulings 85-2 and 2002-5.

Dealer Sales Samples of Machineguns. 27 CFR § 479.105(d)

Applications to transfer and register a machinegun manufactured or imported on or after May 19, 1986, to dealers qualified under this part will be approved if it is established by specific information the expected governmental customers who would require a demonstration of the weapon, information as to the availability of the machinegun to fill subsequent orders, and letters from governmental entities expressing a need for a particular model or interest in seeing a demonstration of a particular weapon. Applications to transfer more than one machine gun of a particular model to a dealer must also establish the dealer's need for the quantity of samples sought to be transferred.

Pursuant to the above section of regulations, applications to transfer and register machineguns manufactured or imported on or after May 19, 1986, to qualified firearms dealers will be approved if:

- Letterhead documentation signed by the law enforcement or government agency official having jurisdiction over the particular area and current, expressing an interest in seeing a demonstration of the particular firearm is attached to the Form 6. The required documentation must specifically identify the firearm by type, caliber, model designation, if any, and serial number, if known,
- Information that additional quantities of the specific firearm are available to fill future orders is attached to the Form 6,
- The firearm sought for use as a sales sample is not presently in the requestor's inventory,
- Documentation clearly establishing the need for more than one of a particular type, caliber, or model firearm as a sales sample is attached to the Form 6. See ATF Ruling 2002-5 reprinted below for more information and guidance, and/or
- A copy of the special (occupational) tax stamp of the dealer attempting to acquire the sales sample is attached to the Form 6.

Registration of Imported Firearms. 27 CFR § 479.112(d)

An application, Form 6, to import a firearm by an importer or dealer qualified under this part, for use as a sample in connection with sales of such firearms to Federal, State or local governmental entities, will be approved if it is established by specific information attached to the application that the firearm is particularly suitable for use by such entities. Such information must show why a sales sample of a particular firearm is suitable for such use and the expected governmental customers who would require a demonstration of the firearm. Information as to the availability of the firearm to fill subsequent orders and letters from governmental entities expressing a need for a particular model or interest in seeing a demonstration of a particular firearm would establish suitability for governmental use. Applications to import more than one firearm of a particular model for use as a sample by an importer or dealer must also establish the importer's or dealer's need for the quantity of samples sought to be imported.

Generally, importers of NFA firearms must:

- Complete ATF Form 6A in duplicate, with Section 1 completed, presenting the original copy to CBP at the time of release; complete Section III of the duplicate copy and send it to ATF within 15 days of release from CBP custody
- Ensure the firearms are marked in accordance with the provisions of **27 CFR § 478.92** and **27 CFR § 479.102** within 15 of their release from CBP custody
- Prepare and submit ATF Form 2 the National Firearms Act Branch within 15 days of release from CBP custody
- Enter the firearms into the records prescribed in Subpart H of 27 CFR Part 478.

Curio or Relic Sales Samples

Generally, importers seeking to import NFA firearms that are curios or relics as sales samples must clearly establish that the curio or relic NFA firearms sought for importation are particularly suitable for use as a law enforcement weapon. See ATF Ruling 85-2 below for more information and guidance.

Import permit applications cannot be approved unless accompanied by:

- Documentation signed by you, the importer, providing additional information, such as the expected customers who would require a demonstration of the NFA firearm, and the availability of additional firearms to fill future orders
- Letterhead documentation signed by the law enforcement or government agency official having jurisdiction over the particular area, expressing an interest in seeing a demonstration of the particular firearm. The required documentation must specifically identify the firearm by type, caliber, model designation, if any, and serial number, if known. Such documentation must also establish by detailed and specific information as to why the particular firearm is particularly suitable for use as a law enforcement weapon.

NOTE: ATF reserves the right to determine whether documentation submitted with the import permit application is acceptable, and to require the submission of additional documentation when deemed necessary. Personnel from the Firearms and Explosives Imports Branch may contact the law enforcement or government agency signatory to confirm the authority of the official, the validity of the official's signature, and/or the validity of the supporting documentation.

ATF Ruling 85-2

The Bureau of Alcohol, Tobacco and Firearms has approved a number of applications to import National Firearms Act (NFA) firearms for the use of registered importers to generate orders for such firearms from law enforcement agencies.

A review of the characteristics of NFA firearms approved for importation as sales samples indicates that some of the firearms are not being imported for the purpose contemplated by the statute. Some of the NFA firearms imported are, in fact, curios and relics and are more suitable for use as collector's items than law enforcement weapons.

Importations of NFA firearms are permitted by 26 U.S.C. § 5844, which provides in pertinent part:

"No firearms shall be imported or brought into the United States or any territory under its control or jurisdiction unless the importer establishes under the regulations as may be prescribed by the Secretary, that the firearm to be imported or brought in is:

1. being imported or brought in for the use of the United States or any department, independent establishment, or agency thereof or any State or possession or any political subdivision thereof, or
2. ***
3. being imported or brought in solely for use as a sample by a registered importer or registered dealer;

except that, the Secretary may permit the conditional importation or bringing in of a firearm for examination and testing in connection with classifying the firearm."

The sole purpose of the statute permitting the importation of NFA firearms as sales samples is to permit registered importers to generate orders for firearms from government entities, primarily law enforcement agencies on the basis of the sample.

The implementation of regulation, 27 CFR Section 179.111*, provides that the person importing or bringing in a firearm into the United States or any territory under its control or jurisdiction has the burden of proof to affirmatively establish that the firearm is being imported

or brought in for one of the authorized purposes. In addition, a detailed explanation of why the importation falls within one of the authorized purposes must be attached to the application to import. The mere statement that an NFA firearm is being imported as a sales sample for demonstration to law enforcement agencies does not meet the required burden of proof and is not a detailed explanation of why the importation falls within the import standards.

Held, an application to import a National Firearms Act firearm as a sample in connection with sales of such firearms to law enforcement agencies will not be approved if the firearm is determined to be a curio or relic unless it is established by specific information that the firearm is particularly suitable for use as a law enforcement weapon. For example, the importer must provide detailed information as to why a sales sample of a particular weapon is suitable for law enforcement purposes and the expected customers who would require a demonstration of the weapon. Information as to the availability of firearms to fill subsequent orders would help meet the burden of establishing use as a sales sample. Also, letters from law enforcement agencies expressing a need for a particular model or interest in seeing a demonstration of a particular firearm would be relevant.

ATF Ruling 2002-5

The Bureau of Alcohol, Tobacco and Firearms (ATF) has received inquiries from dealers in machineguns concerning the justification necessary to obtain more than one machinegun of a particular model as dealer sales samples. Specifically, the inquiries are from machinegun dealers who demonstrate machineguns to large police departments and Special Weapons and Tactics (SWAT) teams, which requires the firing of thousands of rounds of ammunition during a single demonstration. Section 922(o) of Title 18, United States Code, makes it unlawful for any person to transfer or possess a machinegun, except a transfer to or by or under the authority of the United States or any department or agency thereof or a State or a department, agency, or political subdivision of; or any lawful transfer or lawful possession of a machinegun lawfully possessed before May 19, 1986.

The regulations in 27 CFR 179.105(d)* provide that applications to register and transfer a machinegun manufactured or imported on or after May 19, 1986, to dealers registered under the National Firearms Act (NFA), 26 U.S.C. Chapter 53, will be approved if three conditions are met. The conditions required to be established include (1) a showing of the expected government customers who would require a demonstration of the weapon; (2) information as to the availability of the machinegun to fill subsequent orders; and (3) letters from government entities expressing a need for a particular model or interest in seeing a demonstration of a particular weapon. The regulation further provides that applications to transfer more than one machinegun of a particular model must also establish the dealer's need for the quantity of samples sought to be transferred.

The dealer sales sample regulation in section 179.105(d) is a narrow exception to the general prohibition on possession of post-1986 machineguns imposed by section 922(o). It requires that dealers submit letters of interest from law enforcement agencies to ensure that dealers possess post-1986 machineguns only for the purposes permitted by law, i.e., for sale or potential sale to government agencies.

Qualified dealers in machineguns often demonstrate weapons to all officers of the department, requiring the machinegun to fire thousands of rounds of ammunition during a single demonstration. In the case of new model machineguns, a department may wish to have thousands of rounds fired from the weapon before they are fully satisfied of its reliability. ATF

is aware that after firing hundreds of rounds a machinegun often gets too hot to safely handle, resulting in the dealer's inability to demonstrate the weapon until it cools. In addition, it is not uncommon for machineguns to jam or misfeed ammunition after a large quantity of ammunition has been fired. Accordingly, dealers who demonstrate machineguns to departments with a large number of officers have asked that ATF approve the transfer of two (2) machineguns of each model as dealer sales samples.

The purpose of the dealer sales sample provision is to permit properly qualified dealers to demonstrate and sell machineguns to law enforcement agencies. Neither the law nor the implementing regulations were intended to impose unnecessary obstacles to police departments and other law enforcement agencies in obtaining the weapons they need to carry out their duties. Accordingly, if a dealer can provide documentation that the dealer needs to demonstrate a particular model of machinegun to an entire police department or SWAT team, ATF will approve the transfer of two (2) machineguns of that model to the dealer as sales samples.

This ruling should not be interpreted to imply that under no circumstances may a Federal firearms licensee (FFL) receive more than two (2) machineguns as sales samples. Consistent with past practice, an FFL who can show a bona fide reason as to why they need more than two (2) machineguns, may be able to receive more than two (2) if the request is accompanied by specific documentation.

Held, applications to transfer two (2) machineguns of a particular model to a Federal firearms licensee as sales samples will be approved if the dealer provides documentation that the dealer needs to demonstrate the machinegun to all the officers of a police department or the department's SWAT team or special operations team. An FFL who offers other bona fide reasons for their need for two (2) or more machineguns may get more than two (2) with specific documentation.

Date signed: September 6, 2002

* Current regulation is in Part 479, not 179.

 [ATF Internet](#)

Import Activities in Foreign Trade Zones & Custom Bonded Warehouses

Foreign Trade Zones

 [Visit the Foreign Trade Zone Link.](#)

A Foreign Trade Zone (FTZ) is a secure area located in or near U.S. Customs and Border Protection (CBP) ports of entry, but are legally considered to be outside the CBP territory for the purpose of tariff laws and CBP entry procedures. FTZ designated areas are the U.S. version of are known internationally as *Free Trade Zones*.

- Foreign and domestic merchandise may be moved into an FTZ for operations, not otherwise prohibited by law, including storage, exhibition, assembly, and processing. All FTZ activity is subject to public interest review. An FTZ site is subject to the laws and regulations of the U.S. as well as those of the state and local community in which it is located.
- Authority for establishing an FTZ facility is granted by the Foreign Trade Zone Board under the Foreign Trade Zone Act of 1934, as amended. **19 U.S.C. § 81a-81u**. The Foreign Trade Zone Act is administered through two sets of regulations, the Foreign Trade Zone regulations (**15 CFR, Part 400**) and CBP regulations (**19, CFR, Part 146**). The Executive Secretariat of the Board is located within the Import Administration of the U.S. Department of Commerce in Washington, DC.

Customs Bonded Warehouse

A Customs Bonded Warehouse (CBW) is a building or stipulated secure area in which dutiable goods may be stored without payment of duty. The authority to establish a CBW is set forth in **19 U.S.C. § 1555**. Bonded manufacturing and smelting and refining warehouses are established under **19 U.S.C. §§ 1311 and 1312**.

Upon entry of goods into the CBW, the importer and warehouse proprietor incur liability under a bond. This liability is generally canceled when the goods are

- Exported or deemed exported
- Withdrawn for supplies to a vessel or aircraft involved in international traffic
- Destroyed under CBP supervision
- Withdrawn for consumption within the U.S. after payment of duty.

FTZ/CBW Import Permit Application Requirements and Processing Procedures

When an importer submits an ATF Form 6 import permit application seeking authority to enter firearms, ammunition or other implements of war into an FTZ or CBW, the application will be conditionally approved, and a letter outlining the procedures to be followed will be attached to and made a part of the approved ATF Form 6 import permit. The approved ATF Form 6 imports permit must then be presented to CBP port officials to secure permission to move the articles into the FTZ or CBW. **Please note that the law provides that the period of storage within a CBW may not exceed 5 years.**

An importer who wishes to withdraw firearms, ammunition, and/or other implements of war from an FTZ or CBW, must submit an ATF Form 6 requesting authority to remove the articles from the FTZ or CBW. Such applications will be processed in accordance with pertinent import provisions of the Gun Control Act, the National Firearms Act and/or the Arms Export Control Act.

Firearms, ammunition and other defense articles are frequently placed into an FTZ or CBW in order to either delay the payment of import duty or to store the articles pending subsequent withdrawal for export or entry into the U.S. Often, the entry of the firearms or ammunition placed into an FTZ or CBW for storage is restricted by law. For example, ATF can only approve the entry of machineguns or other weapons subject to the NFA, nonsporting firearms and nonsporting ammunition into the U.S:

- For sale to a qualified law enforcement or government agency
- For use as a model or sales sample (NFA weapons only)
- For use is scientific testing or research (except machineguns)

international Import Certificates

The International Import Certificate (IIC), Form BXA-645/ATF-4522/DPS-53) was adopted as part of an agreement between the U.S. Department of Commerce, the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) and the U.S. Department of State to facilitate international cooperation in export control matters and to create a standardized method of control. When an importer submits an IIC form to ATF, it is usually submitted in together with an ATF Form 6 import permit application. If the ATF Form 6 application is approved, the IC will also be processed by ATF, and it will bear the same control number assigned to the corresponding approved ATF Form 6. However, an importer may also request that ATF process an IIC submitted for commodities that are subject to ATF's import controls but do not require an approved ATF Form 6 import permit for entry into the U.S. (e.g., dynamite) . Please note that, unlike an approved ATF Form 6, which is valid for 12 months, an IIC is valid for only 6 months, and the importer may need to request a second IIC if the articles listed on the ATF Form 6 will not be imported during the first 6 months of the permit's life.

 [ATF Internet](#)

Surplus Military

A surplus military firearm is defined as any firearm that belonged to a regular or irregular (e.g., militia) military force at any time. With limited exceptions, as discussed below, surplus military firearms and ammunition can only be imported by or for the official use of law enforcement or government entities. **18 U.S.C. § 925(a)(1)**.

Surplus Military Curio or Relic Firearms

A surplus military curio or relic (SMCR) firearm is any firearm that at any time belonged to a regular or irregular military, **and** one that also meets the definition of a curio or relic firearm. The regulations at **27 CFR § 478.11** define curio or relic firearms as:

Firearms which are of special interest to collectors by reason of some quality other than is associated with firearms intended for sporting use or as offensive or defensive weapons. To be recognized as curios or relics, firearms must fall within one of the following categories:

- (a) Firearms which were manufactured at least 50 years prior to the current date, but not including replicas thereof;
- (b) Firearms which are certified by the curator of a municipal, State, or Federal museum which exhibits firearms to be curios or relics of museum interest; and
- (c) Any other firearms which derive a substantial part of their monetary value from the fact that they are novel, rare, bizarre, or because of their association with some historical figure, period, or event. Proof of qualification of a particular firearm under this category may be established by evidence of present value and evidence that like firearms are not available except as collector's items, or that the value of like firearms available in ordinary commercial channels is substantially less.

ATF Ruling 80-8

The provisions of ATF Ruling 80-8 provide that an application for a permit to import a surplus military firearm or nonsporting firearm or ammunition may be approved by ATF **if** the application is supported by:

- An original purchase order from a law enforcement or government agency specifically describing the surplus military firearms or nonsporting firearms (manufacturer's name and address, type, caliber or gauge, model designation, quantity, and serial numbers, if known) or nonsporting ammunition (manufacturer's name and address, type, and caliber or gauge, quantity); and/or
- A letter prepared by an official of a bona fide law enforcement or government agency, on agency letterhead, signed by the chief law enforcement officer (CLEO), such as the chief of police, sheriff, commander, etc, or other officially designated employee having the authority to procure firearms or ammunition on behalf of the agency, stipulating that the firearms and/or ammunition are being purchased by the agency with agency funds for departmental inventory. The letter must specifically describing the surplus military

firearms or nonsporting firearms (manufacturer's name and address, type, caliber or gauge, model designation, quantity, and serial numbers, if known) or nonsporting ammunition (manufacturer's name and address, type, and caliber or gauge, quantity)

Pursuant to the provisions of **18 U.S.C. § 925(e)**, a Type 08 or 11 FFL may import SMCR firearms into the United States pursuant to an approved ATF Form 6 import permit. When seeking a permit to import a SMCR firearm, a licensed importer must attach the following documentation to his or her ATF Form 6 application:

- Original documentation (such as warehouse receipts or other documents which provides the required history of storage) attesting to where the firearm has been located for the five-year period immediately preceding importation. The firearm cannot have been in a proscribed country or area at any time during that five-year period. 27 CFR § 447.52(e) (2). The importer should obtain this documentation from the foreign source (foreign seller, family member, etc.) of the firearm.

Example of Foreign Source Document Language:

- "I (insert name of foreign source) attest that I have possessed the (insert the specific firearm by manufacturer's name and address, type, caliber, model designation, and serial number if known) as described in items 8(a)-(k) on the completed ATF Form 6) in (insert the name of the country in which the firearm was stored) since (insert date acquired)."
- If the SMCR firearm to be imported was manufactured in a proscribed country or area, original documentation attesting that the firearm was manufactured in that country or area prior to date, as established by the Department of State, the country or area became proscribed. **27 CFR § 447.52(e) (1)**.
 - A statement from you, the applicant, executed under the penalty of perjury, certifying that the Form 6 application, and all documents attached to it, are true, correct and complete.

Suggested Language of Importer's Certification

"I declare under the penalty of perjury that this application, and all documents attached thereto, have been examined by me and to the best of knowledge and belief, are true and correct."

Surplus Military, U.S-Origin

In November 1998, the Department of State directed ATF in writing to deny all applications to import U.S.-origin, surplus military firearms, firearm parts, ammunition, and other defense articles identified by the Department of State as significant military equipment (SME) (e.g., aircraft, military vehicles, etc.) unless the applicant has attached to his or her application a copy of the written retransfer authorization, issued by the Department of State, authorizing the foreign supplier to transfer the articles to the applicant. However, should the applicant fail to attach a copy of the required written retransfer authorization to your application, by virtue of statutory language enacted in 2003, ATF cannot take any action to deny his or her application. As a result, applications for permits to import such articles of U.S-origin will be returned to the applicant without action unless a copy of the required retransfer authorization specific to the articles sought for importation is attached to the permit application.

 [ATF Internet](#)

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EXH : 000050 of 000105

Firearms and Ammunition Excise Tax (FAET)

NOTE: NOTE: ATF no longer administers the Firearms and Ammunition Excise Tax (FAET) provisions of law. That authority rests with the [Alcohol and Tobacco Trade Bureau \(TTB\)](#) within the U.S. Dept. of Treasury. Accordingly, the following information is provided to help increase importers' awareness of the tax and their possible liability for the tax depending on the nature of their operations.

Background

First imposed on February 25, 1919, **Section 4181 of the Internal Revenue Code** imposes an excise tax on imported firearms and ammunition when the importer sells or uses the firearms or ammunition (FAET). A tax of 10 percent of the sales price is imposed on pistols and revolvers, and a tax of 11 percent of the sales price is imposed on other portable weapons (e.g., rifles and shotguns) and ammunition. The excise tax is not imposed again unless the firearms and ammunition are further manufactured. At one time, the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) was responsible for collecting FAET. However, since January 2003, this responsibility rests with the Alcohol and Tobacco Tax and Trade Bureau (TTB), U.S. Dept. of Treasury.

Who is Liable for FAET

Under most circumstances, the person who causes and directs the importation of the firearms and/or ammunition will be liable for the FAET. For the purposes of FAET, the importer is any person who imports firearms or ammunition (shells or cartridges) into the U.S., or who withdraws such articles from an FTZ or CBW for sale or use in the U.S.

Exemptions

There are certain situations where the importation of firearms or ammunition may be exempt from FAET. Information regarding these exemptions may be obtained at www.ttb.gov/fet/index.htm or by contacting TTB's National Revenue Center (see below).

Taxable Activities

Any activity conducted in the course of trade or business that would require an FAET tax return, ATF Form 5300.35, Federal Firearms and Ammunition Excise Tax Return, may require the importer to make a deposit in addition to the need to file an ATF F 5300.35. Refer to ATF Form 5300.27, Federal Firearms Ammunition Excise Tax Deposit, for further information on when a deposit is required.

FAET Inquiries

For further information concerning FAET, please contact TTB's Firearms and Ammunition Excise Tax Unit within their National Revenue Center.

8002 Federal Office Building
550 Main Street,
Cincinnati, OH 45202

1-800-398-2282

1-513-684-3817

 ttbquestions@ttb.gov

 [ATF Internet](#)

Recordkeeping Requirements

Applicable Recordkeeping Regulations -

- **27 CFR 447, Subpart D - Registration**
- **27 CFR 478, Subpart H - Records**
- **27 CFR 479, Subpart I - Records and Returns**

27 CFR 447, Subpart D - Recordkeeping Requirements for Registered Importers of U.S. Munitions Import List (USMIL) Articles:

- **Articles regulated by 27 CFR Parts 478 and 479.** The provisions of **27 CFR § 447.34 (a)** directs registered importers engaged in the business of importing articles subject to the controls of 27 CFR, Parts 478 and 479 to maintain records in accordance with the applicable provisions of those parts and for the period of time prescribed
- **All other USMIL defense articles.** Under **27 CFR § 447.34(b)**, registered importers engaged in the business of importing defense articles listed on the USMIL subject to the permit requirements of Subpart E of Part 447 must maintain for a period of 6 years, records bearing on such articles imported, including records concerning their acquisition and disposition, including ATF Forms 6 and 6A, unless a longer or shorter period of time is prescribed by an appropriate ATF officer.

27 CFR Part 478, Subpart H - Recordkeeping Requirements for Type 08 and 11 FFLs

- **Records to be maintained on the license premises.** **27 CFR § 478.121(a)** requires licensed importers to retain the records pertaining to firearms transactions prescribed by Part 478 on their licensed premises for the length of time prescribed by **27 CFR § 478.129**. See *below*. The records pertaining to ammunition prescribed by Part 478 shall be retained on the licensed premises in the manner prescribed by **27 CFR § 478.125**.
- **Right of entry.** **27 CFR § 478.121(b)** provides that an ATF officer may, for the purposes and under the conditions prescribed in **27 CFR § 478.23**, enter the premises of any licensed importer, for the purposes of examining or inspecting any record or document required by or obtained under Part 478. Under **18 U.S.C. § 923(g)**, licensed importers are required to make such records available for such examination or inspection during business hours.
- **Specified records.** **27 CFR § 478.121(c)** specifies that each licensed importer shall maintain such records of importation, shipment, receipt, sale or other disposition, whether temporary or permanent, of firearms and such records of the disposition of ammunition as the regulations in Part 478 prescribe.
- **Timing of entries.** Under the provisions of **27 CFR § 478.122(a)** each licensed importer shall, within 15 days of the date of importation (date of release from CBP custody) or other acquisition, record the type, model, caliber or gauge, manufacturer, country of manufacture, and serial number of each firearm imported or otherwise acquired, and the date such importation or other acquisition was made.
- **Required information and formats.** **27 CFR § 478.122(b)** requires licensed importers to maintain a record of firearms disposed of to another licensee and a separate record of armor piercing ammunition dispositions to governmental entities, for exportation, or for testing or experimentation authorized under the provisions of **27 CFR § 478.149** on the licensed premises. For firearms, the record shall show the quantity, type manufacturer,

country of manufacture, caliber or gauge, model, serial number of the firearms so transferred, the name and license number of the licensee to whom the firearms were transferred, and the date of the transaction. For armor piercing ammunition, the record shall show the date of the transaction, manufacturer, caliber or gauge, quantity of projectiles, and the name and address of the purchaser. The information required by this paragraph shall be entered in the proper record book not later than the seventh day following the date of the transaction, and such information shall be recorded in accordance with the following formats:

Importer's Firearms Disposition Record								
Quantity	Type	Manufacturer	Country of manufacture	Caliber or gauge	Model	Serial No.	Name and license No. of licensee to whom transferred	Date of the transaction

Importer's Armor Piercing Ammunition Disposition Record					
Date	Manufacturer	Caliber or gauge	Quantity of projectiles	Purchaser--Name and address	

- **Alternate records.** 27 CFR § 478.122(c) provides that, notwithstanding the provisions of 27 CFR § 478.122(b), the Director of Industry Operations may authorize alternate records to be maintained by a license importer to record the disposal of firearms and armor piercing ammunition when it is shown that such alternate records will accurately and readily disclose the information required by 27 CFR § 478.122(b). A license importer who proposes to use alternate records shall submit a letter application, in duplicate, to the Director of Industry Operations and shall describe the proposed alternate records and the need therefore. Such alternate records shall not be employed by the licensed importer until approval is received from the Director of Industry Operations.
- **Transfers to nonlicensees.** 27 CFR § 478.122(d) directs that each importer shall maintain separate records of the sales or other dispositions of firearms to nonlicensees. Such records shall be maintained in the form and manner prescribed by 27 CFR §§ 478.124 (ATF Form 4473, Firearms Transaction Record) and 478.125 (Firearms Acquisition and Disposition Record).
- **Records retention periods for licensed importers and licensed manufacturers.** 27 CFR § 478.129(d) directs that licensees will maintain permanent records of the importation, manufacture, or other acquisition of firearms, including ATF Forms 6 and 6A, as required by Subpart G – Importation of Part 478. Licensed importers' records and licensed manufacturers' records of the sale or other disposition of firearms after December 15, 1968, shall be retained through December 15, 1988, after which records of such transactions over 20 years of age may be discarded.

27 CFR 479, Subpart I - Records and Returns

- **NFA Firearms.** 27 CFR § 479.131 provides that for the purposes of Part 479, each manufacturer, importer, and dealer in firearms shall keep and maintain such records regarding the manufacture, importation, acquisition (whether by making, transfer, or otherwise), receipt, and disposition of firearms as are prescribed, and in the manner and place required, by Part 478. In addition, each manufacturer, importer, and dealer shall maintain, in chronological order, at his place of business, a separate record consisting of the documents required by Part 479 showing the registration of any firearm to him. The

records required by Part 479 shall be readily accessible for inspection at all reasonable times by ATF officers.

 [ATF Internet](#)

Field Divisions



Download the [Field Operations Map](#)

The Bureau of Alcohol, Tobacco, Firearms and Explosives field divisions are located throughout the United States. Some of the field offices have jurisdiction in surrounding states.

All of our field offices may be contacted 24 hours a day, seven days a week. Visit the [field office contact page](#) for phone numbers, email addresses and more about the ATF field office closest to you. You will find links to many of our field divisions listed below.

[Field Division Contact Information](#)

Atlanta	Miami
Baltimore	Nashville
Boston	Newark
Charlotte	New Orleans
Chicago	New York
Columbus	Philadelphia
Dallas	Phoenix
Denver	San Francisco
Detroit	Seattle
Houston	St. Paul
Kansas City	Tampa
Los Angeles	Washington
Louisville	

U.S. Department of Justice

Bureau of Alcohol, Tobacco, Firearms and Explosives



ATF Guidebook - Importation & Verification of Firearms, Ammunition, and Implements of War

Firearms Verification

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EXH : 000057 of 000105

Firearms Verification Overview

Marking Requirements

Licensed Importer – 18 U.S.C. § 923(i) and 27 CFR § 478.92
26 U.S.C. § 5842 and 27 CFR § 479.102

1. SERIAL NUMBER

- Must be conspicuously engraved, cast or stamped (impressed) on the firearm frame or receiver
- The serial number cannot duplicate the serial number appearing on any other firearm the importer previously imported
- For firearms imported after January 30, 2002, the engraving, casting or stamping (impressing) of the serial number must be to a minimum depth of .003 inch and in a print size no smaller than 1/16 inch

2. NAME of MANUFACTURER

- Must be conspicuously engraved, cast or stamped (impressed) on the firearm frame, receiver, barrel or slide
- For firearms imported after January 30, 2002, the engraving, casting or stamping (impressing) of the serial number must be to a minimum depth of .003 inch

3. COUNTRY of ORIGIN

- Must be conspicuously engraved, cast or stamped (impressed) on the firearm frame, receiver, barrel or slide
- For firearms imported after January 30, 2002, the engraving, casting or stamping (impressing) of the country of origin must be to a minimum depth of .003 inch

4. MODEL DESIGNATION (If assigned)

- Must be conspicuously engraved, cast or stamped (impressed) on the firearm frame, receiver, barrel or slide
- For firearms imported after January 30, 2002, the engraving, casting or stamping (impressing) of the model designation must be to a minimum depth of .003 inch

5. CALIBER OR GAUGE

- Must be conspicuously engraved, cast or stamped (impressed) on the firearm frame, receiver, barrel or slide
- For firearms imported after January 30, 2002, the engraving, casting or stamping (impressing) of the caliber or gauge must be to a minimum depth of .003 inch

6. NAME of IMPORTER

- Must be conspicuously engraved, cast or stamped (impressed) on the firearm frame, receiver, barrel or slide

For firearms imported after January 30, 2002, the engraving, casting or stamping (impressing) of the importer's name must be to a minimum depth of .003 inch

7. CITY & STATE of the IMPORTER

- Must be conspicuously engraved, cast or stamped (impressed) on the firearm frame, receiver, barrel or slide
- For firearms imported after January 30, 2002, the engraving, casting or stamping (impressing) of the importer's city and state must be to a minimum depth of .003 inch

NOTE: The importer must ensure that these marks of identification appear on each firearm. If the manufacturer did not mark them, the importer must place the required markings on the firearm **within 15 days** after their release from Customs and Border Protection custody. The Director, Bureau of Alcohol, Tobacco, Firearms and Explosives may authorize other means of firearms identification upon receipt of a letter application from the importer, submitted in duplicate, showing that such other means of identification is reasonable and will not hinder the effective administration of the regulations.

Identification of Firearms

MARKING REQUIREMENTS – FIREARMS (27 CFR 478.92)

Sec. 478.92 How must licensed manufacturers and licensed importers identify firearms, armor piercing ammunition?

(a)(1) Firearms. You, as a licensed manufacturer or licensed importer of firearms, must legibly identify each firearm manufactured or imported as follows:

(i) 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 an individual serial number. The serial number must be placed in a manner not susceptible of being readily obliterated, altered, or removed, and must not duplicate any serial number placed by you on any other firearm. 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 in a print size no smaller than 1/16 inch; and

(ii) By engraving, casting, stamping (impressing), or otherwise conspicuously placing or causing to be engraved, cast, stamped (impressed) or placed on the frame, receiver, or barrel thereof certain additional information. This information must be placed in a manner not susceptible of being readily obliterated, altered, or removed. For firearms manufactured or imported on and after January 30, 2002, the engraving, casting, or stamping (impressing) of this information must be to a minimum depth of .003 inch. The additional information includes:

- (A)** The model, if such designation has been made;
- (B)** The caliber or gauge;
- (C)** Your name (or recognized abbreviation) and also, when applicable, the name of the foreign manufacturer;
- (D)** In the case of a domestically made firearm, the city and State

(or recognized abbreviation thereof) where you as the manufacturer maintain your place of business; and

(E) In the case of an imported firearm, the name of the country in which it

was manufactured and the city and State (or recognized abbreviation thereof) where you as the importer maintain your place of business. For additional requirements relating to imported firearms, see Customs regulations at 19 CFR part 134.

(2) Firearm frames or receivers. A firearm frame or receiver that is not a component part of a complete weapon at the time it is sold, shipped, or otherwise disposed of by you must be identified as required by this section.

(3) Special markings for semiautomatic assault weapons, effective July 5, 1995. In

the case of any semiautomatic assault weapon manufactured after September 13, 1994, you must mark the frame or receiver "**RESTRICTED LAW**

ENFORCEMENT/GOVERNMENT USE ONLY" or, in the case of weapons manufactured for export, "**FOR EXPORT ONLY**," in a manner not susceptible of being readily obliterated, altered, or removed. For weapons manufactured or imported on and after January 30, 2002, the engraving, casting, or stamping (impressing) of the special markings prescribed in this paragraph (a)(3) must be to a minimum depth of .003 inch.

NOTE: SECTION 478.92(a)(3) REPEALED ON SEPTEMBER 13, 2004

(4) Exceptions:

(i) Alternate means of identification. The Director may authorize other means of identification upon receipt of a letter application from you, submitted in duplicate, showing that such other identification is reasonable and will not hinder the effective administration of this part.

(ii) Destructive devices. In the case of a destructive device, the Director may authorize other means of identifying that weapon upon receipt of a letter application from you, submitted in duplicate, showing that engraving, casting, or stamping (impressing) such a weapon would be dangerous or impracticable.

(iii) Machine guns, silencers, and parts. Any part defined as a machine gun, firearm muffler, or firearm silencer in Sec. 478.11, that is not a component part of a complete weapon at the time it is sold, shipped, or otherwise disposed of by you, must be identified as required by this section. The Director may authorize other means of identification of parts defined as machine guns other than frames or receivers and parts defined as mufflers or

silencers upon receipt of a letter application from you, submitted in duplicate, showing that such other identification is reasonable and will not hinder the effective administration of this part.

(5) Measurement of height and depth of markings. The depth of all markings required by this section will be measured from the flat surface of the metal and not the peaks or ridges. The height of serial numbers required by paragraph (a)(1)(i) of this section will be measured as the distance between the latitudinal ends of the character impression bottoms (bases).

(b) Armor piercing ammunition.

(1) Marking of ammunition. Each licensed manufacturer or licensed importer of armor piercing ammunition shall identify such ammunition by means of painting, staining or dyeing the exterior of the projectile with an opaque black coloring. This coloring must completely cover the point of the projectile and at least 50 percent of that portion of the projectile which is visible when the projectile is loaded into a cartridge case.

(2) Labeling of packages. Each licensed manufacturer or licensed importer of armor piercing ammunition shall clearly and conspicuously label each package in which armor piercing ammunition is contained, e.g., each box, carton, case, or other container. The label shall include the words "ARMOR PIERCING" in block letter at least 1/4 inch in height. The lettering shall be located on the exterior surface of the package which contains information concerning the caliber or gauge of the ammunition. There shall also be placed on the same surface of the package in block lettering at least 1/8 inch in height the words "FOR GOVERNMENTAL ENTITIES OR EXPORTATION ONLY." The statements required by this subparagraph shall be on a contrasting background.

(c) Large capacity ammunition feeding devices manufactured after September 13, 1994.

(1) Each person who manufactures or imports any large capacity ammunition feeding device manufactured after September 13, 1994, shall legibly identify each such device with a serial number. Such person may use the same serial number for all large capacity ammunition feeding devices produced.

(i) Additionally, in the case of a domestically made large capacity ammunition feeding device, such device shall be marked with the name, city and State (or recognized abbreviation thereof) of the manufacturer;

(ii) And in the case of an imported large capacity ammunition feeding device, such device shall be marked:

- (A) With the name of the manufacturer, country of origin, and,
- (B) Effective July 5, 1995, the name, city and State (or recognized abbreviation thereof) of the importer.

(iii) Further, large capacity ammunition feeding devices manufactured after September 13, 1994, shall be marked "**RESTRICTED LAW ENFORCEMENT/GOVERNMENT USE ONLY**" or, in the case of devices manufactured or imported for export, effective July 5, 1995, "**FOR EXPORT ONLY.**"

(2) All markings required by this paragraph (c) shall be cast, stamped, or engraved on the exterior of the device. In the case of a magazine, the markings shall be placed on the magazine body.

(3) Exceptions -

(i) **Metallic links.** Persons who manufacture or import metallic links for use in the assembly of belted ammunition are only required to place the identification marks prescribed in paragraph (c)(1) on this section on the containers used for the packaging of the links

(ii) **Alternate means of identification.** The Director may authorize other means of identifying large capacity ammunition feeding devices upon receipt of a letter application, in duplicate, from the manufacturer or importer showing that such other identification is reasonable and will not hinder the effective administration of this part

NOTE: SECTION 478.92(c) REPEALED ON SEPTEMBER 13, 2004

MARKING REQUIREMENTS – NFA FIREARMS (27 CFR § 479.102)

Section 479.102 How must firearms be identified?

(a) You, as a manufacturer, importer, or maker of a firearm, must legibly identify the firearm as follows:

(1) 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 an individual serial number. The serial number must be placed in a manner not susceptible of being readily obliterated, altered, or removed, and must not duplicate any serial number placed by you on any other firearm. For firearms manufactured, imported, or made 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 in a print size no smaller than 1/16 inch; and

(2) By engraving, casting, stamping (impressing), or otherwise conspicuously placing or causing to be engraved, cast, stamped (impressed), or placed on the frame, receiver, or barrel thereof certain additional information. This information must be placed in a manner not susceptible of being readily obliterated, altered or removed. For firearms manufactured, imported, or made on and after January 30, 2002, the engraving, casting, or stamping (impressing) of this information must be to a minimum depth of .003 inch. The additional information includes:

- (i) The model, if such designation has been made;
- (ii) The caliber or gauge;
- (iii) Your name (or recognized abbreviation) and also, when applicable, the same of the foreign manufacturer or maker;
- (iv) In the case of a domestically made firearm, the city and State (or recognized abbreviation thereof) where you as the manufacturer maintain your place of business, or where you, as the maker, made the firearm; and
- (v) In the case of an imported firearm, the name of the country in which it was manufactured and the city and State (or recognized abbreviation thereof) where you as the importer maintain your place of business. For additional requirements relating to imported firearms, see Customs regulations at 19 CFR part 134.

(b) The depth of all markings required by this section will be measured from the flat surface of the metal and not the peaks or ridges. The height of serial numbers required by paragraph (a) (1) of this section will be measured as the distance between the latitudinal ends of the character impression bottoms (bases).

(c) The Director may authorize other means of identification upon receipt of a letter application from you, submitted in duplicate, showing that such other identification is reasonable and will not hinder the effective administration of this part.

(d) In the case of a destructive device, the Director may authorize other means of identifying that weapon upon receipt of a letter application from you, submitted in duplicate, showing that engraving, casting, or stamping (impressing) such a weapon would be dangerous or impracticable.

(e) A firearm frame or receiver that is not a component part of a complete weapon at the time it is sold, shipped, or otherwise disposed of by you must be identified as required by this section.

(f)(1) Any part defined as a machine gun, muffler, or silencer for the purposes of this part that is not a component part of a complete firearm at the time it is sold, shipped, or otherwise disposed of by you must be identified as required by this section.

(2) The Director may authorize other means of identification of parts defined as machine guns other than frames or receivers and parts defined as mufflers or silencers upon receipt of a letter application from you, submitted in duplicate, showing that such other identification is reasonable and will not hinder the effective administration of this part.

ATF Rulings

ATF Ruling 2002-6

The Bureau of Alcohol, Tobacco and Firearms (ATF) has been asked by State and local law enforcement officials to trace firearms that are marked, in part, with non-Roman letters and/or non-Arabic numbers. Specifically, ATF received a request to trace a Makarov type pistol made in Bulgaria. The original manufacturer marking was IM 18 355. Because the importer did not stamp the firearm with a unique identifier that could be recognized by either ATF or a State or

local law enforcement official, and because the marking contained a Cyrillic character, the firearm was not properly recorded, resulting in a failed trace of the weapon.

Because markings with non-Roman characters or non-Arabic are not easily recorded or transmitted through means by importers, dealers, or distributors, many firearm traces have proved unsuccessful. In some cases, an importer attempts to translate portions of the markings into Roman letters and Arabic numbers and re-marks the weapon with the serial number ДМ7639И. The importer translated the marking as LM7639i but rather than restamp the entire number merely added the letters “L” and “i” below the original markings. This practice often results in failed traces because those required to record the markings (importers, dealers, or distributors) may record only the translated portions or both sets of markings. Moreover, law enforcement recovering a firearm with such markings may submit a trace request lacking some portion of the markings, further impeding efforts to successfully trace the firearm.

In addition, ATF has found that some traces have failed because the required markings on the firearms barrel were wholly partially obstructed from plain view by a flash suppressor or bayonet mount, resulting in the Federal Firearms Licensee creating an inaccurate record. ATF has been unable to trace hundreds of firearms as a result of nonstandard or obscured markings.

As a result of these practices, some licensed importers may not be in compliance with the marking requirements set forth in **27 CFR 178.92*** and **27 CFR 179.102*** because they have marked using non-Roman letters (such as Greek or Russian letters, Δ or Д) or non-Arabic numbers (e.g., XXV).

The above regulations require markings that legibly identify each item or package and require that such markings be conspicuous. ATF has consistently taken the position that “legibly” marked means using exclusively Roman letters, (A, a, B, b, C, c, and so forth) and “conspicuous” means that all required markings must be placed in such a manner as to be wholly unobstructed from plain view. These regulations apply to licensed manufacturers and licensed importers relative to firearms, armor piercing ammunition, and large capacity ammunition feeding devices, and to makers of National Firearms Act firearms.

Firearms, armor piercing ammunition and large capacity ammunition feeding devices which contain required markings or labels using non-Roman letters (such as Greek or Russian letters, Δ or Д) or non-Arabic letter (e.g., XXV), must be completely remarked or relabeled with a new serial number or other required markings that satisfy the legibility requirements described above. It is not sufficient to simply add an additional Roman letter or Arabic numeral to a nonconforming marking; a new and unique marking using Roman letters and Arabic numerals is required. When feasible, the new markings should be placed directly above the non-compliant markings.

Similarly, firearms and large capacity ammunition feeding devices which contain required markings obstructed in whole or in part from plain view must be remarked with required markings that satisfy the conspicuousness requirements described above. For example, required markings may not be placed on a portion of the barrel where the markings would be wholly or partially obstructed from view by another part of the firearm, such as a flash suppressor or bayonet mount.

In certain unavoidable circumstances owing mainly to firearms of unusual design or other limiting factor(s) which would limit the ability of the manufacturer or importer to comply with the above legibility and conspicuousness requirements, alternate means of identification may be authorized as described in **27 CFR 178.92(a)(3)(i), (ii), or (iii)*** and **27 CFR 178.92(c)(3)(iii)***.

Held, a Makarov type pistol imported from Bulgaria utilizing Cyrillic letters or non-Arabic numbers is not marked in accordance with **27 CFR 178.92*** and **27 CFR 179.102***.

Held further, an imported firearm with any part of the required marking partially or wholly obstructed from plain view is not marked in accordance with section **27 CFR 178.92*** and **27 CFR 179.102***.

Date signed: November 5, 2002

* New provisions are under Parts 478 and 479, not 178 and 179.

Firearms Verification - Marking Requirements

ATF Ruling 75-28

The Bureau has determined that in some cases, the serial number placed on a firearm by a foreign manufacturer is adequate to provide the identification number by **27 CFR § 178.928***. See also **27 CFR § 178.22(a)***.

Held, where a serial number has been placed on the frame or receiver of a firearm by a foreign manufacturer in the manner contemplated by **27 CFR § 178.92***, and such serial number does not duplicate a number previously adopted or assigned by the import to any other firearm, the importer may adopt the serial number of the foreign manufacturer.

Provided, the importer shall in all cases place his name and address (city and state or recognized abbreviation thereof), and any other marks necessary to comply with the identification requirements of **27 CFR § 178.92***, on such imported firearms.

* New provisions are under Parts 478 and 479, not 178 and 179.

Firearms Verification - Marking Requirements

Industry Circular

Industry Circular 77-20

DUPLICATION OF SERIAL NUMBERS BY LICENSED IMPORTERS

ATF has noted cases where some licensed importers have adopted the same serial number for more than one firearm. These instances of duplication have generally occurred when firearms are received from more than one source.

Title 27 CFR § 178.92* requires that the serial number affixed to a firearm must not duplicate the number affixed to any other firearm that you import into the United States. Those of you who import destructive devices are under the same requirement due to the inclusion of destructive devices in the definition of firearm as used in **27 CFR § 178.11***. **ATF Ruling 75-28** also reminds you of the other identifying marks required by **27 CFR § 178.92***. In addition to a unique serial number, each firearm must be marked to show the model (if any); the caliber or gauge; the name of the manufacturer and importer, or recognizable abbreviations; the country of manufacture; and the city and State (or recognized abbreviations) in which your licensed premises are located.

NOTE: All cited references to regulation and statutes in the foregoing ATF rulings and industry circular use identifiers and section indicators in effect at the time the rulings and industry circular were approved. On January 24, 2003, ATF was part of a reorganization of government which placed it under the Department of Justice (DOJ). This transition resulted in certain changes within the numbering system and identification of ATF's regulations now issued and referenced under the authority of DOJ.

* New provision us under Part 478, not 178.

 [ATF Internet](#)

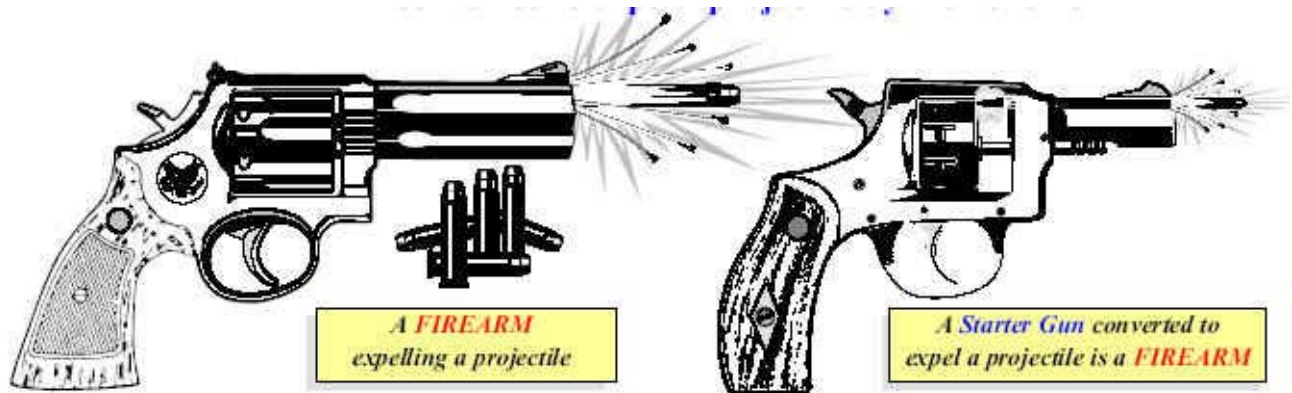
Firearm

18 U.S.C., § 921(a)(3)

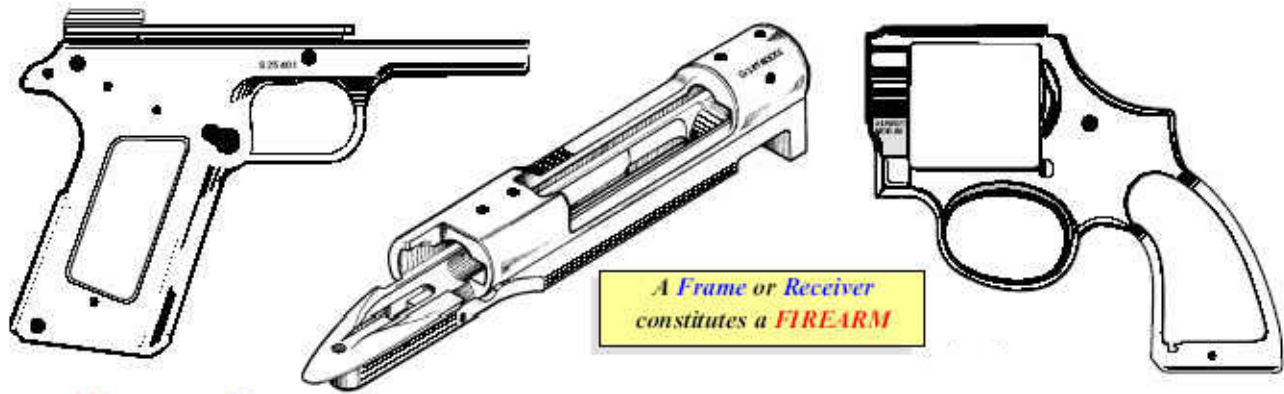
NOTE: This section is intended to provide basic guidance in understanding firearm terminology. Please bear in mind that these illustrations do not necessarily depict importable firearms.

The term "FIREARM" means:

- 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



- Such term does not include an antique firearm.

- D. Any destructive device.

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 portion to receive the barrel. **27 CFR § 478.11.**

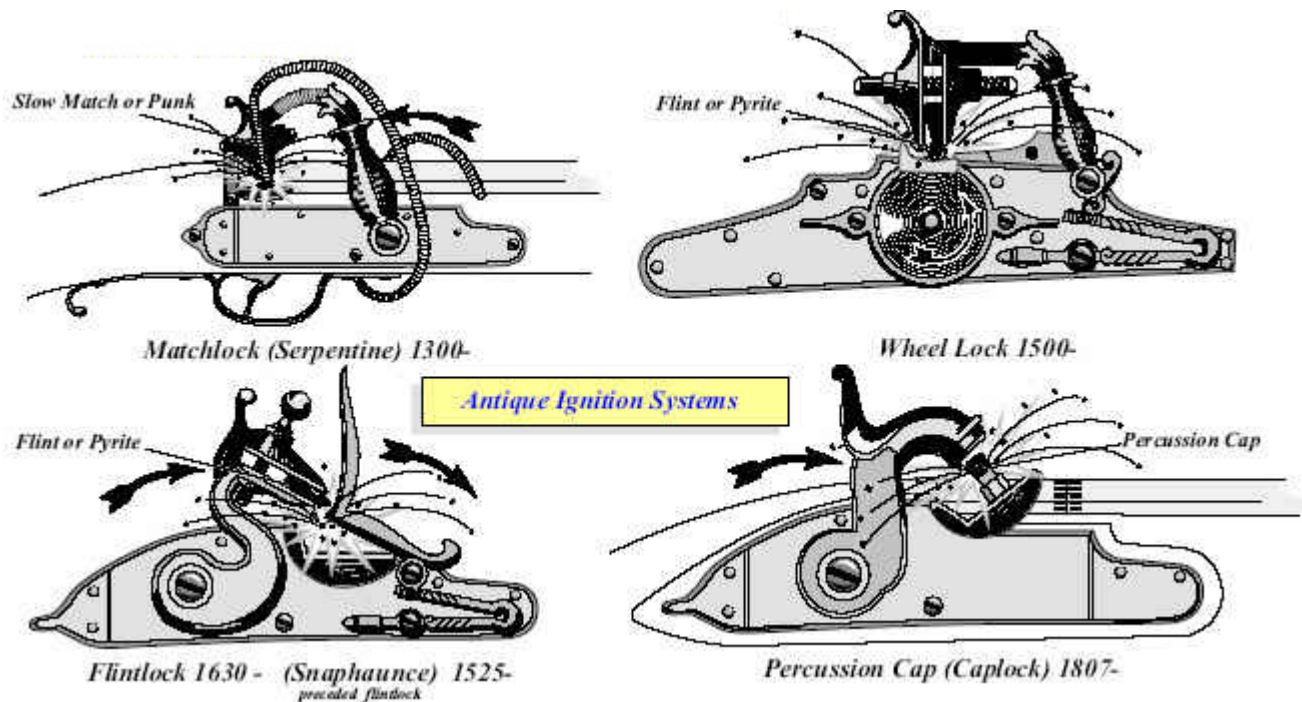
 [ATF Internet](#)

Antique Firearm

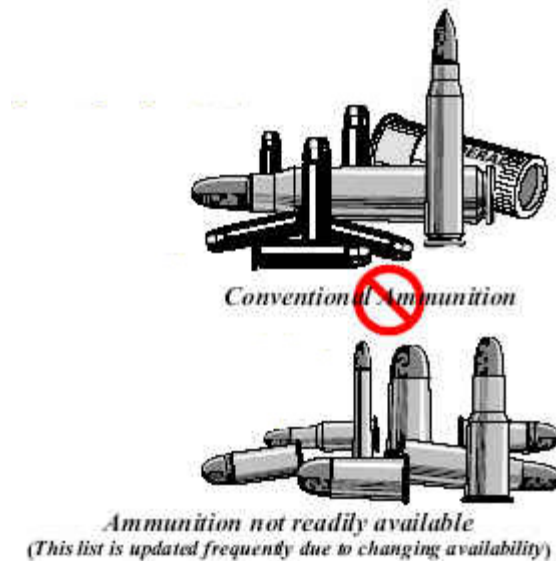
18 U.S.C. § 921(a)(16)

The term "ANTIQUE FIREARM" means:

- A. Any firearm (including any firearm with a matchlock, flintlock, percussion cap, or similar type of ignition system) manufactured in or before 1898; and



- B. Any replica of any firearm described in subparagraph (A) if such replica
- is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition, or
 - uses rimfire or conventional centerfire fixed ammunition which is no longer manufactured in the United States and which is not readily available in the ordinary channels of commercial trade.



- C. Any muzzle loading rifle, muzzle loading shotgun, or muzzle loading pistol, which is designed to use black powder, or black powder substitute, and which cannot use fixed ammunition. For purposes of this subparagraph, the term antique firearm shall not include any weapon which includes a firearm frame or receiver, any firearm which is converted into a muzzle loading weapon, or any muzzle loading weapon which can be readily converted to fire fixed ammunition by replacing the barrel, bolt, breechblock or any combination thereof.



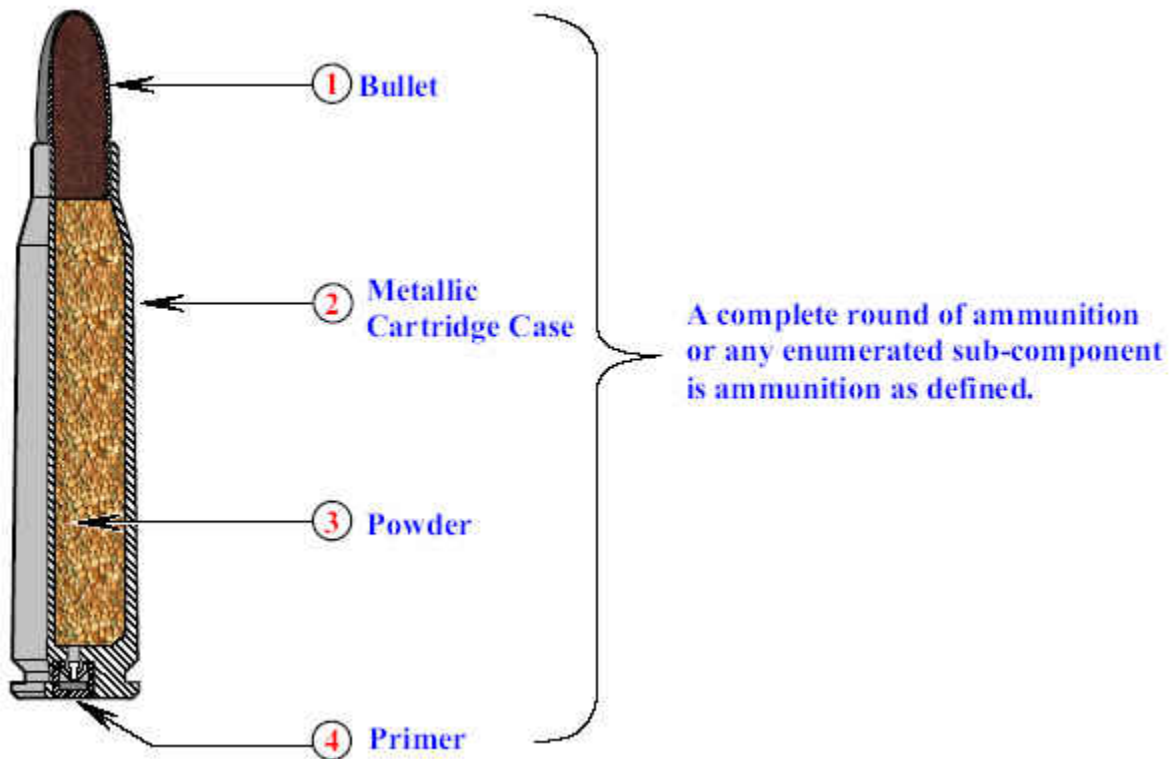
 [ATF Internet](#)

Ammunition

18 U.S.C. § 921(a)(17)(A)

The term "AMMUNITION" means ammunition or cartridge cases, primers, bullets, or propellant powder designed for use in any firearm.

The term shall not include (a) any shotgun shot or pellet not designed for use as the single, complete projectile load for one shotgun hull or casing, nor (b) any unloaded, non-metallic shotgun hull or casing not having a primer. **27 CFR § 478.11**



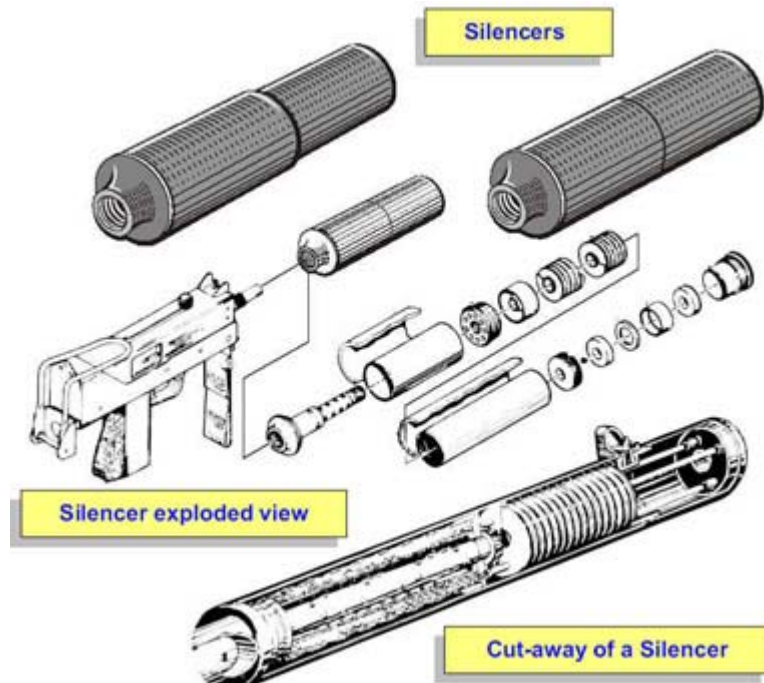
Armor piercing ammunition – 18 U.S.C., § 921(a)(17)(B)

- 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; or
- A full jacketed projectile larger than .22 caliber designed and intended for use in a handgun and whose jacket has a weight of more than 25 percent of the total weight of the projectile.

The term "**armor piercing ammunition**" 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 Attorney General finds is primarily intended to be used for sporting purposes, or any other projectile or projectile core which the Attorney General finds is intended to be used for industrial purposes, including a charge used in an oil and gas well perforating device.

Silencer

18 U.S.C. § 921(a)(24)



The term "FIREARM SILENCER " or "FIREARM MUFFLER" means any device for silencing, muffling, or diminishing the report of a portable firearm, including any combination of parts, designed or redesigned, and intended for the use in assembling or fabricating a firearm silencer or firearm muffler, any part intended only for use in such assembly or fabrication.

NOTE: Any device that meets the definition as stipulated above in 18 U.S.C. § 921(a)(24) is also subject to controls of the National Firearms Act 26 U.S.C., Chapter 53.

 [ATF Internet](#)

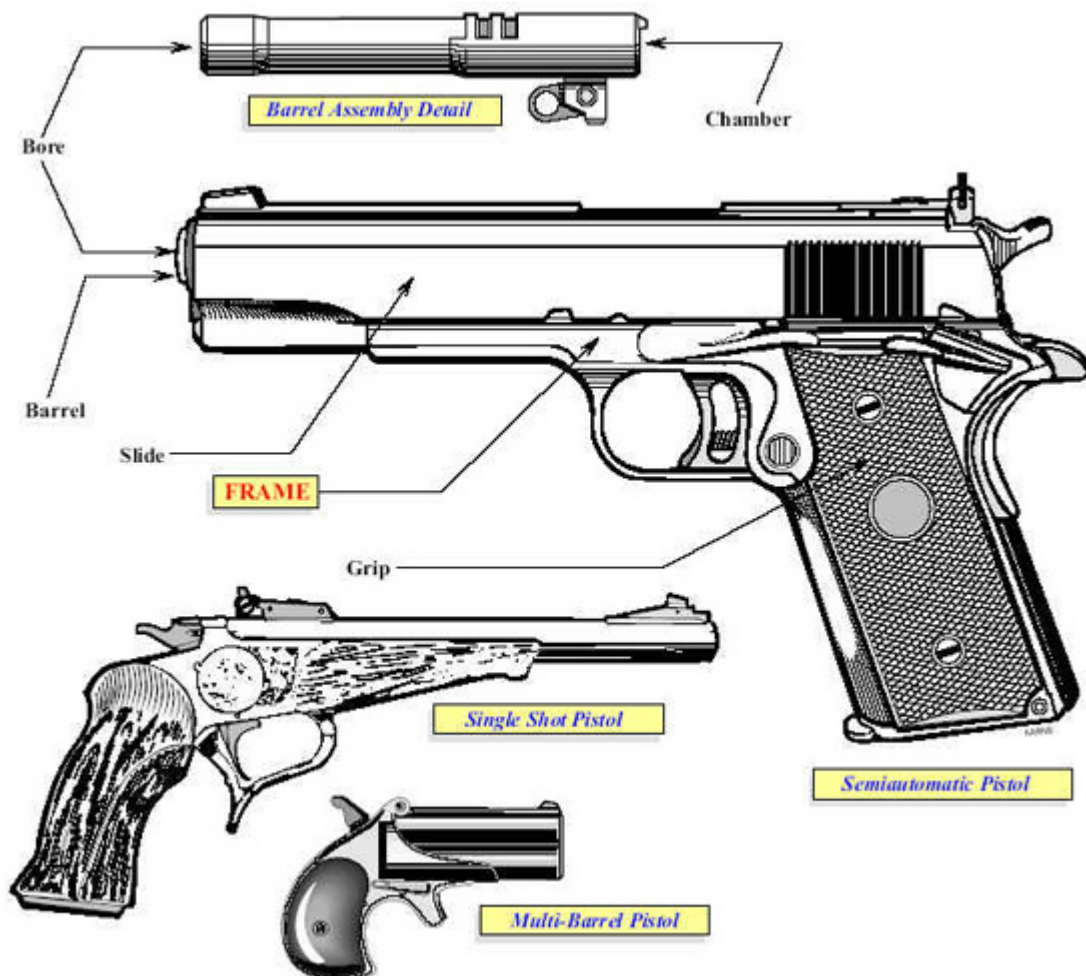
Pistol

18 U.S.C. § 921 (a)(29) And 27 CFR § 478.11

The term "PISTOL" means a weapon originally designed, made, and intended to fire a projectile (bullet) from one or more barrels when held in one hand, and having:

- a chamber(s) as an integral part(s) of, or permanently aligned with, the bore(s);
- and a short stock designed to be gripped by one hand at an angle to and extending below the line of the bore(s).

NOTE: This illustration shows the primary characteristics exhibited in the pistol category. Since pistol configurations differ significantly, various models in this classification may exhibit any of the illustrated components in a revised configuration, but not necessarily all components shown will be incorporated in any given design.



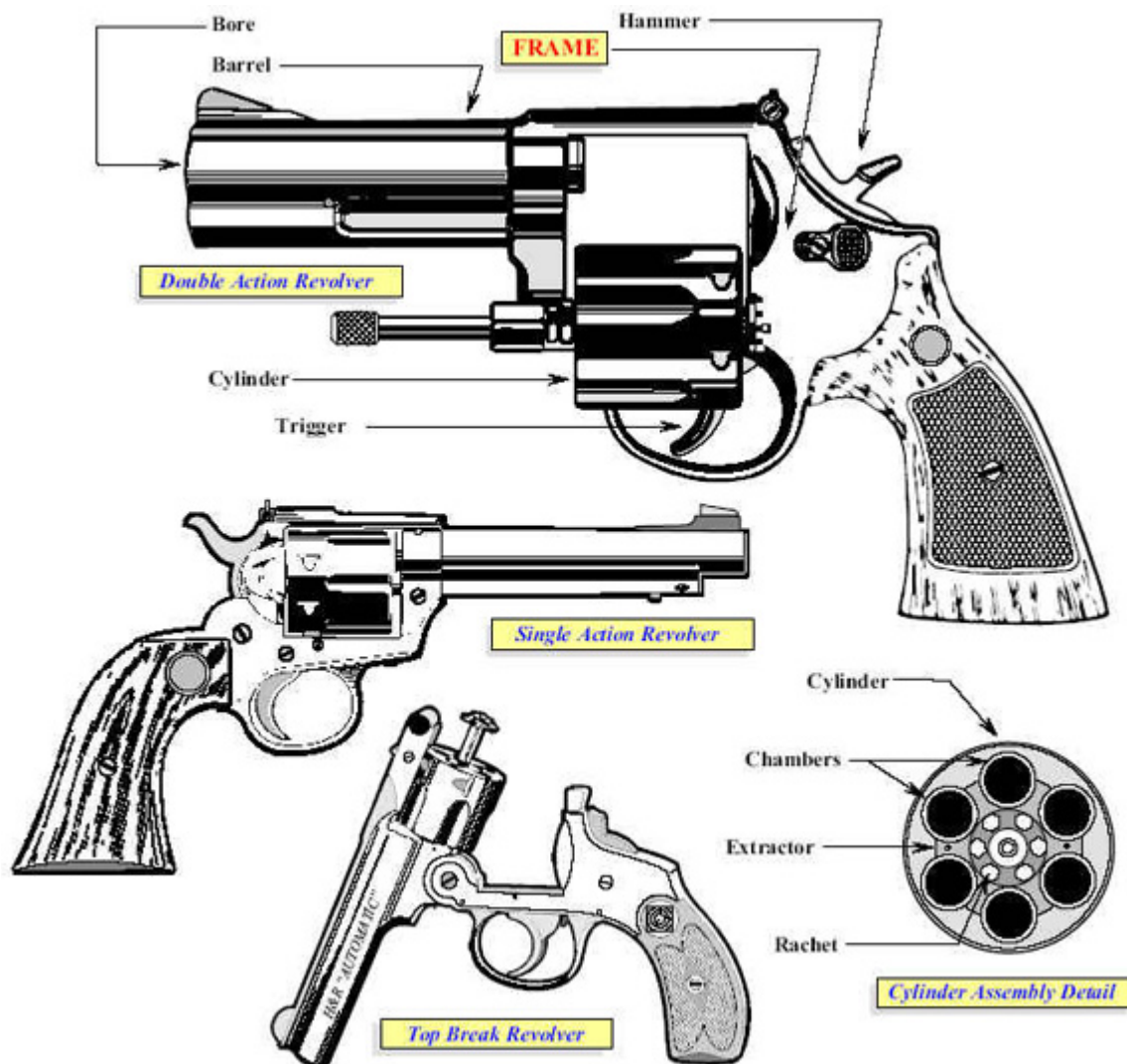
 [ATF Internet](https://www.atf.gov/)

Revolver

18 U.S.C. § 921 (a)(29) And 27 CFR § 478.11

The term "REVOLVER" means a projectile weapon of the pistol type, having a breechloading chambered cylinder so arranged that the cocking of the hammer or movement of the trigger rotates it and brings the next cartridge in line with the barrel for firing.

NOTE: This illustration shows the primary characteristics exhibited in the revolver category. Since revolver configurations differ significantly, various models in this classification may exhibit any of the illustrated components in a revised configuration but not necessarily all components shown will be incorporated in any one given design.



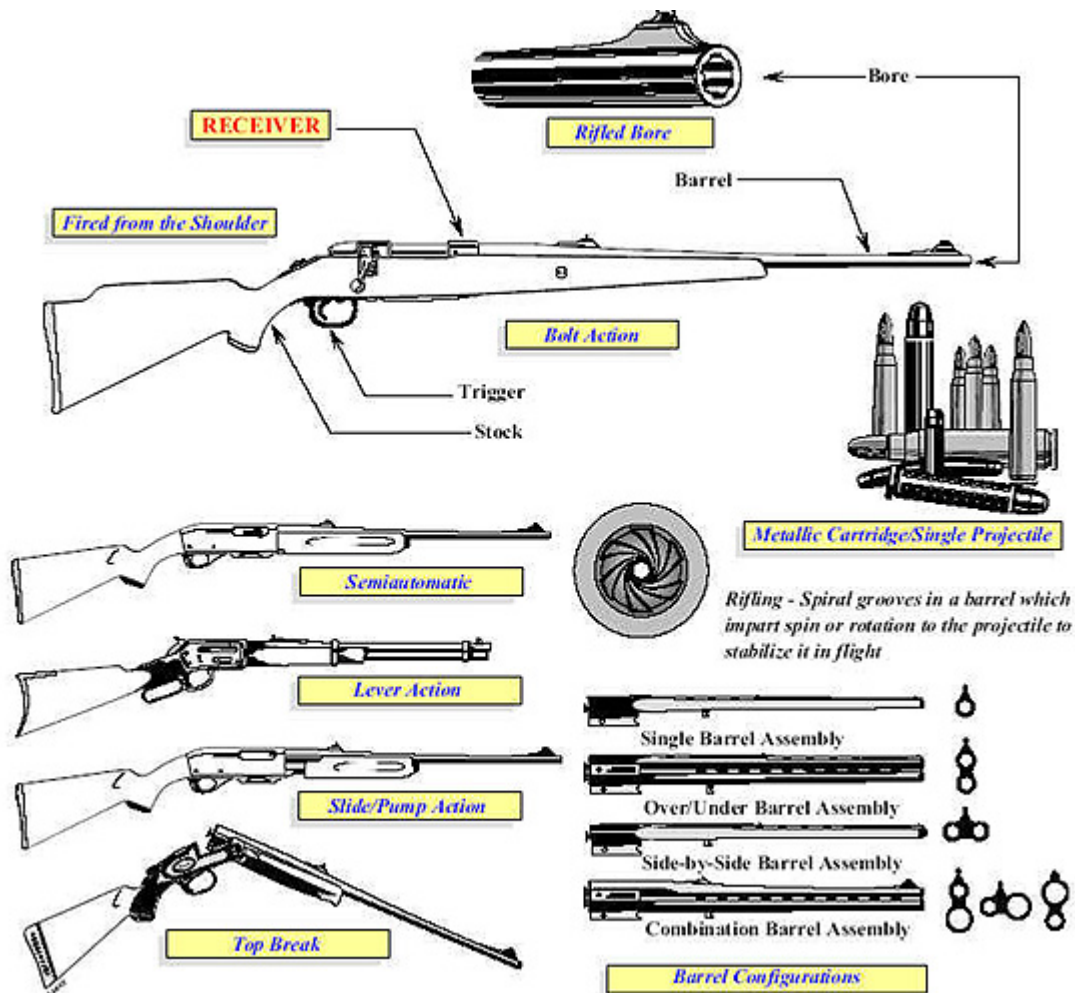
 [ATF Internet](https://www.atf.gov/)

Rifle

18 U.S.C. § 921 (a)(7) And 27 CFR § 478.11

The term "RIFLE" means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed metallic cartridge to fire only a single projectile through a rifled bore for each single pull of the trigger.

NOTE: This illustration shows the primary characteristics exhibited in the rifle category. Since rifle configurations differ significantly, various models in this classification may exhibit any of the illustrated components in a revised configuration but not necessarily all components shown will be incorporated in any one given design.



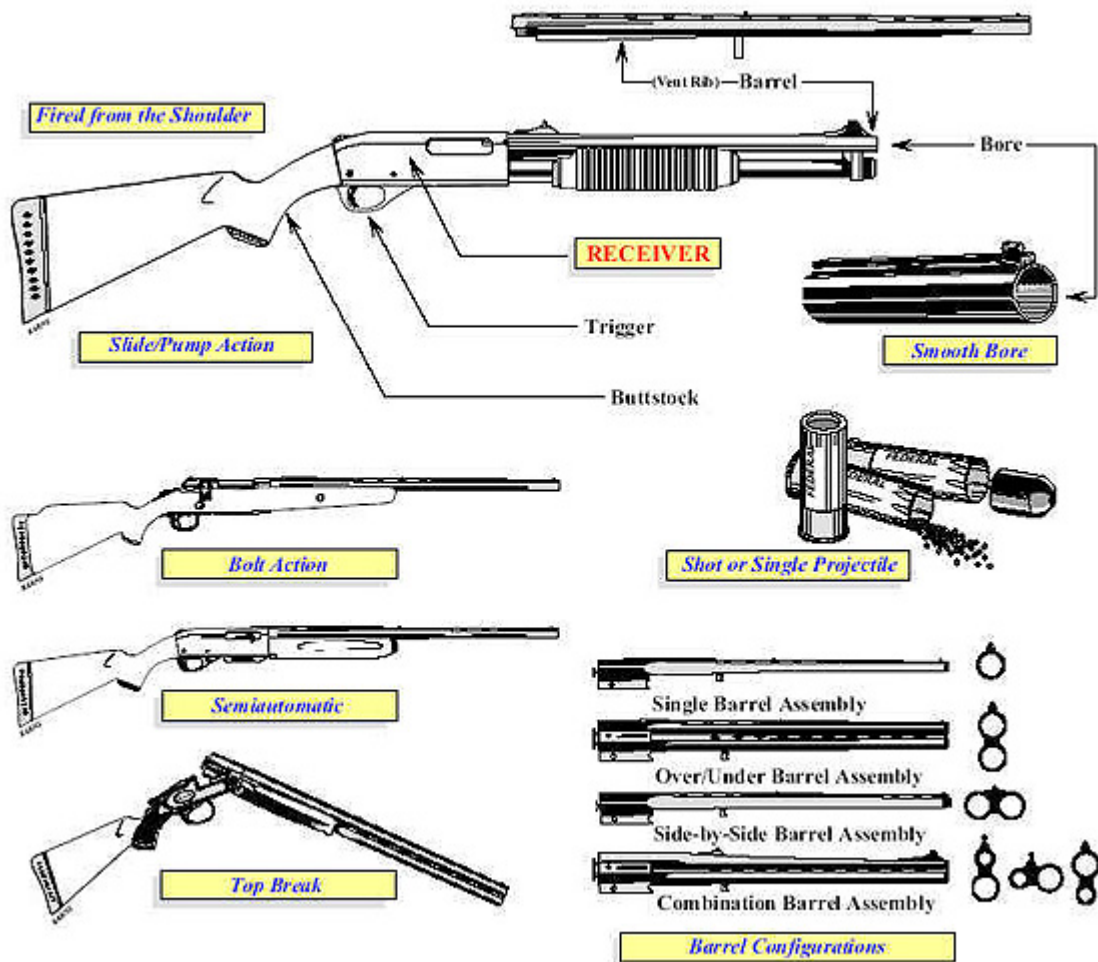
 [ATF Internet](https://www.atf.gov/)

Shotgun

18 U.S.C. § 921 (a)(5) And 27 CFR § 478.11

The term "SHOTGUN" means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder, and designed or redesigned and made or remade to use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of ball shot or a single projectile for each single pull of the trigger.

NOTE: This illustration shows the primary characteristics exhibited in the shotgun category. Since shotgun configurations differ significantly, various models in this classification may exhibit any of the illustrated components in a revised configuration but not necessarily all components shown will be incorporated in any one given design.



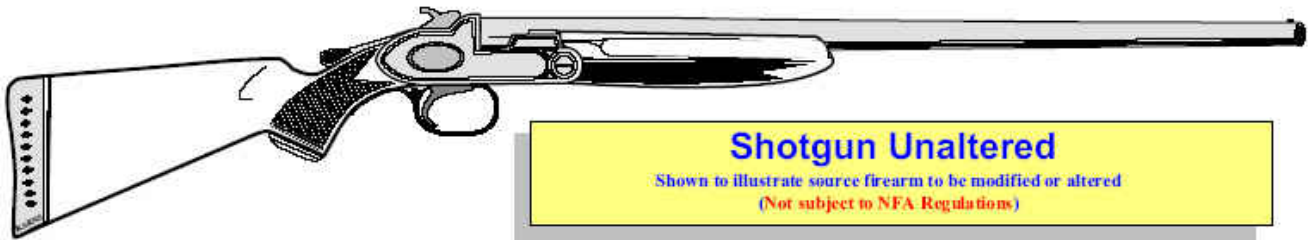
 [ATF Internet](https://www.atf.gov/)

Firearm

26 U.S.C. Chapter 53

For the purposes of the National Firearms Act, the following definitions are used to define and verify the different types of firearms:

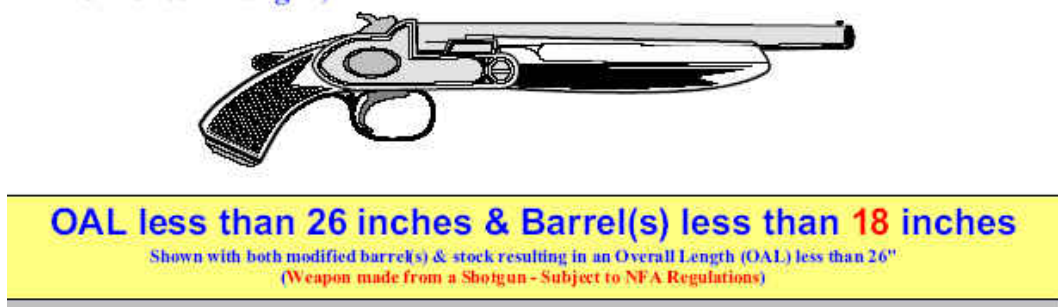
§ 5845(d) – The term "SHOTGUN" means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder, and designed or redesigned and made or remade to use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of ball shot or a single projectile for each single pull of the trigger.



§ 5845(a)(1) – The term "FIREARM" means a shotgun having a barrel or barrels of less than 18 inches in length;



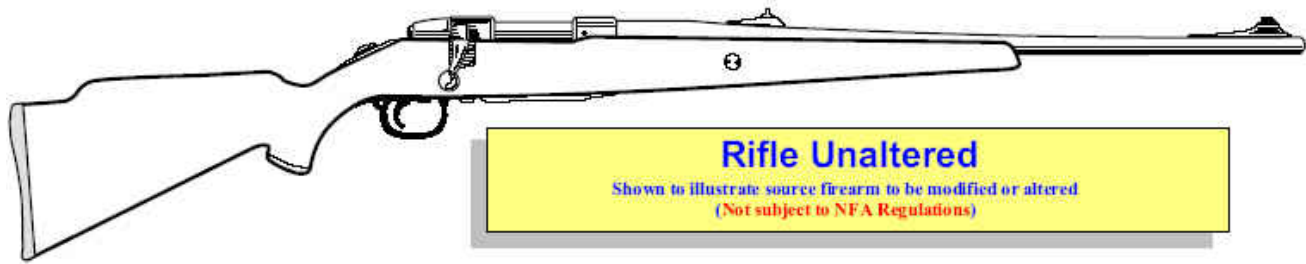
§ 5845(a)(2) – The term "FIREARM" means a weapon made from a shotgun if such weapon as modified has an overall length of less than 26 inches or a barrel or barrels of less than 18 inches in length;



Rifle— 26 U.S.C., § 5485(a)

For the purposes of the National Firearms Act, the following definitions are used to define and verify the different types of firearms:

§ 5845(c) – The term "RIFLE" means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder, and designed or redesigned and made or remade to use the energy of the explosive in a fixed metallic cartridge to fire only a single projectile through a rifled bore for each single pull of the trigger.



§ 5845(a)(3) – The term "FIREARM" means a rifle having a barrel or barrels of less than 16 inches in length;



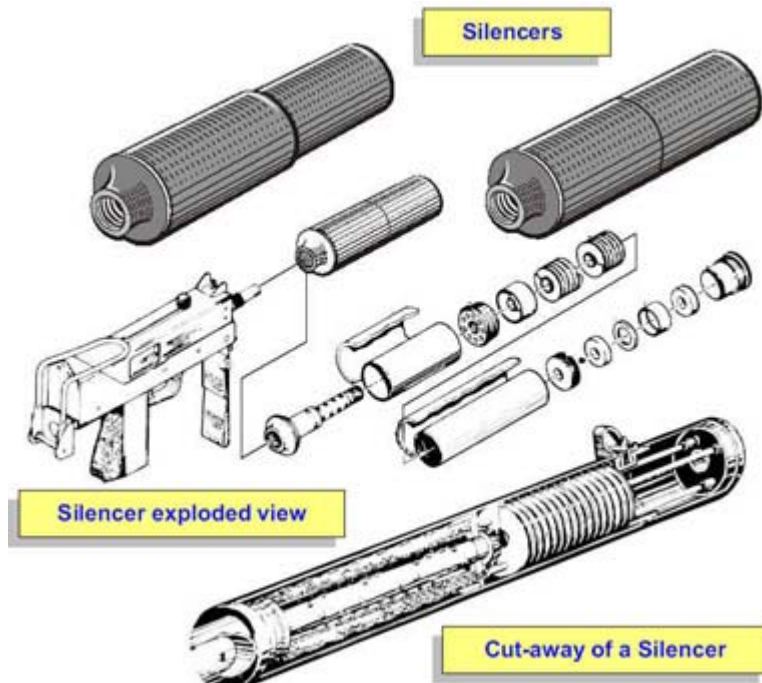
§ 5845(a)(4) – The term "FIREARM" means a weapon made from a rifle if such weapon as modified has an overall length of less than 26 inches or a barrel or barrels of less than 16 inches in length;



 [ATF Internet](#)

Silencer

26 U.S.C. § 5845(a)(7)



For the purposes of the National Firearms Act the term Silencer is defined in 18 U.S.C. § 921(a)(24)

The term "FIREARM SILENCER " or "FIREARM MUFFLER" means any device for silencing, muffling, or diminishing the report of a portable firearm, including any combination of parts, designed or redesigned, and intended for the use in assembling or fabricating a firearm silencer or firearm muffler, any part intended only for use in such assembly or fabrication.

NOTE: Any device that meets the definition as stipulated above in 18 U.S.C. § 921(a)(24) is also subject to controls as defined in the National Firearms Act, 26 U.S.C., Chapter 53.

 [ATF Internet](#)

Machinegun

26 U.S.C. § 5845(b)



For the purposes of the National Firearms Act the term

Machinegun means:

- 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 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, or
- 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.

NOTE: Due to the similarity in appearance and general configuration of semiautomatic firearms, a comprehensive examination of the firearm and/or its component parts is required to correctly determine its classification.

 [ATF Internet](https://www.atf.gov/)

Any Other Weapon

26 U.S.C. § 5845(e)

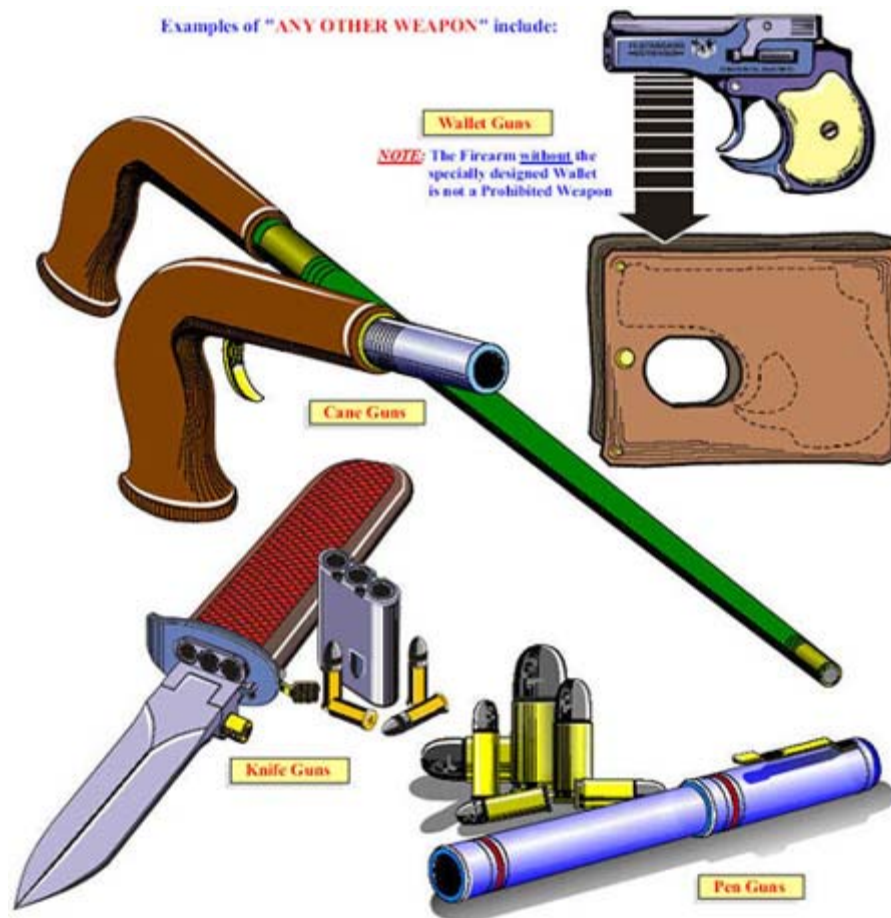
For the purposes of the National Firearms Act, the term "ANY OTHER WEAPON " means:

- Any weapon or device capable of being concealed on the person from which a shot can be discharged through the energy of an explosive;
- A pistol or revolver having a barrel with a smooth bore designed or redesigned to fire a fixed shotgun shell;
- Weapons with combination shotgun and rifle barrels 12 inches or more, less than 18 inches in length, from which only a single discharge can be made from either barrel without manual reloading; and
- Any such weapon which may be readily restored to fire.

Such term shall not include a pistol or a revolver having a rifled bore, or rifled bores, or weapons designed, made, or intended to be fired from the shoulder and not capable of firing fixed ammunition.

Examples of "ANY OTHER WEAPON" include:

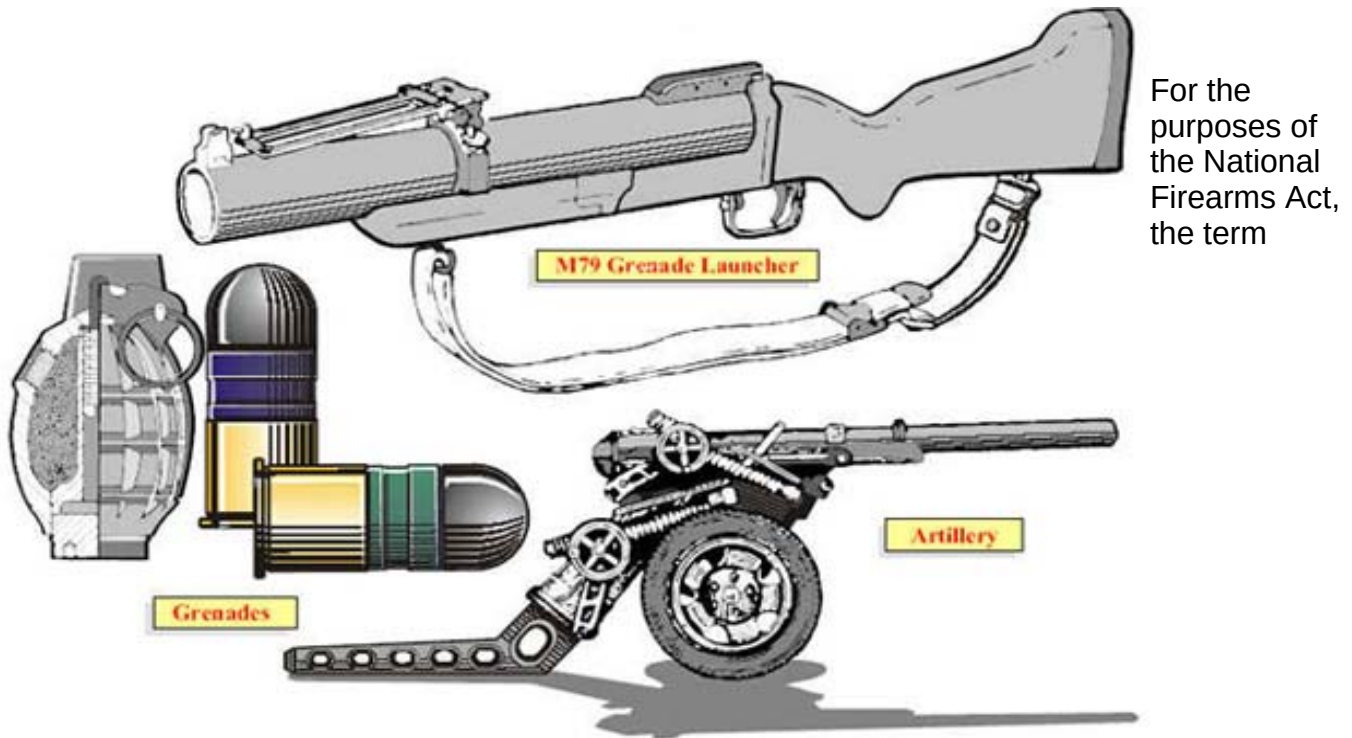




 [ATF Internet](https://www.atf.gov/)

Destructive Device

26 U.S.C. § 5845(f)



"DESTRUCTIVE DEVICE" means:

- A missile having an explosive or incendiary charge of more than 1/4 oz.
- Any type of weapon by whatever name known which will, or which may readily be converted to expel a projectile, by the action of an explosive or other propellant, the barrel or barrels of which have a bore greater than one-half inch in diameter.
- A combination of parts designed and intended for use in converting a device into a destructive device and from which a destructive device can be readily assembled.

Exemptions:

- A shotgun or shotgun shell which is determined by the Attorney General to be generally recognized as particularly suitable for sporting purposes.
- a device which is neither designed nor redesigned for use as a weapon,
- a device which is designed or redesigned for use as a signaling, pyrotechnic, line-throwing, safety, or similar device,
- surplus ordnance sold, loaded, or given by the Secretary of the Army pursuant to law such as antique, obsolete bronze or iron cannon,
- a device which the Attorney General determines is not likely to be used as a weapon.
- An antique firearm, or
- a rifle which the owner intended to use solely for sporting purposes.

 [ATF Internet](#)

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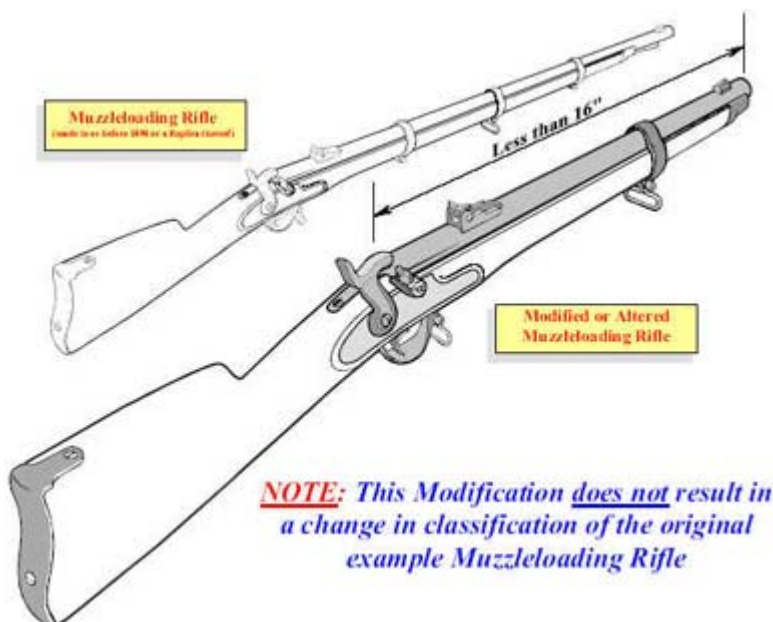
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Antique Firearm

26 U.S.C. § 5845(g)

For the purposes of the National Firearms Act, the term "ANTIQUE FIREARM" means any firearm not intended or redesigned for using rim fire or conventional center fire ignition with fixed ammunition and manufactured in or before 1898 (including any matchlock, flintlock, percussion cap or similar type of ignition system or replica thereof, whether actually manufactured before or after the year 1898) and also any firearm using fixed ammunition manufactured in or before 1898, for which ammunition is no longer manufactured in the United States and is not readily available in the ordinary channels of commercial trade.

Examples of "ANTIQUE WEAPONS" include:

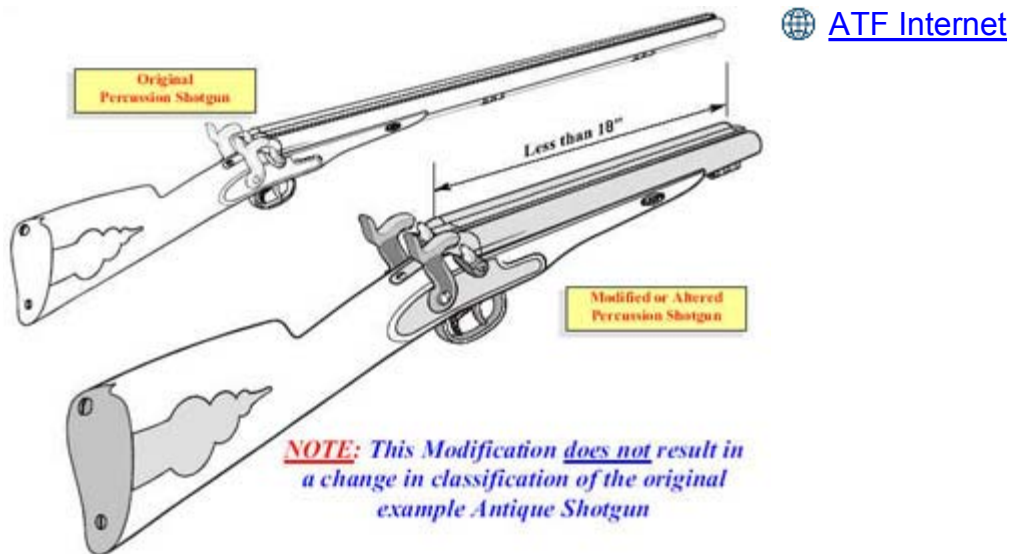


1. Muzzleloading Rifle (made in or before 1898 or a Replica thereof)

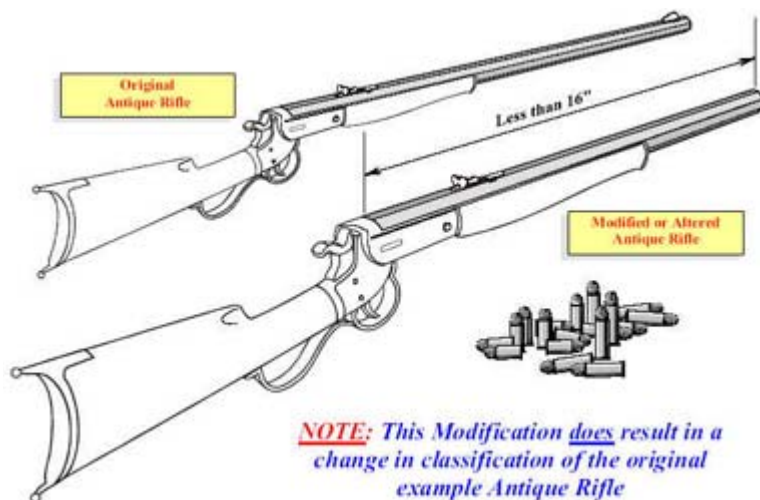
- **Determinants for Classification:** Even though this weapon may exhibit a barrel shorter than 16 inches and/or an overall length less than 26 inches, it is not subject to NFA regulations governing those dimensions because it employs a primitive ignition system identified as an exempting characteristic.

2. Original Percussion Shotgun

- **Determinants for Classification:** Even though this weapon may exhibit a barrel shorter than 18 inches and/or an overall length less than 26 inches, it is not



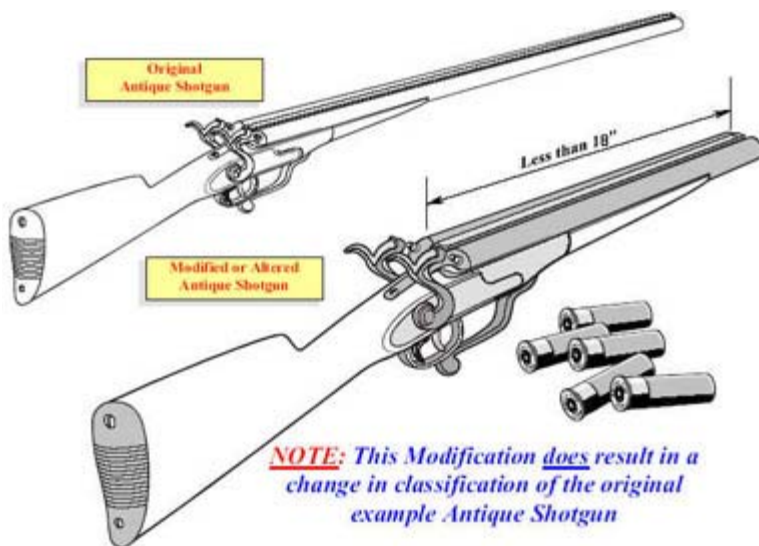
subject to NFA regulations governing those dimensions because it employs a primitive ignition system identified as an exempting characteristic.



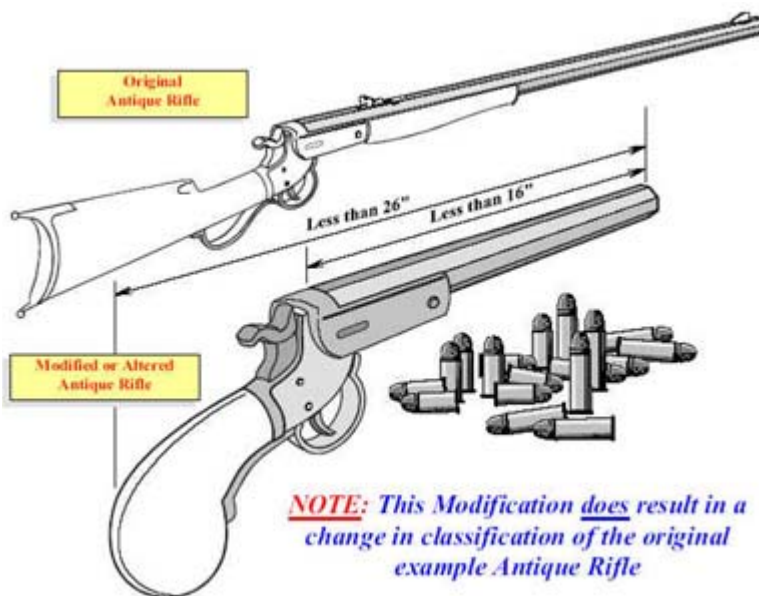
3. Original Antique Rifle

- **Determinants for Classification:** Even though this weapon may exhibit a barrel shorter than 16 inches, it is subject to NFA regulations governing those dimensions because it employs a conventional ignition system and uses fixed ammunition that is readily available through ordinary channels of commercial trade. Consequently, this weapon would be classified as a "Short-barreled Shotgun" and therefore all NFA regulations apply.

4. Original Antique Shotgun



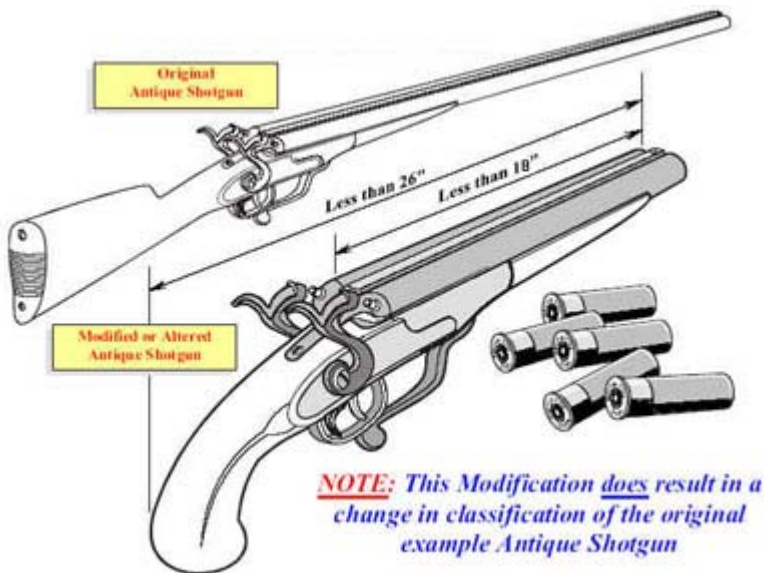
- **Determinants for Classification:** Even though this weapon may exhibit a barrel shorter than 18 inches, it is subject to NFA regulations governing minimum dimensions because it employs a conventional ignition system and uses fixed ammunition that is readily available through ordinary channels of commercial trade. Consequently, this weapon would be classified as a "short-barreled Shotgun" and therefore all NFA regulations.



5. Original Antique Rifle

- **Determinants for Classification:** Even though this weapon may exhibit a barrel shorter than 16 inches and is less than 16 inches in overall length, it is subject to NFA regulations governing those dimensions because it employs a conventional ignition system and uses fixed ammunition that is readily available through ordinary channels of commercial trade. Consequently, this weapon would be

classified as a "Weapon made from a Rifle" and therefore all NFA regulations apply.



6. Original Antique Shotgun

- **Determinants for Classification:** Even though this weapon may exhibit a barrel shorter than 18 inches and is less than 16 inches in overall length, it is subject to NFA regulations governing those dimensions because it employs a conventional ignition system and uses fixed ammunition that is readily available through ordinary channels of commercial trade. Consequently, this weapon would be classified as a "Weapon made from a Rifle" and therefore all NFA regulations apply.

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



ATF Guidebook - Importation & Verification of Firearms, Ammunition, and Implements of War

Terminology & Nomenclature

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EXH : 000089 of 000105

Terminology & Nomenclature Overview

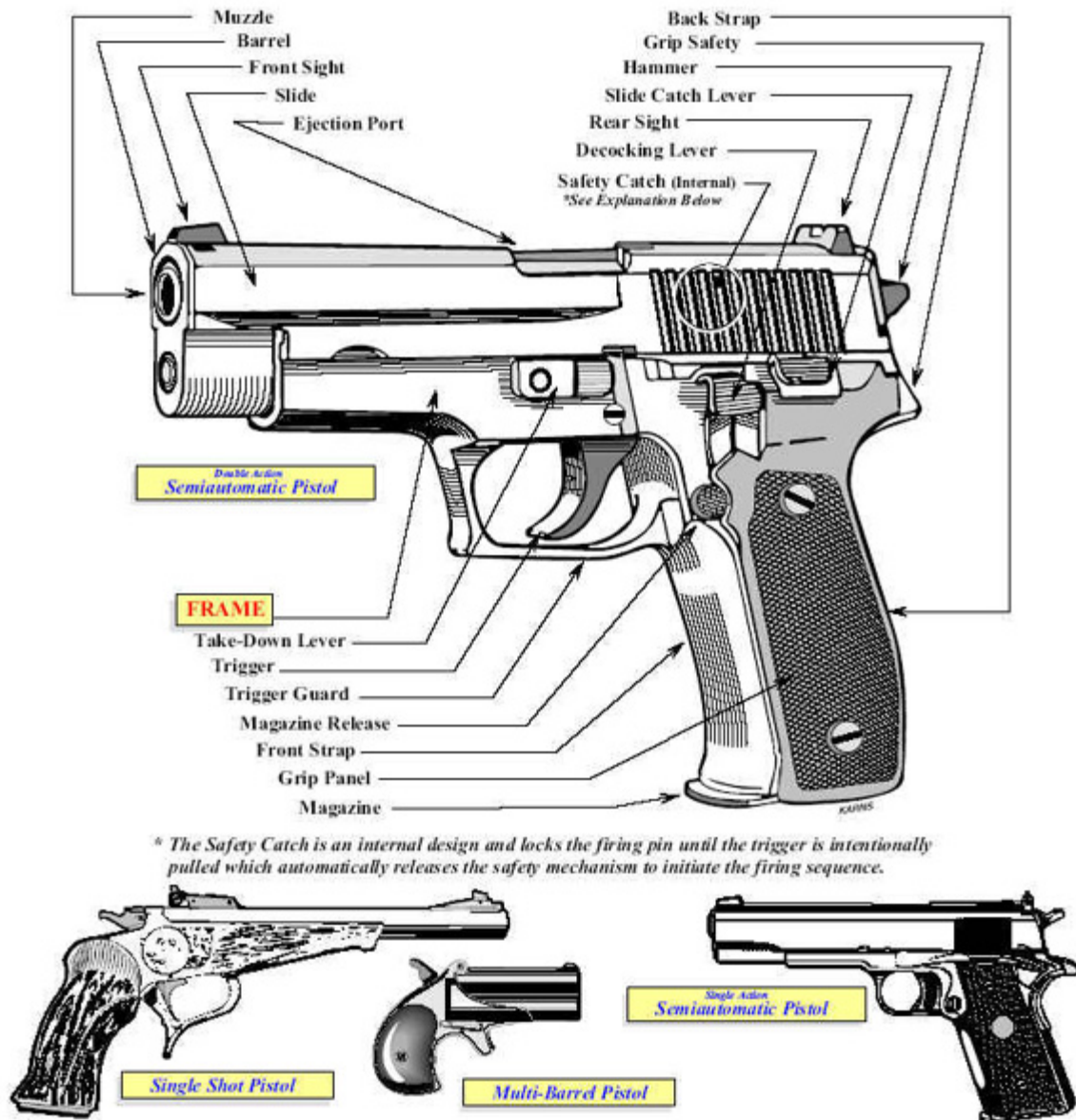
The following terminology and nomenclature apply to the verification of firearms:

- [Handgun – Pistol](#)
- [Handgun – Revolver](#)
- [Bolt Action](#)
- [Lever Action](#)
- [Self-Loading Action \(Semiautomatic\)](#)
- [Slide/Pump Action](#)
- [Top Break Action](#)

 [ATF Internet](#)

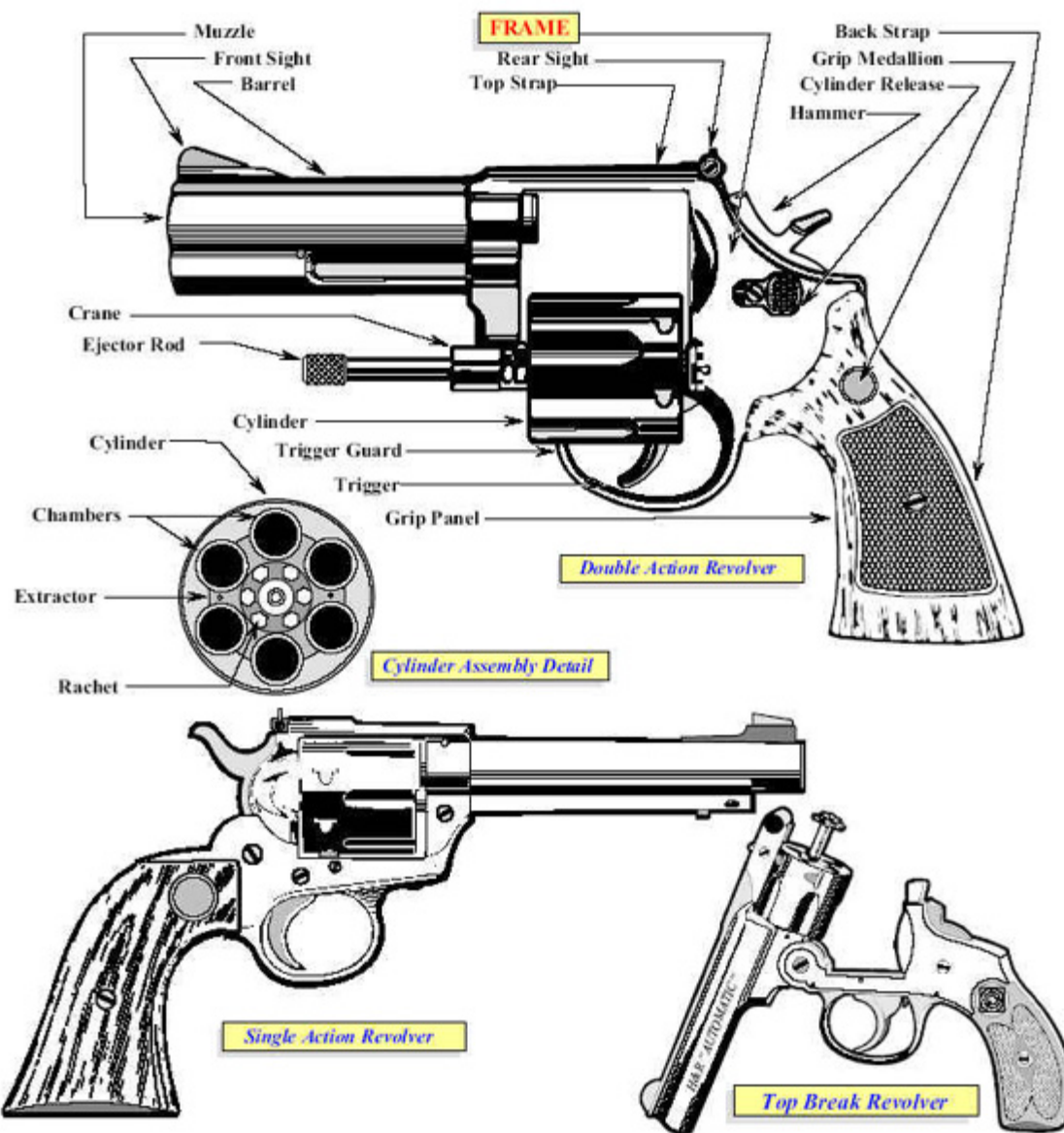
Handgun - Pistol

NOTE: This illustration shows the primary characteristics exhibited in the Pistol category. Since pistol configurations differ significantly, various models in this classification may exhibit any of the illustrated components in a revised configuration, but not necessarily all components shown will be incorporated in any one given design.



Handgun - Revolver

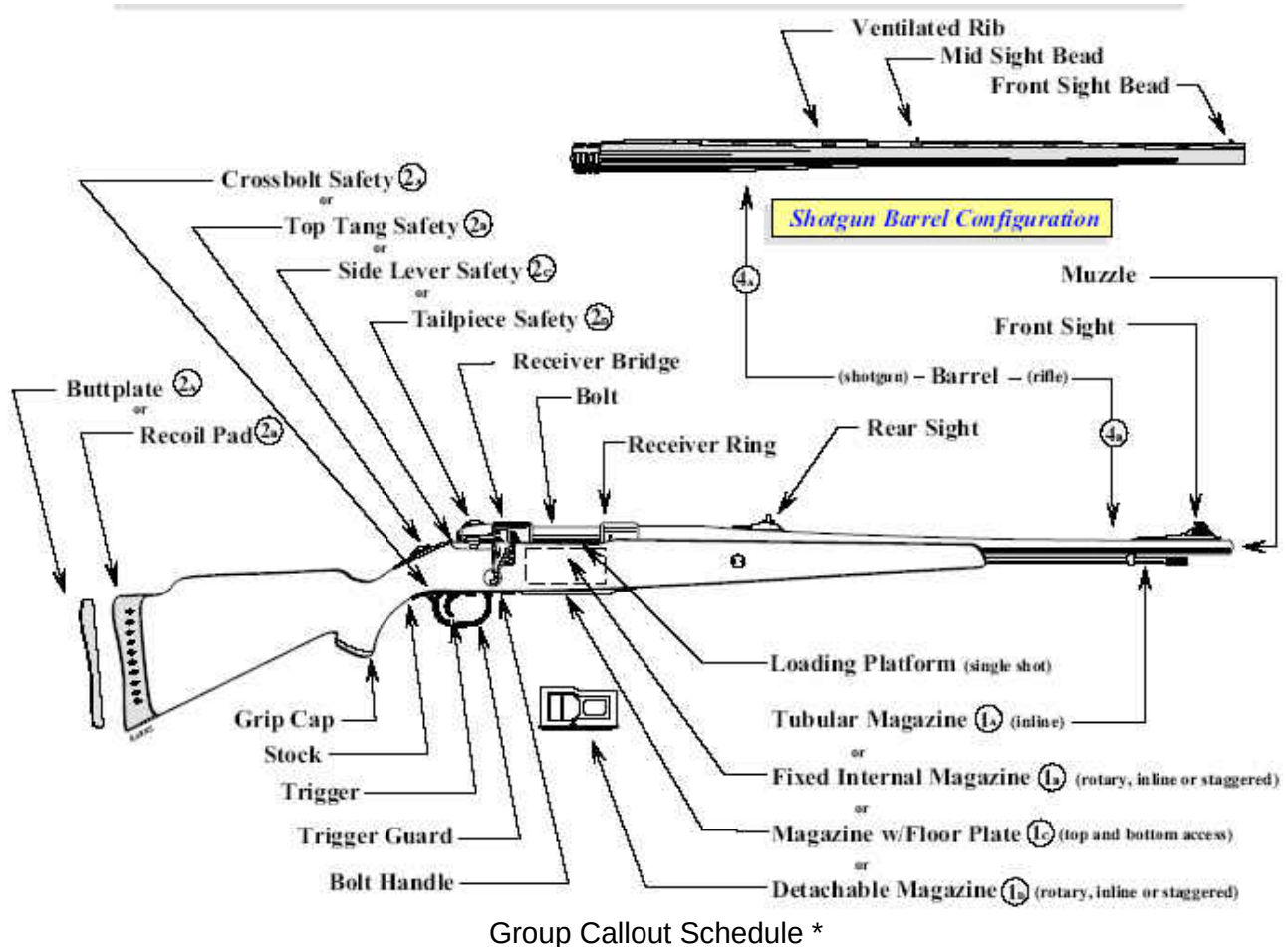
NOTE: This illustration shows the primary characteristics exhibited in the Revolver category. Since revolver configurations differ significantly, various models in this classification may exhibit any of the illustrated components in a revised configuration, but not necessarily all components shown will be incorporated in any one given design.



 [ATF Internet](https://www.atf.gov/)

Bolt Action

NOTE: The Bolt action is utilized in the design and function of rifles, shotguns and pistols including single shot and magazine-fed repeating models. This illustration exhibits the primary characteristics of a rifle, but most component parts are applicable in a revised configuration.



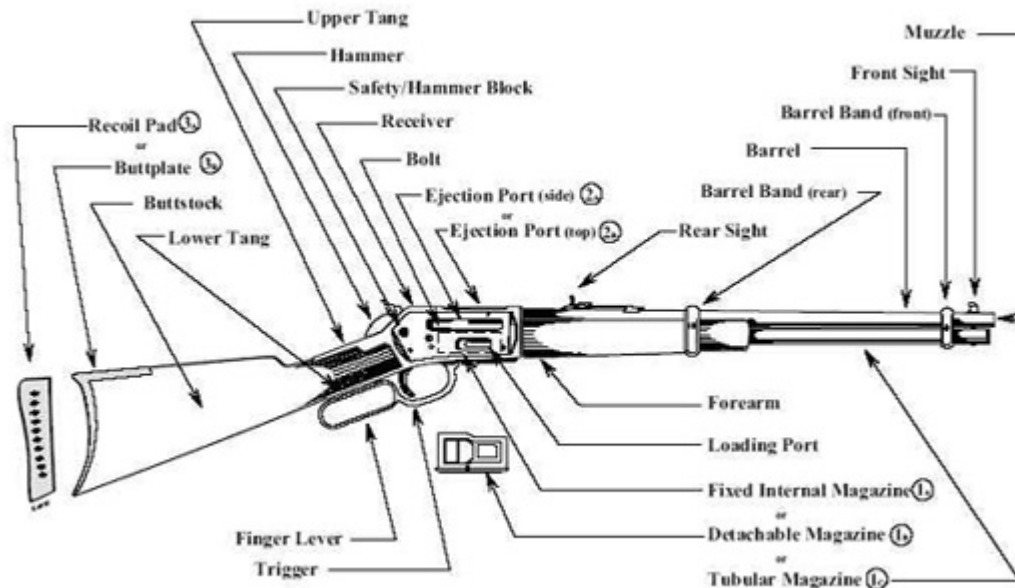
- Group (1)** Four magazine configurations available on the repeating models of this type action.
A-Tubular, B-Fixed Internal, C-Bottom Access Floorplate, D-Detachable
- Group (2)** Four various safety configurations which may appear on the available models.
A-Crossbolt, B-Top Tang, C-Side Lever, D-Tailpiece Safety
- Group (3)** Two buttstock appointments available in this group.
A-Butt Plate, B-Recoil Pad
- Group (4)** Two barrel configurations which may appear on this type action.
A-Rifled, B-Smooth Bore

* Group callouts identify various configurations of a specific component which may be incorporated in the function of the various models employing the bolt action in their design. However, only one type component from each callout group will appear on any given subject firearm.

 [ATF Internet](#)

Lever Action

NOTE: The Lever action is utilized in the design and function of rifles, shotguns and pistols. This illustration exhibits the primary characteristics of a rifle. Although most component parts are applicable in a revised configuration to both the shotgun and pistol categories, relatively few representative models exist in those categories.



Group Callout Schedule *

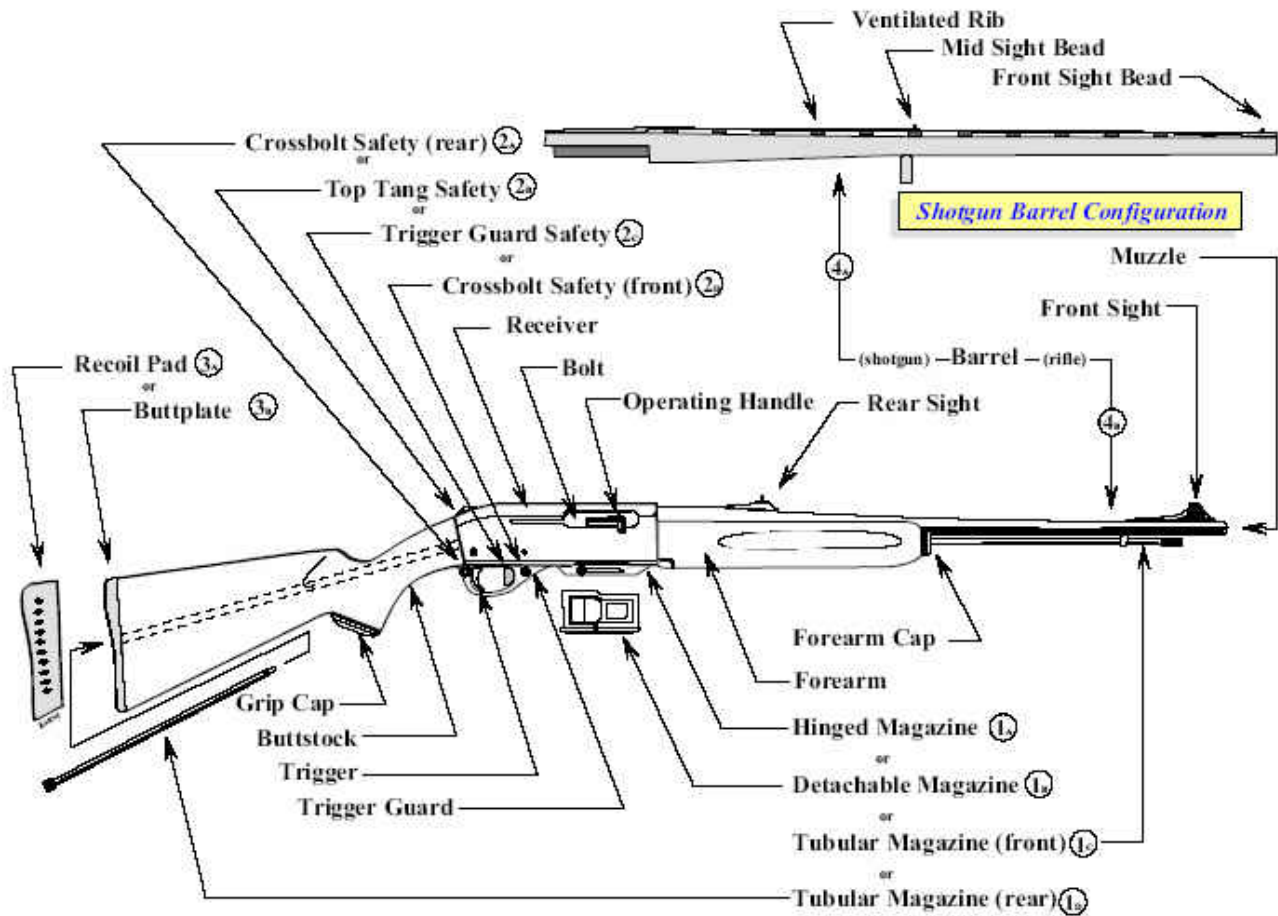
- Group (1)** Three magazine configurations available on this type action.
A-Fixed Internal (rotary), B-Detachable (inline or staggered feed), C-Tubular
- Group (2)** Two ejection port configurations are available in this group.
A-Side Port Ejection, B-Top Port Ejection
- Group (3)** Two buttstock appointments appear on the available models
A-Recoil Pad, B-Buttplate

* Group callouts identify various configurations of a specific component which may be incorporated in the function of the various models employing the lever action in their design. However, only one type component from each callout group will appear on any given subject firearm.

 [ATF Internet](#)

Self-Loading Action (Semiautomatic)

NOTE: The Self-loading action is utilized in the design and function of rifles, shotguns and pistols. This illustration exhibits the primary characteristics of a rifle but most component parts are applicable in a revised configuration to both the shotgun and pistol categories. The pistol configuration does differ significantly (see separate illustration).



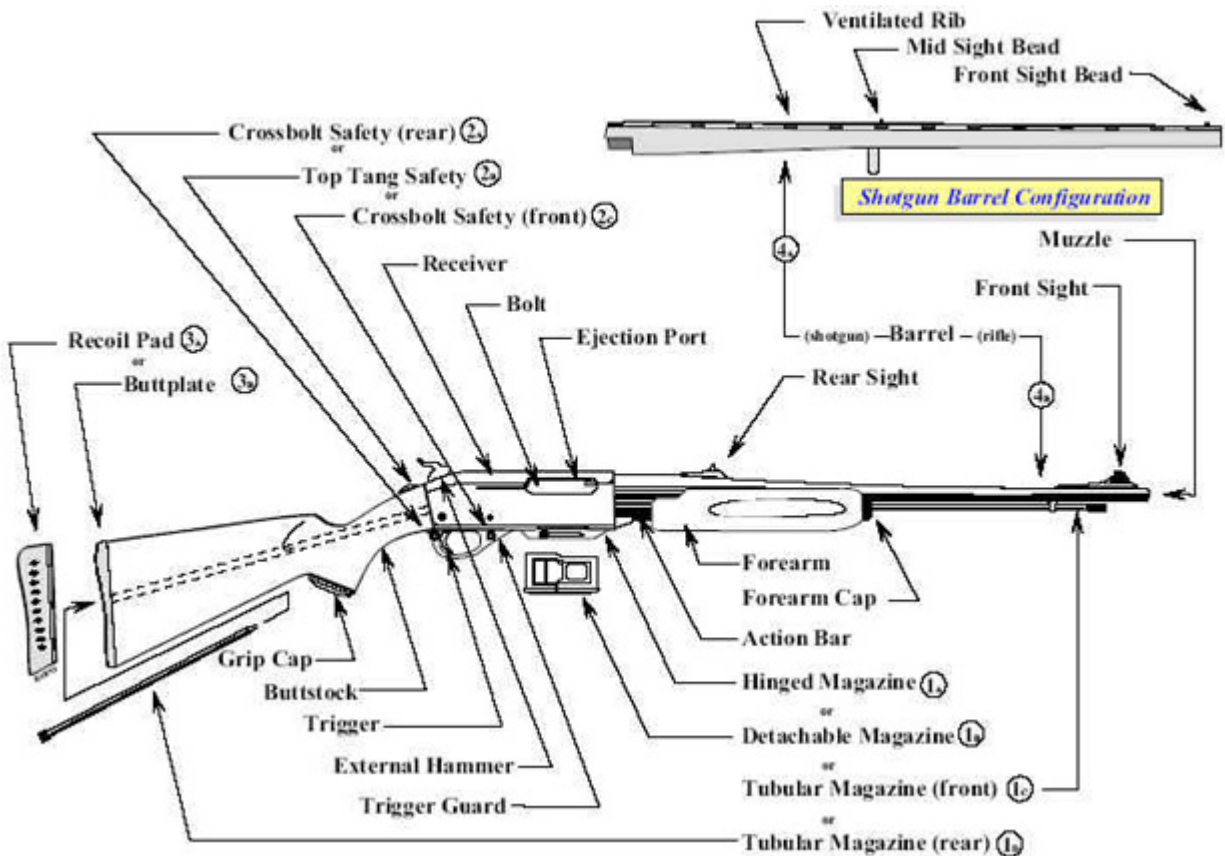
Group Callout Schedule *

- Group (1)** Three magazine configurations available on this type action.
A-Hinged, B-Detachable, C&D-Tubular (Front and Rear)
- Group (2)** Four various safety configurations which may appear on the available models.
A-Crossbolt (front or rear), B-Top Tang, C-Trigger Guard
- Group (3)** Two buttstock appointments available in this group.
A-Recoil Pad, B-Buttplate
- Group (4)** Two barrel configurations which may appear on this type action.
A-Smooth Bore, B-Rifled

* Group callouts identify various configurations of a specific component which may be incorporated in the function of the various models employing the autoloading action in their design. However, only one type component from each callout group will appear on any given subject firearm.

Slide/Pump Action

NOTE: The Slide/Pump action is utilized in the design and function of rifles and shotguns. This illustration exhibits the primary characteristics of a rifle but most component parts are applicable in a revised configuration to the Pump/Slide Shotgun category.



Group Callout Schedule *

- Group (1)** Three magazine configurations available on this type action.
A-Hinged, B-Detachable, C&D-Tubular (Front and Rear)
- Group (2)** Four various safety configurations which may appear on the available models.
A-Crossbolt (front or rear), B-Top Tang
- Group (3)** Two buttstock appointments available in this group.
A-Recoil Pad, B-Buttplate
- Group (4)** Two barrel configurations which may appear on this type action.
A-Smooth Bore, B-Rifled

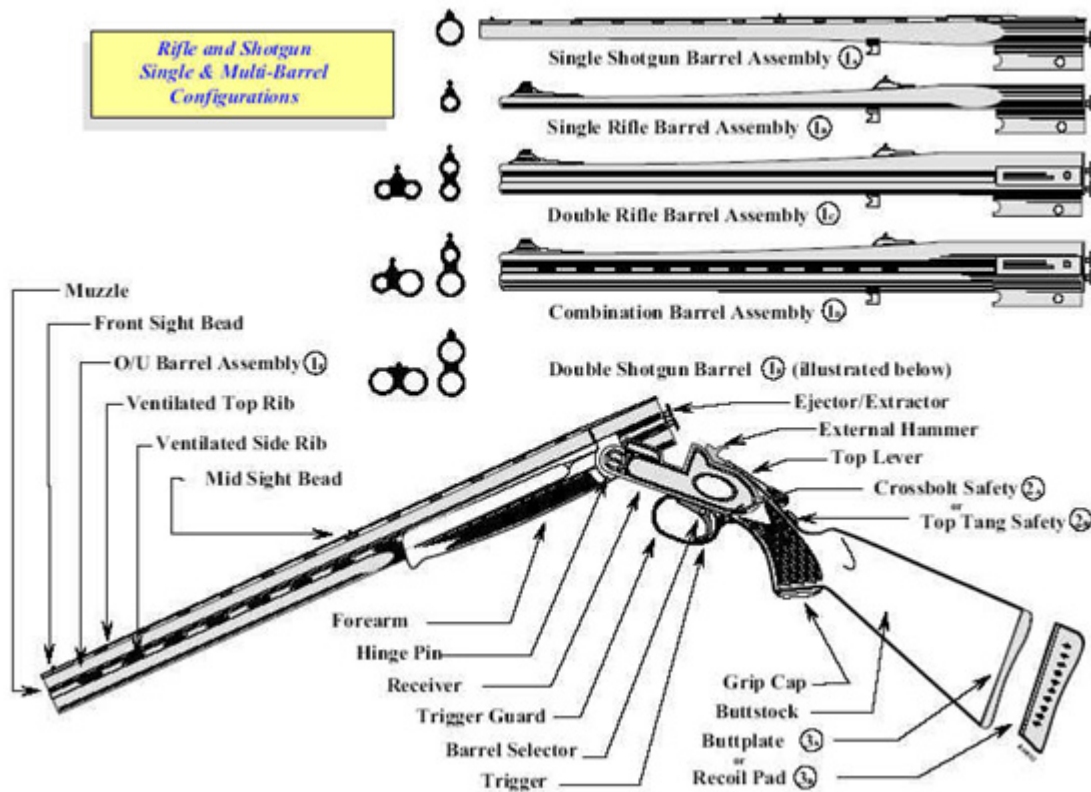
* Group callouts identify various configurations of a specific component which may be incorporated in the function of the various models employing the pump/slide action in their

design. However, only one type component from each callout group will appear on any given subject firearm.

 [ATF Internet](#)

Top Break Action

NOTE: The Top Break action is utilized in the design and function of rifles, shotguns and pistols. This illustration exhibits the primary characteristics of a shotgun but most component parts are applicable in a revised configuration to the rifle and pistol categories.



Group Callout Schedule *

- Group (1)** Various barrel configurations which may appear on this type action.
A-Single Shotgun, B-Single Rifle, C-Double Rifle, D-Combination, E-Double Shotgun
- Group (2)** Two safety configurations which may appear on the available models.
A-Crossbolt, B-Top Tang
- Group (3)** Two buttstock appointments available in this group.
A-Buttplate, B-Recoil Pad

* Group callouts identify various configurations of a specific component which may be incorporated in the function of the various models employing the break open action in their design. However, only one type component from each callout group will appear on any given subject firearm.

U.S. Department of Justice

Bureau of Alcohol, Tobacco, Firearms and Explosives



ATF Guidebook -
Importation & Verification of Firearms,
Ammunition, and Implements of War

Machinegun Destruction

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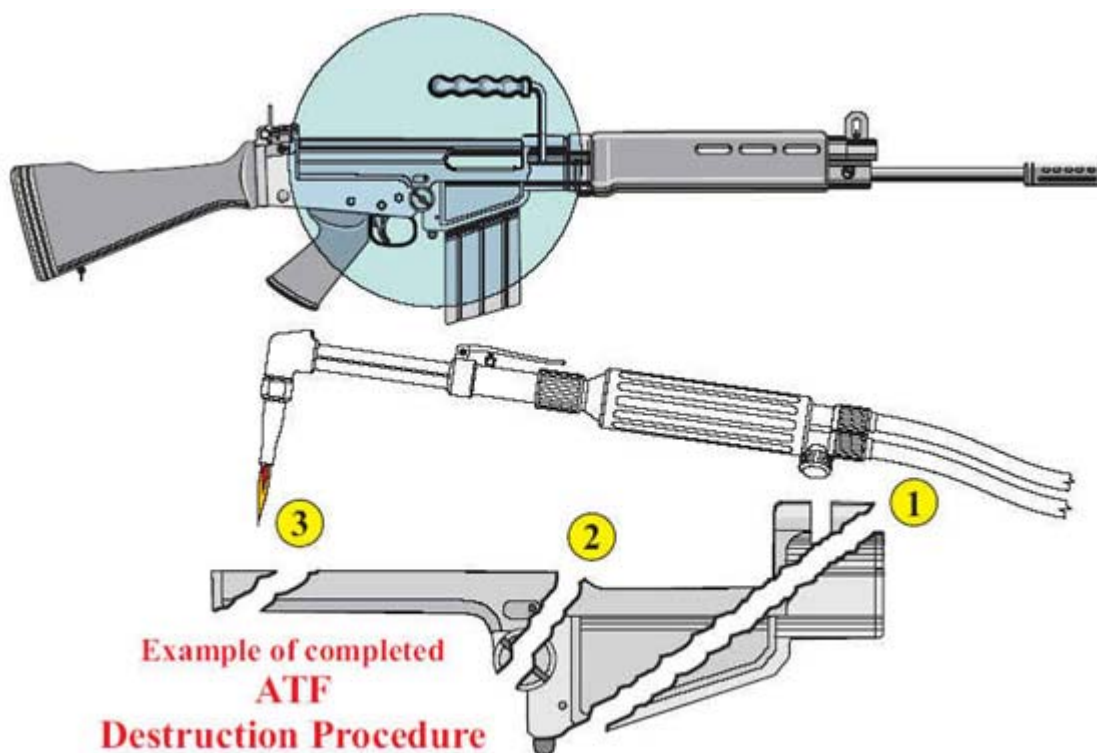
EXH : 000100 of 000105

Machinegun Destruction

NOTICE

Except as provided in Title 26, United States Code (U.S.C.), Chapter 53, Section 5844, it is generally unlawful to import a machinegun into the United States for unrestricted sale. However, machineguns that are properly destroyed may be imported. The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) routinely receives inquiries regarding the acceptable method of destroying machineguns.

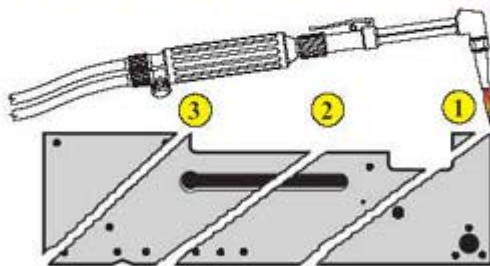
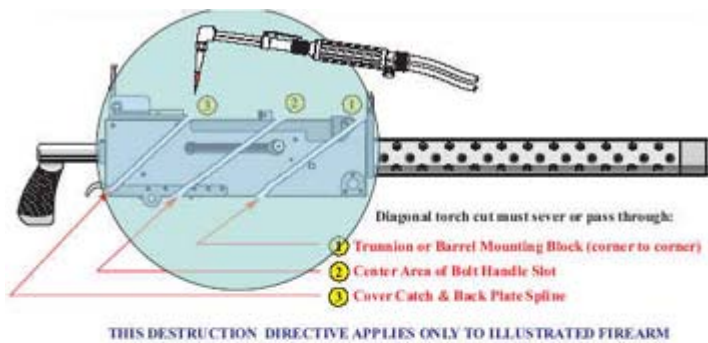
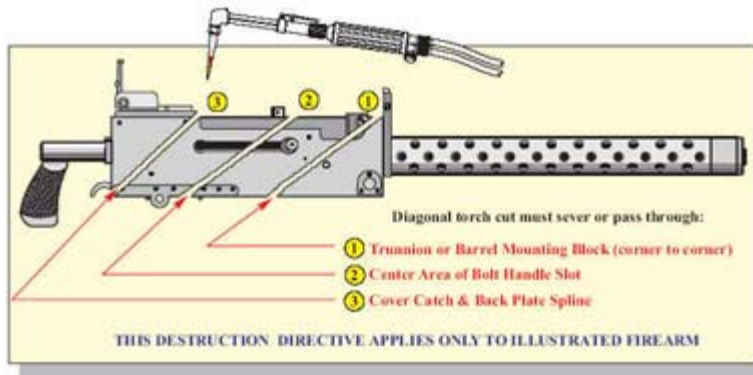
Subsequent pages in this section will provide importers with several illustrations on ATF destruction procedures. [ATF Ruling 2003-1](#), [2003-2](#), [2003-3](#), and [2003-4](#) provide further guidance on the ATF approved method of destruction. Additional illustrations and guidelines for firearms not addressed in this manual can be obtained from ATF's Firearms Technology Branch.



This illustration shows the receiver of the subject example firearm (FN/FAL) cut in the approved manner as defined in ATF Destruction Procedures.

The following illustrations outline the procedures to destroy the receivers or frame of the firearm in a manner that will prevent its function and future use as a firearm. A proper method of destroying these firearms is to cut the receiver into separate pieces.

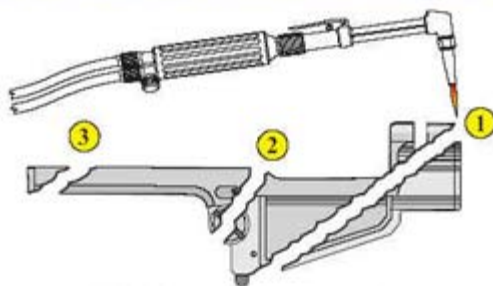
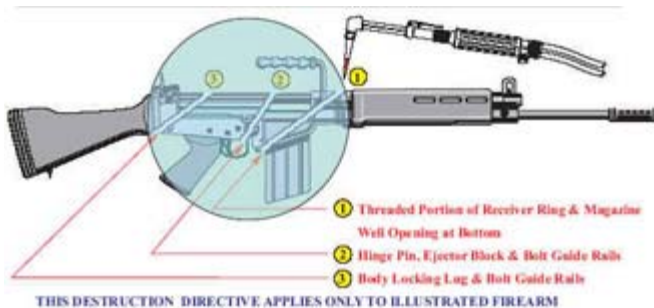
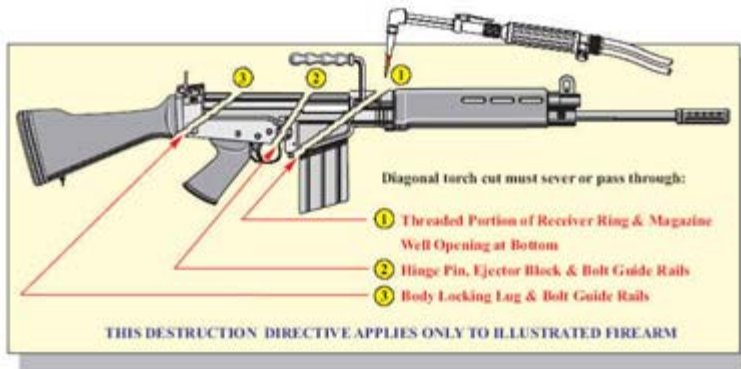
 [View destructive method for the Browning M1919 Type Firearm.](#)



This illustrated view shows the
Destroyed Receiver
of the subject firearm.



[View destructive method for the FN Fal Type Firearm.](#)



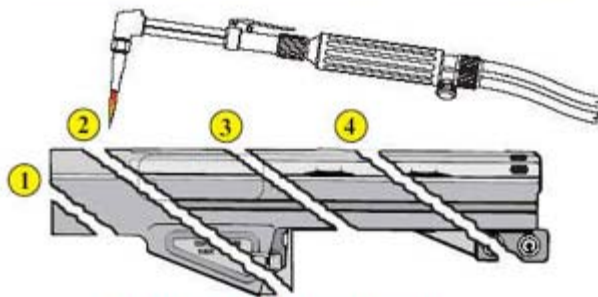
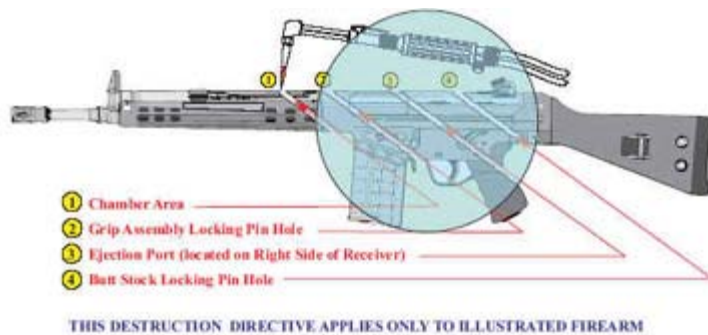
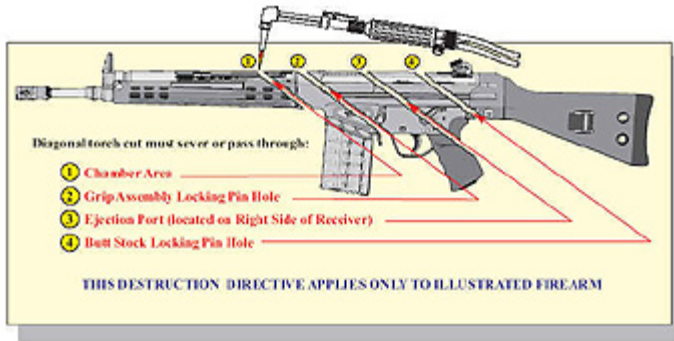
**This illustrated view shows the
Destroyed Receiver
of the subject firearm.**

The purpose of this procedure is to destroy the receiver or frame in a manner that will prevent its function and future use as a firearm. A proper method of destroying this firearm is to cut the receiver into separate pieces as follows. All cutting must be done with a cutting torch having a tip of sufficient size to displace at least 1/4 inch of material at each location.

- Each cut must completely sever the receiver in the area indicated by the diagonal lines.
- The receiver must be completely severed in each area indicated with a diagonal torch cut.
- Cutting by means of a bandsaw or cut-off wheel does not ensure destruction.

NOTE: Alternate methods of destruction defining the proposed procedure must be submitted in writing to the ATF Firearms Technology Branch for review and approval prior to implementation.

 [View destructive method for the Heckler & Koch G3 Type Firearm.](#)



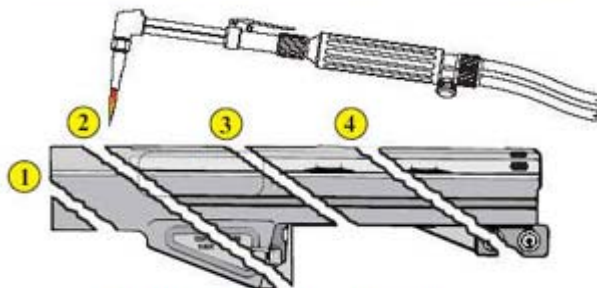
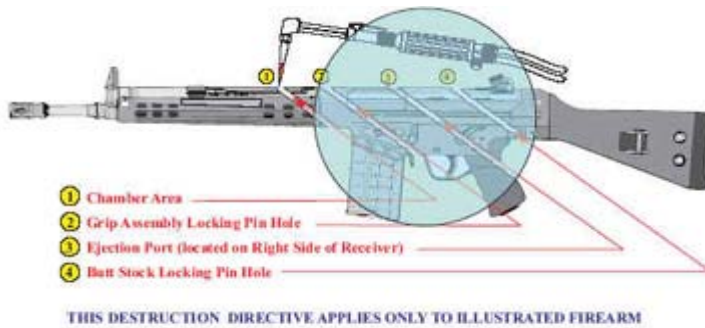
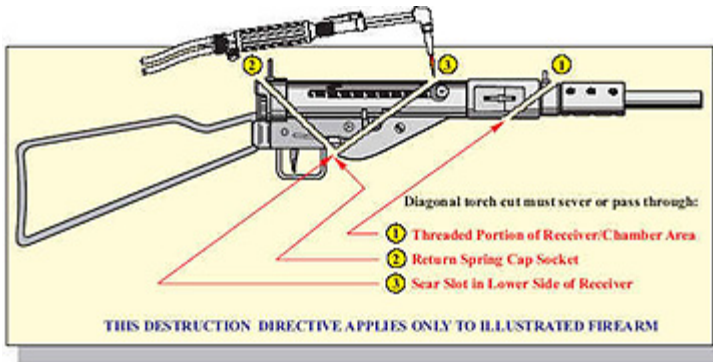
**This illustrated view shows the
Destroyed Receiver
of the subject firearm**

The purpose of this procedure is to destroy the receiver or frame in a manner that will prevent its function and future use as a firearm. A proper method of destroying this firearm is to cut the receiver into separate pieces as follows. All cutting must be done with a cutting torch having a tip of sufficient size to displace at least 1/4 inch of material at each location.

- Each cut must completely sever the receiver in the area indicated by the diagonal lines.
- The receiver must be completely severed in each area indicated with a diagonal torch cut.
- Cutting by means of a bandsaw or cut-off wheel does not ensure destruction.

NOTE: Alternate methods of destruction defining the proposed procedure must be submitted in writing to the ATF Firearms Technology Branch for review and approval prior to implementation.

 [View destructive method for the Sten Type Firearm.](#)



This illustrated view shows the
Destroyed Receiver
of the subject firearm

The purpose of this procedure is to destroy the receiver or frame in a manner that will prevent its function and future use as a firearm. A proper method of destroying this firearm is to cut the receiver into separate pieces as follows. All cutting must be done with a cutting torch having a tip of sufficient size to displace at least 1/4 inch of material at each location.

- Each cut must completely sever the receiver in the area indicated by the diagonal lines.
- The receiver must be completely severed in each area indicated with a diagonal torch cut.
- Cutting by means of a bandsaw or cut-off wheel does not ensure destruction.

NOTE: Alternate methods of destruction defining the proposed procedure must be submitted in writing to the ATF Firearms Technology Branch for review and approval prior to implementation.

 [ATF Internet](#)

EXHIBIT 4



Firearm Component Identification Guide

Law Enforcement Use Only

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

Firearm Component Identification Guide

U.S. Department of Justice
Bureau of Alcohol, Tobacco, Firearms and Explosives
Office of Strategic Intelligence and Information
Criminal Intelligence Division
99 New York Ave. NE
Washington, D.C. 20226

Forward

Most firearm components that are exported are subject to the Export Control Reform Act (ECRA), Commerce Control List ECCN 0A501.c – parts and components specially designed for non-automatic firearms with a caliber equal to .50 or less (ECCN 0A501.a), or rifles, carbines, revolvers, or pistols with a caliber of .50 to .72 (ECCN 0A501.b). Thus, authorization must be obtained from the Commerce Department to export key firearm components of most firearms.

This guide is neither intended to be a legal “guidance document” nor set forth policy on any statutory, regulatory, or technical issues. Furthermore, it should not be relied upon as an interpretation of any statute or regulation or used for evidentiary value.

The firearm platforms outlined within this guide (AK, AR, M203, M249, and M2) were selected due to their association with TCOs operating in Mexico and subsequent demand increase.

While not intended to be an “all-inclusive” guide, many of the firearm components can serve as exemplars for other platforms not included. For instance, firing pins have similar characteristics among most firearms, and referencing a photograph of a firing pin from this guide may assist with the identification of a firing pin used with other firearm platforms.

The guide is organized by firearm platform, but contains an index organized by component parts, as the user may not know with which platform a component part is associated.

Note: Images are not to scale.

Contact your local ATF Field Office or ATF Liaison for further investigative or procedural assistance if you encounter firearms, or firearm components, suspected of being trafficked/smuggled. A comprehensive list of ATF Field Offices can be accessed at www.atf.gov/contact/local-atf-offices.

Comments regarding content or suggested changes should be directed to: Chief, Quality Programs, Bureau of Alcohol, Tobacco, Firearms and Explosives, National Laboratory Center, 6000 Ammendale Road, Ammendale, Maryland 20705 or www.atfmail@atf.gov.

Firearm Platform Index

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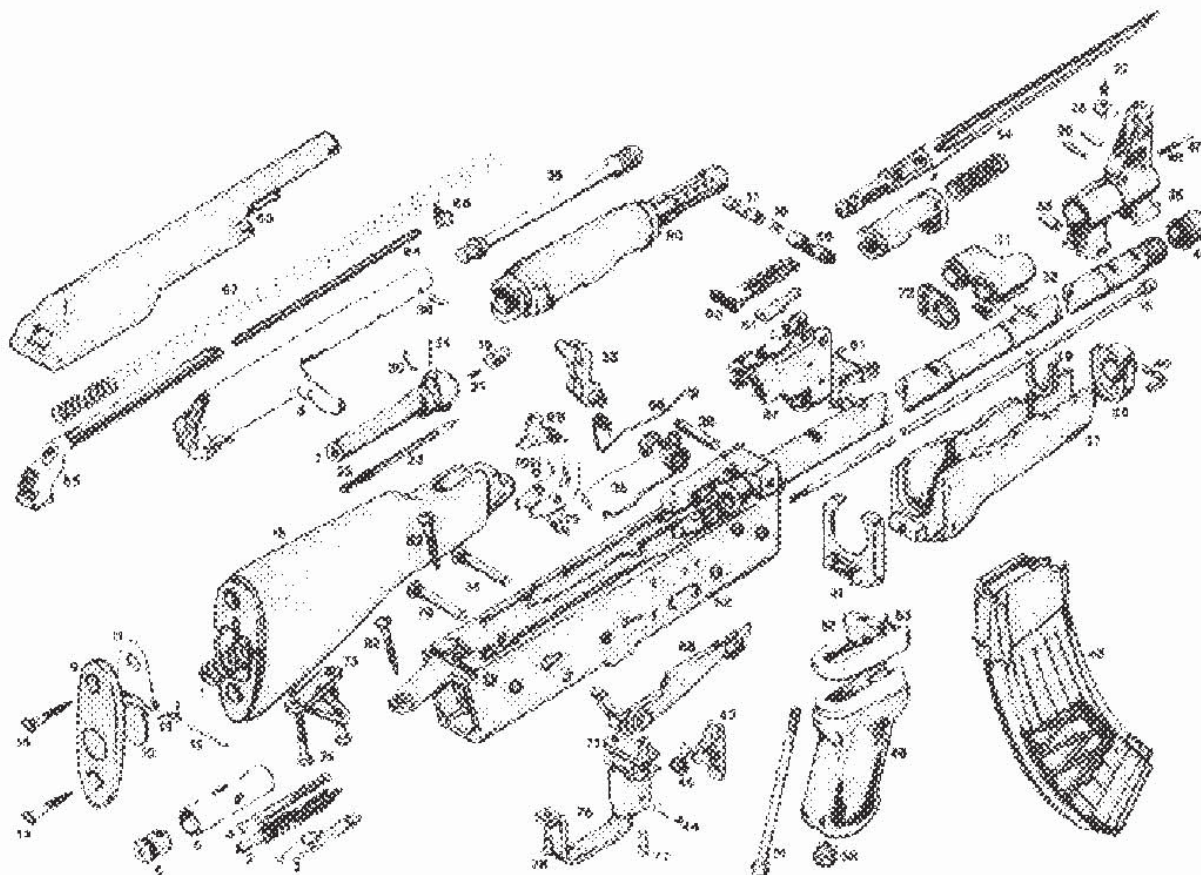
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AK-47 Automat Kalashnikov--47 Variants

AK-47 Semi-Automatic Rifle



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1 Accessories Case Spring	24 Firing Retaining Pin	47 Barrel Bushing Lock	70 Disconnecter Spring
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9 Buttplate	32 Gas Port Port Block Retaining Pin	55 Bayonet Pivot Pin	78 Rear Trigger Guard Rivet
10 Buttplate Cover	33 Hammer	56 Bayonet Pivot Pin	79 Trigger Pin
11 Buttplate Cover Base	34 Hammer Pin	57 Receiver Pin Lock Spring	80 Upper Handgrid Gas Cylinder
12 Buttplate Cover Pin	35 Hammer Spring	58 Rear Sight Base	81 Lower Handguard Lock
13 Buttplate Cover Spring	36 Barrel Pin	59 Rear Sight Elevating Slide	82 Tang Screws (2)
14 Buttplate Screws (2)	37 Lower Handguard	60 Rear Sight Pin	*Restricted
15 Buttstock	38 Lower Handguard Band	61 Rear Sight Spring	
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21 Extractor Spring	44 Magazine Catch Pin	67 Recoil Spring	
22 Firing Pin	45 Magazine Catch Spring	68 Safety Lever	
23 Firing Pin Spring	46 Barrel Bushing	69 Disconnecter	

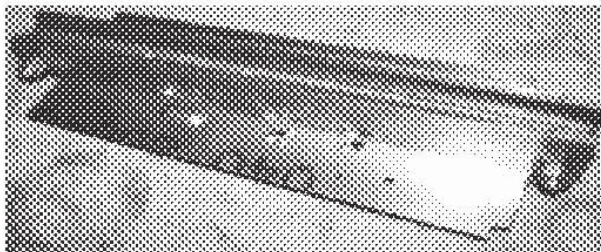
Part Name: 555th Jig

Material: Steel

Approximate

Dimensions: 12.25" x 1.5" x 1.5"

Descriptions: Apparatus used to press AK-47 flats into the shape of a receiver.



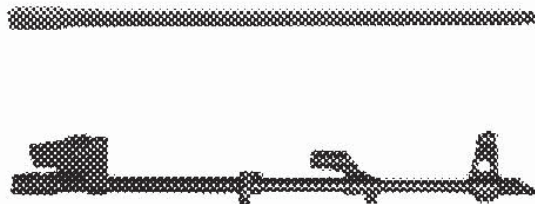
Part Name: Barrel

Material: Steel

Approximate

Dimensions: 16.5" x 2.75" (Can Vary)

Descriptions: Guides discharged projectile from chamber.



Part Name: Bolt

Material: Steel

Approximate

Dimensions: 3.25" x 1"

Descriptions: Supports Firing Pin operation. Blocks rear of barrel chamber during firearm operation and facilitates cartridge cycling.

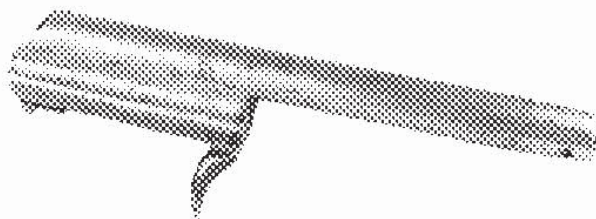


Part Name: Bolt Carrier Assembly

Material: Steel/Aluminum **Approximate**

Dimensions: 7.75" x 1.75"

Descriptions: Carries bolt during operation.



Part Name: Cleaning Rod

Material: Steel

Approximate

Dimensions: 15.75" x .25"

Descriptions: Used to clean interior of barrel.



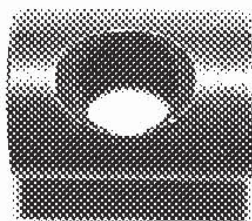
Part Name: Front Sight and Adjustment Base

Material: Steel

Approximate

Dimensions: .5" x .375" (diameter)

Descriptions: Firearm aiming.



Part Name: Dust Cover

Material: Steel/Aluminum

Approximate

Dimensions: 9.375" x 1.375"

Descriptions: Prevents dust from entering firing mechanism.



Part Name: Firing Pin

Material: Steel/Aluminum/Titanium

Approximate

Dimensions: 3.25" x .1875"

Descriptions: Part of firing mechanism that strikes cartridge to ignite the cartridge primer.



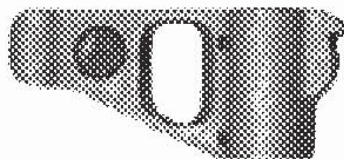
Part Name: Front Sight Block

Material: Steel

Approximate

Dimensions: 2.75" x 1.25"

Descriptions: Firearm aiming.



Part Name: Front Sight Post

Material: Steel

Approximate

Dimensions: .875" x .25"

Descriptions: Firearm aiming.



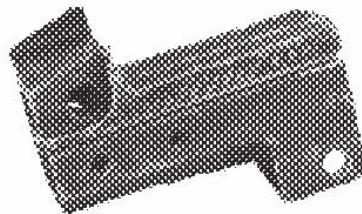
Part Name: Front Trunnion

Material: Steel

Approximate

Dimensions: 2.625" x 2.375"

Descriptions: Holds rifle barrel in place and
interacts with bolt.



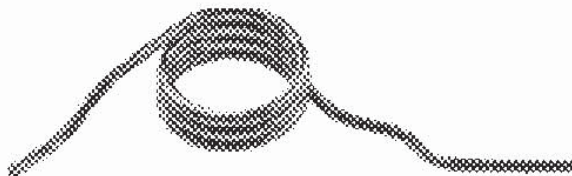
Part Name: Full Auto Rate Reducer Spring

Material: Steel

Approximate

Dimensions: 1.375" x .375"

Descriptions: Component of the rate reducer mechanism used to slow the rate of fire.



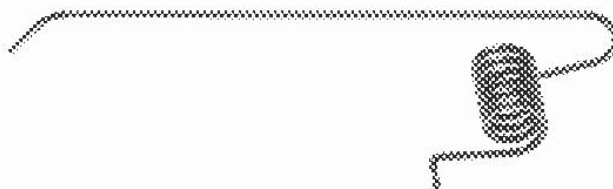
Part Name: Full Auto Sear Spring

Material: Steel

Approximate

Dimensions: 3.25" x .5"

Descriptions: Firing control mechanism spring.



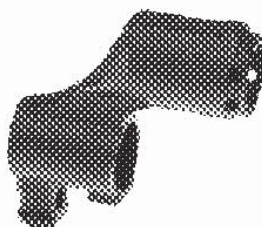
Part Name: Gas Block

Material: Steel

Approximate

Dimensions: 2.5" x 2.25"

Descriptions: Routes exhaust gases for cycling.



Part Name: Gas Piston

Material: Steel/Aluminum

Approximate

Dimensions: 6.25" x .6875"

Descriptions: Moves during gas expansion.



Part Name: Gas Tube

Material: Steel

Approximate

Dimensions: 7" x 1.25"

Descriptions: Routes exhaust gases for cycling.



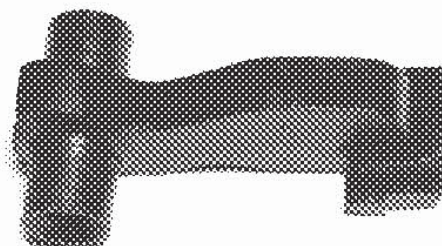
Part Name: Hammer

Material: Steel

Approximate

Dimensions: 1.875" x 1.125"

Descriptions: Strikes firing pin.



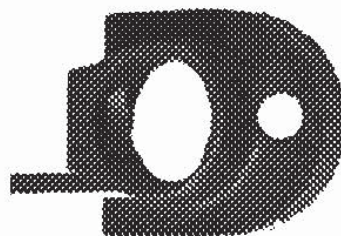
Part Name: Handguard Retainer

Material: Steel

Approximate

Dimensions: 1.25" x 1.25"

Descriptions: Holds handguard in place.



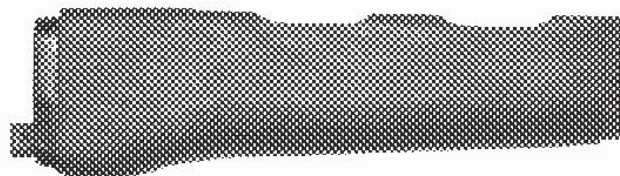
Part Name: Lower Handguard

Material: Wood/Plastic

Approximate

Dimensions: 6.25" x 1.75"

Descriptions: Provides physical holding point.



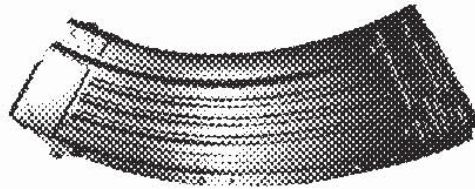
Part Name: Magazine Body

Material: Steel/Aluminum/Plastic

Approximate

Dimensions: 9" x 2.5"

Descriptions: Contains and guides cartridges into the chamber area.



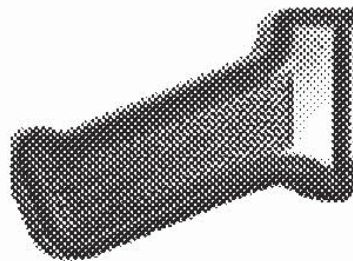
Part Name: Grip (Pistol)

Material: Plastic, Wood, Metal, Combination

Approximate

Dimensions: 4" x 2.5"

Descriptions: Provides physical holding point.



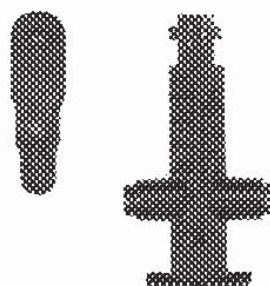
Part Name: Rear Sight Leaf and Spring

Material: Steel

Approximate

Dimensions: 2.125" x 1.25"

Descriptions: Firearm aiming.



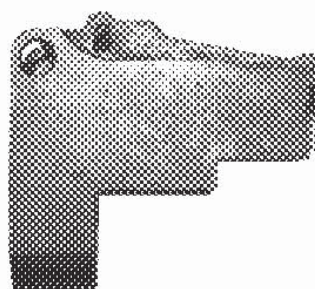
Part Name: Rear Sight Block

Material: Steel

Approximate

Dimensions: 2.75" x 2.5"

Descriptions: Firearm aiming.



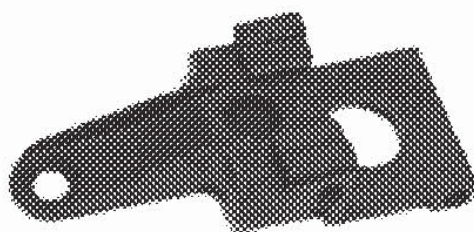
Part Name: Rear Stock Trunnion

Material: Steel

Approximate

Dimensions: 3" x 1.75"

Descriptions: Connects buttstock and receiver.



Part Name: Receiver

Material: Steel

Approximate

Dimensions: 10.25 x 1.875"

Descriptions: Contains firing/trigger mechanism.



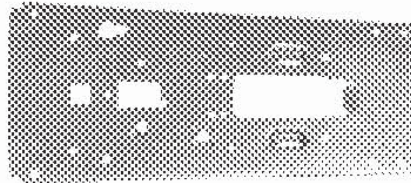
Part Name: Receiver Flat

Material: Steel

Approximate

Dimensions: 10.125" x 4.5"

Descriptions: Ready to be hydraulically pressed into a receiver shape using a press and jig.



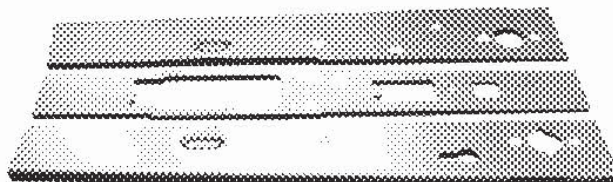
Part Name: Un-Welded Receiver Flats

Material: Steel

Approximate 10.25" Long x 1.5" High (Sides)

Dimensions: 10.25" Long x 1.25 Wide (Bottom)

Descriptions: Ready to be welded into a receiver shape.



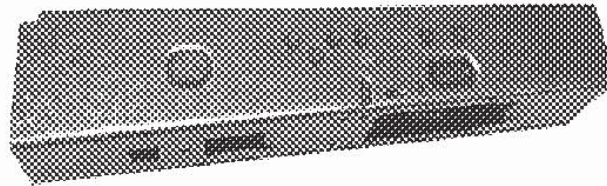
Part Name: Incomplete Receiver (Formed/Not Drilled)

Material: Steel

Approximate

Dimensions: 10.25" x 1.75"

Descriptions: Already formed into receiver shape, but lacks holes to accept firing/trigger mechanism.



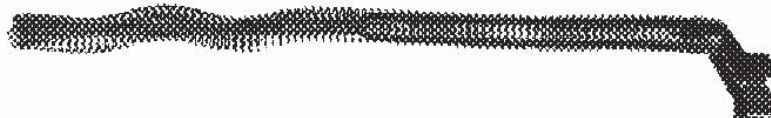
Part Name: Recoil Spring

Material: Steel

Approximate

Dimensions: 13" x 1.125" x .5" (Diameter)

Descriptions: Absorbs recoil forces associated with cartridge ignition.



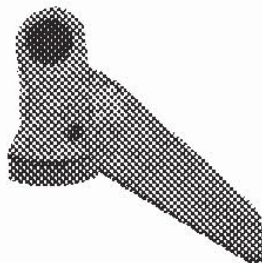
Part Name: Automatic Sear

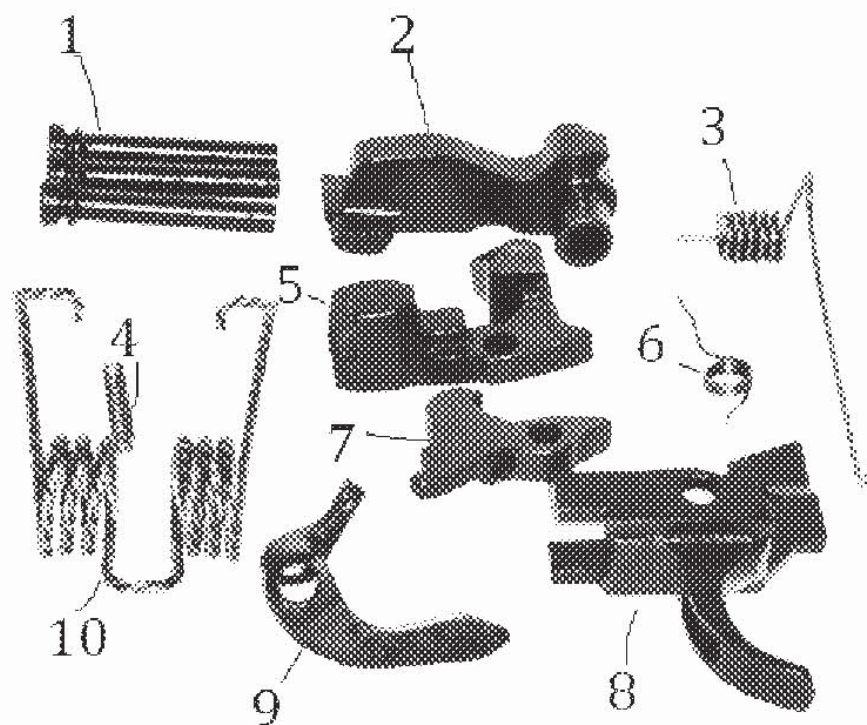
Material: Steel

Approximate

Dimensions: 1.125" x .375"

Descriptions: Firing control mechanism.





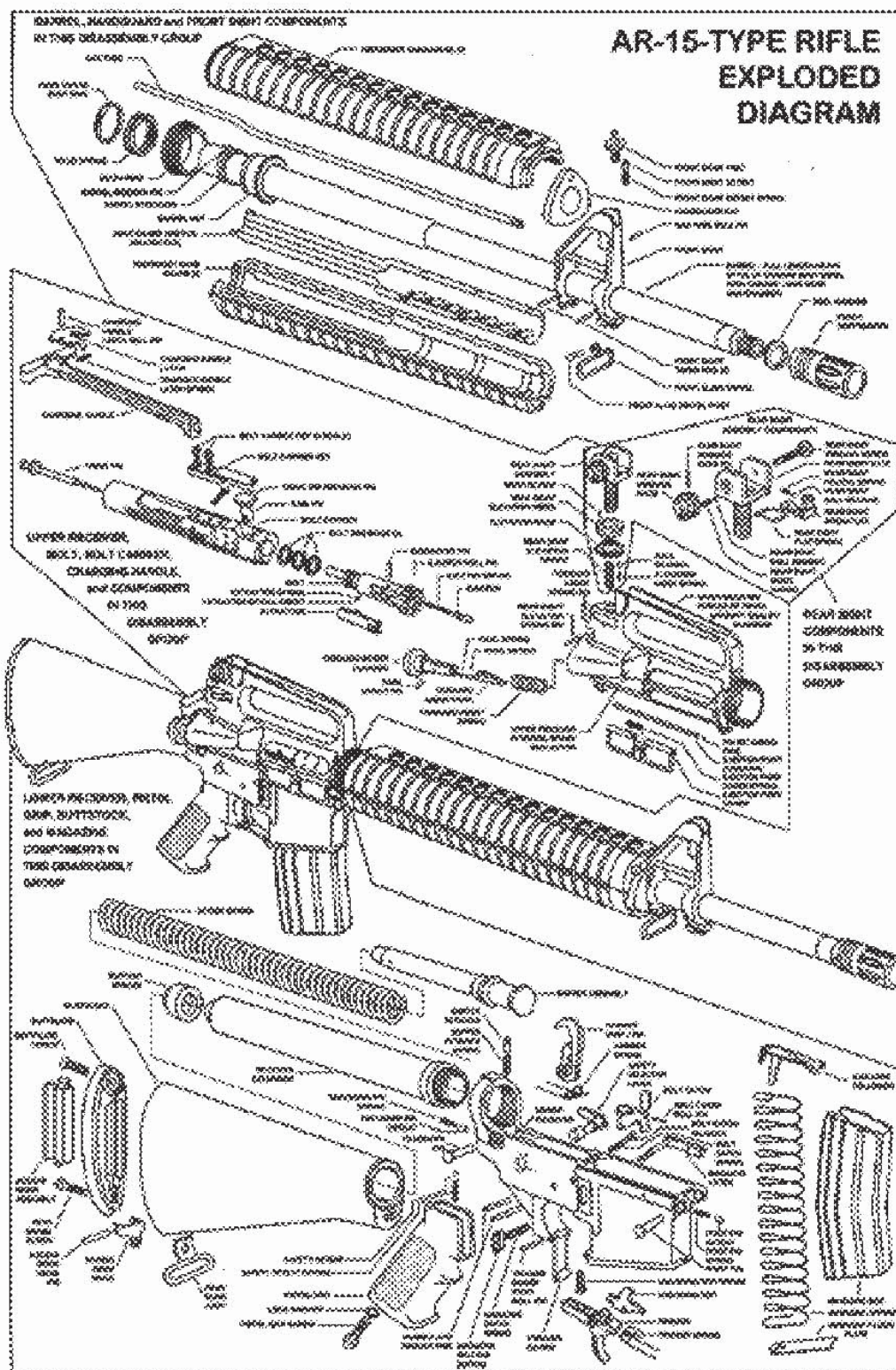
Part Name: Auto Sear Group

Material: Steel

Descriptions: Enables fully-automatic firing operation.

- | | |
|------------------------------------|------------------------|
| 1. Hammer, Trigger, Auto-Sear Pins | 6. Rate Reducer Spring |
| 2. Hammer | 7. Disconnecter |
| 3. Auto Sear Spring | 8. Trigger |
| 4. Disconnecter Spring | 9. Auto Sear |
| 5. Rate Reducer | 10. Hammer Spring |

AR-15 Variants



Part Name: Barrel

Material: Steel

Approximate Lengths vary from 7.5" to 20".

Dimensions: Most common are 14.5", 16" and 20"

Descriptions: Guides projectile from chamber
after ignition.



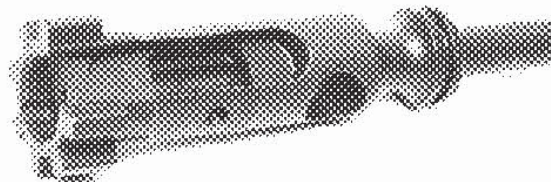
Part Name: Bolt

Material: Steel

Approximate

Dimensions: 2.75" x .75"

Descriptions: Carrier mechanism for firing pin.



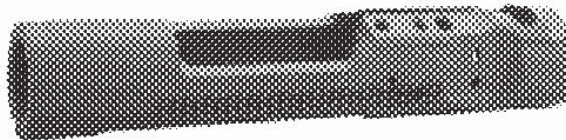
Part Name: Bolt Carrier

Material: Steel/Nickel

Approximate

Dimensions: 6.625" x .875"

Descriptions: Carrier mechanism for bolt containing firing pin.



Part Name: Bolt Carrier Key

Material: Steel

Approximate

Dimensions: 2.5" x .5"

Descriptions: Affixes to top of bolt carrier. Expansion gas recycling.



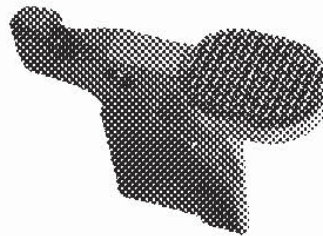
Part Name: Bolt Catch

Material: Steel

Approximate

Dimensions: 1.125" x 1"

Descriptions: Holds bolt assembly in open position.



Part Name: Buffer Spring

Material: Steel

Approximate

Dimensions: 10.5"/12.625" x 1" (Diameter)

Descriptions: Absorbs recoil forces associated with cartridge ignition.



Part Name: Buffer Tube

Material: Steel/Aluminum

Approximate

Dimensions: 7.875" x 1.125"

Descriptions: Contains the buffer spring.



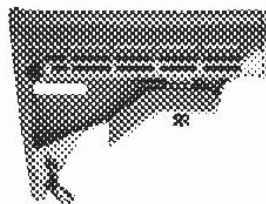
Part Name: Buttstock

Material: Wood, Plastic, Metal

Approximate

Dimensions: 6.875" x 5.125"

Descriptions: Physical contact point. Houses buffer tube and buffer spring. Placed against shoulder during operation.



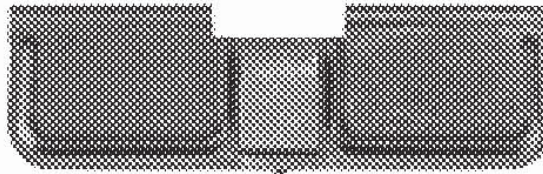
Part Name: Ejection Port Cover

Material: Steel/Aluminum

Approximate

Dimensions: 3.125" x .875"

Descriptions: Prevents dust from entering chamber.



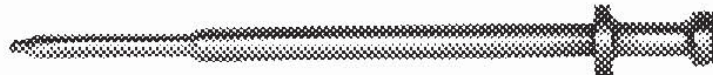
Part Name: Firing Pin

Material: Steel/Aluminum/Titanium

Approximate

Dimensions: 3.25" x .375" (Diameter)

Descriptions: Part of firing mechanism that strikes cartridge to ignite the cartridge primer.



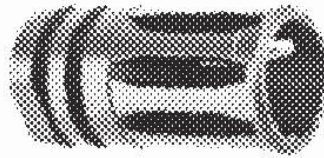
Part Name: Flash Suppressor

Material: Steel

Approximate

Dimensions: 1.75" x .825"

Descriptions: Reduces ignition flashes/light from barrel.



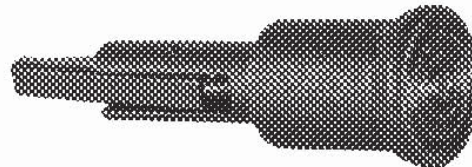
Part Name: Forward Assist

Material: Steel

Approximate

Dimensions: 1.875" x .625"

Descriptions: Mechanism provides additional pressure to push bolt assembly closed.



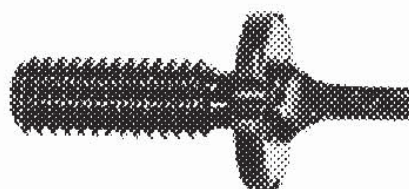
Part Name: Front Sight Post

Material: Steel

Approximate

Dimensions: .75" x .375"

Descriptions: Firearm aiming.



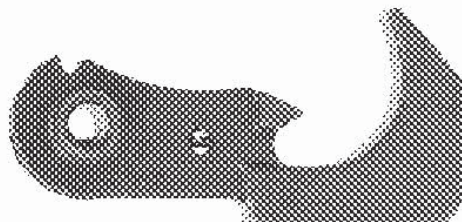
Part Name: Hammer

Material: Steel

Approximate

Dimensions: 1.875" x 1.0"

Descriptions: Strikes firing pin.



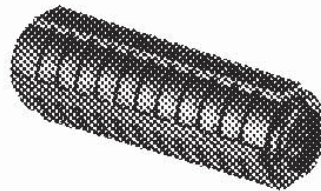
Part Name: Hand Guards

Material: Plastic

Approximate

Dimensions: 6.75" x 2.5"

Descriptions: Physical contact point. Can also have picatinny rail for accessory attachment. Surrounds barrel.



Part Name: Lower Receiver

Material: Steel, PLA, Aluminum, or Epoxy

Approximate

Dimensions: 7.75" x 4"

Descriptions: Holds firing/trigger mechanism. Buffer tube, upper receiver, and magazine attach to body when assembled.



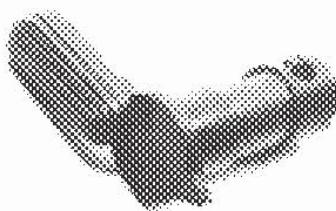
Part Name: Safety Selector

Material: Steel

Approximate

Dimensions: 1.125" x 1.125"

Descriptions: Disengages/engages trigger mechanism.



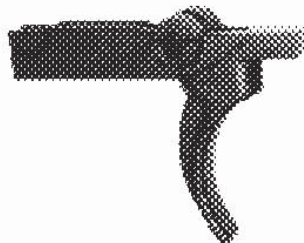
Part Name: Trigger

Material: Steel

Approximate

Dimensions: 2" x 1.125"

Descriptions: Depressed to initiate the ignition process.



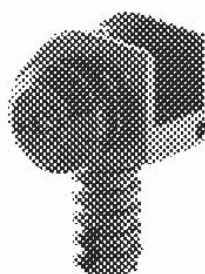
Part Name: Rear Iron Sight Assembly

Material: Steel

Approximate

Dimensions: 1.75" Tall x 1.125" Long

Descriptions: Firearm aiming mechanism.



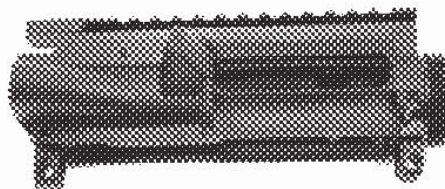
Part Name: Upper Receiver

Material: Steel

Approximate

Dimensions: 8" x 2.5"

Descriptions: Holds bolt carrier assembly.



Part Name: Incomplete Receiver
(Un-Drilled/Un-Milled Billet)

Material: Steel/Aluminum

Approximate

Dimensions: 7.75" x 3.875"

Descriptions: Shaped in the form of a receiver,
but unable to accept the
firing/trigger mechanism.



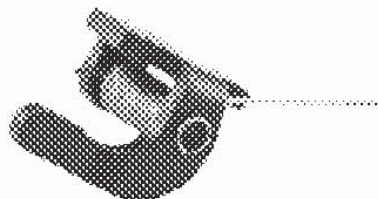
Part Name: Automatic Sear

Material: Steel

Approximate

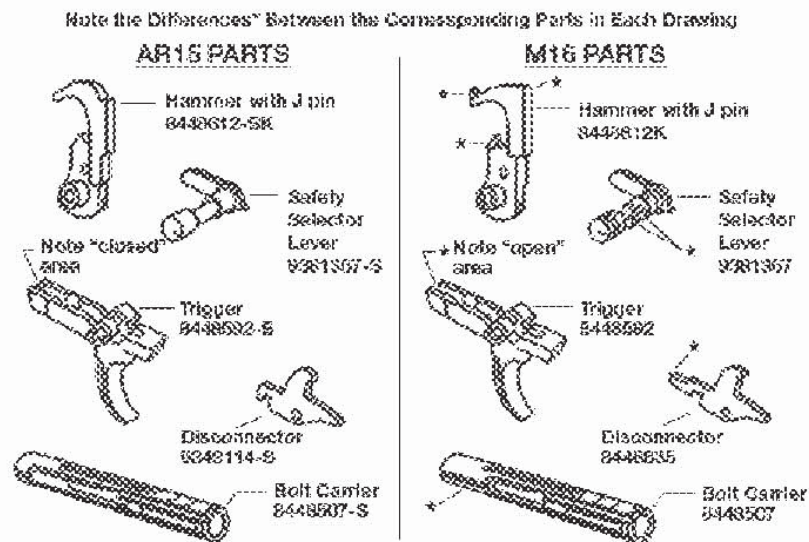
Dimensions: 1" x .625"

Descriptions: Part of trigger mechanism that holds the
hammer, striker, or bolt until the correct
release pressure has been applied to the
trigger during operation.



Part Name: Trigger Assemblies

Material: Steel



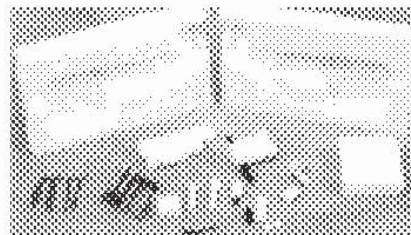
Part Name: Polymer Mold (for casting receivers)

Material: Plastic, ABS, Polymer, High-Density
Poly-Ethylene

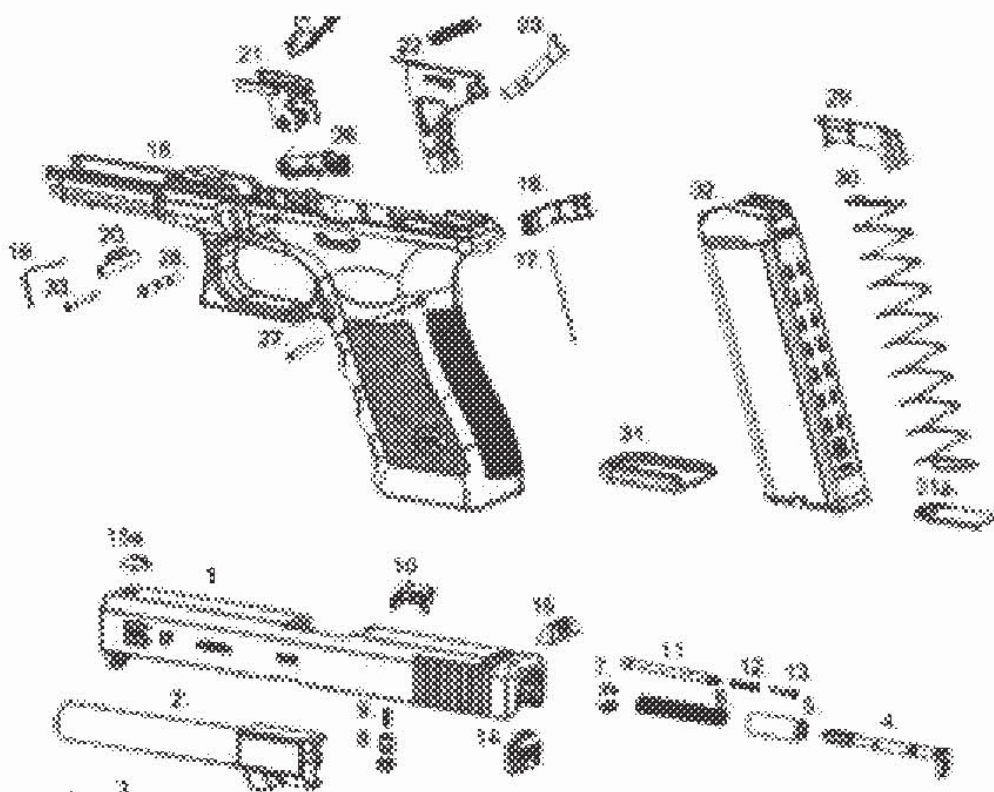
Approximate

Dimensions: 10" x 8"

Descriptions: Mold that allows polymer matrices to be poured to cast a complete receiver.



Glock Variants



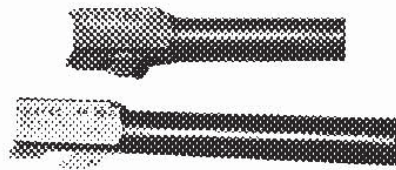
Part Name: Barrel

Material: Steel

Approximate

Dimensions: 3.375/4.5" x 1"

Descriptions: Guides projectile from chamber after ignition.



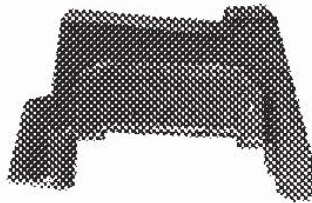
Part Name: Extractor

Material: Steel

Approximate

Dimensions: .75" x .5"

Descriptions: Removes cartridge casing from chamber.



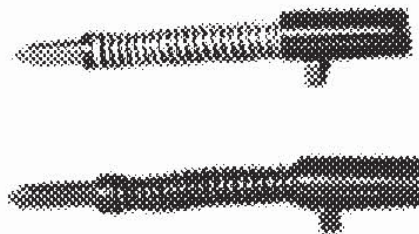
Part Name: Firing Pin

Material: Steel

Approximate

Dimensions: 2.75"/3" x .5"

Descriptions: Strikes the cartridge to begin ignition.



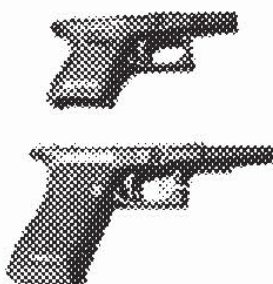
Part Name: Frame

Material: Polymer/Plastic

Approximate

Dimensions: 6.25" x 3.25"/8.0" x 4.375"

Descriptions: Holds firearm operating components.



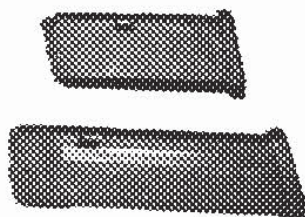
Part Name: Magazine

Material: Steel/Plastic

Approximate

Dimensions: 3.375"/5.5" x 1.5"

Descriptions: Stores and allows the feeding of cartridges into the chamber.



Part Name: Trigger Housing

Material: Polymer/Plastic

Approximate

Dimensions: 1.625"/1.675" x 1.25"

Descriptions: Contains the trigger mechanism.



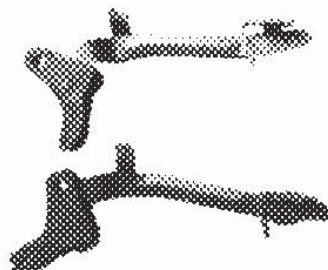
Part Name: Trigger with Trigger Bar

Material: Steel

Approximate

Dimensions: 1.875" x 3.5"

Descriptions: Firing control mechanism.



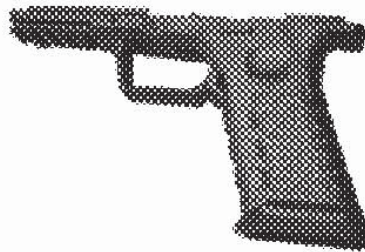
Part Name: Partially Complete Frame (Un-drilled)

Material: Polymer/Plastic

Approximate

Dimensions: 7.625" x 4.5"

Descriptions: Frame-shaped, but unable to hold the firing/trigger mechanism.



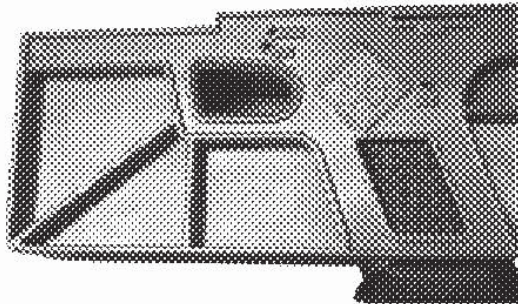
Part Name: Drilling Jig

Material: Plastic

Approximate

Dimensions: 8.125" x 3.875"

Descriptions: Plastic box containing drill guides and used to complete a firearm receiver.



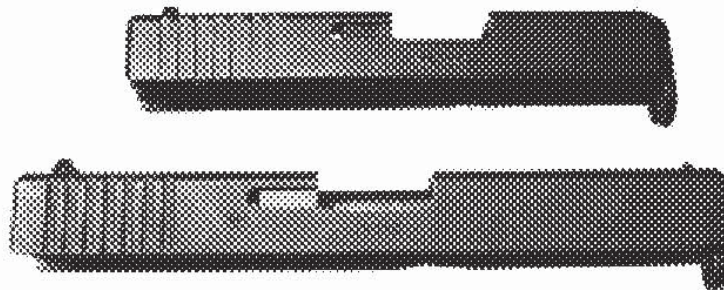
Part Name: Slide Assembly

Material: Steel

Approximate

Dimensions: 6.125"/7.5" x 1.5

Descriptions: Contains a portion of firing mechanism and facilitates cartridge ejection.



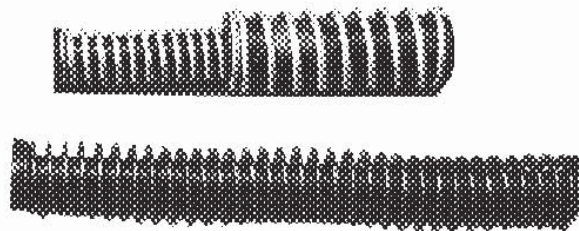
Part Name: Recoil Spring Assembly

Material: Steel/Plastic

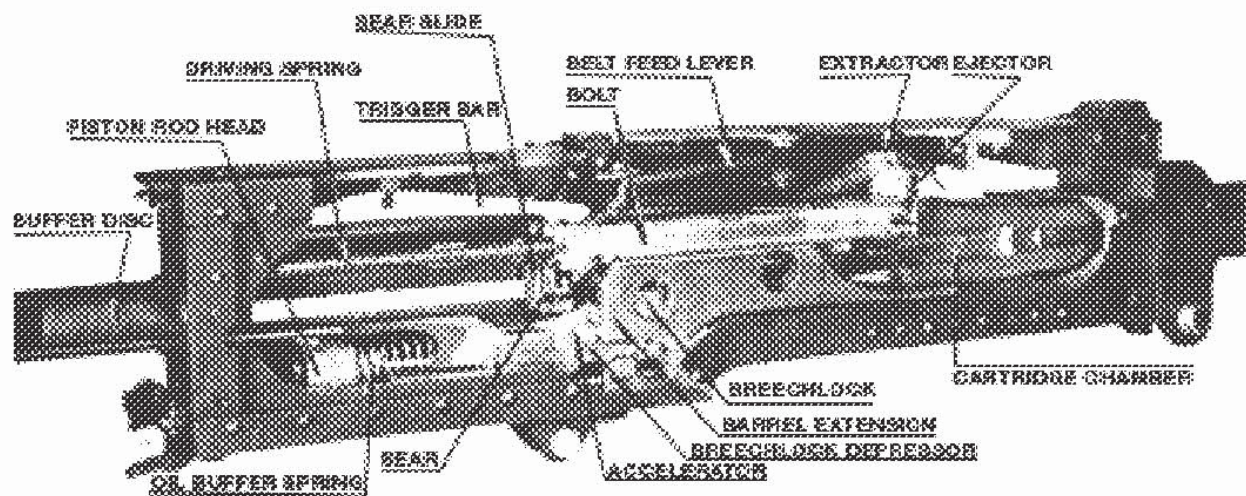
Approximate Model 33 (top): 2.375" long x .500"

Dimensions: diameter/Model 21 (bottom): 3.25" long
x .375" diameter

Descriptions: Absorbs recoil forces associated with ignition and forces a new cartridge to be loaded into the chamber.



M2 and .50 Caliber Rifle Variants



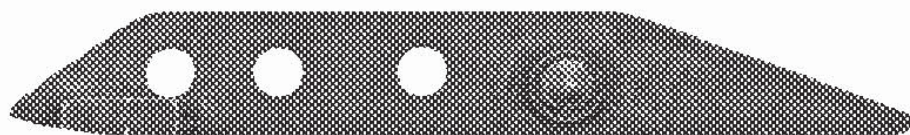
Part Name: Extractor Switch

Material: Steel

Approximate

Dimensions: 4.75" x .625"

Descriptions: Guides cartridge ejection.

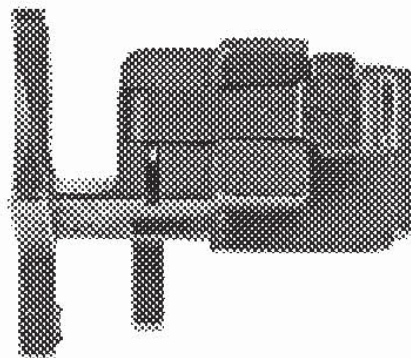


Part Name: Cartridge Stop Assembly

Material: Steel

Approximate Dimensions: 1.875" x 1.5"

Descriptions: Cartridge alignment.
(Right Hand Pictured)



Part Name: Trigger Bar

Material: Steel

Approximate

Dimensions: 8.125" Long x 0.750" High

Descriptions: Firing control.



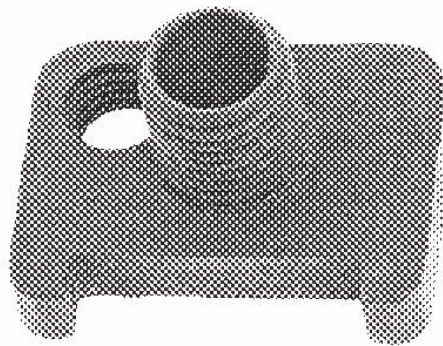
Part Name: Adjusting Trigger Lever Stop

Material: Steel

Approximate

Dimensions: 1" x .5"

Descriptions: Adjusts trigger depression depth.



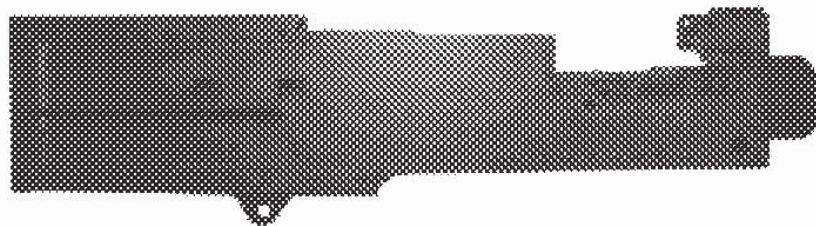
Part Name: Receiver Assembly

Material: Steel

Approximate

Dimensions: 25" x 6.25"

Descriptions: Main housing for firing control mechanisms, cartridge feed, and barrel attachment.



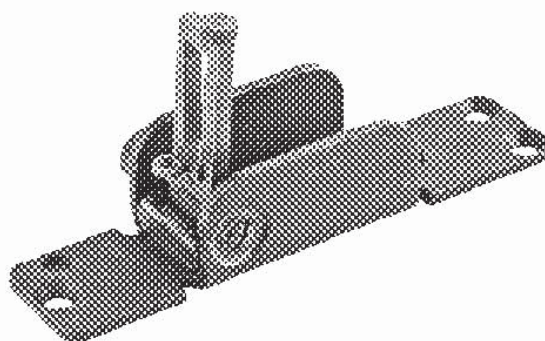
Part Name: Rear Sight Assembly

Material: Steel

Approximate

Dimensions: 6" x 1.875"

Descriptions: Firearm aiming/sight.



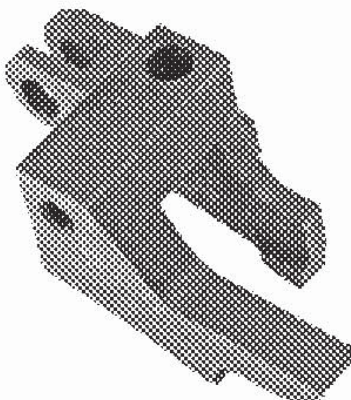
Part Name: Adjustable Bolt Catch

Material: Steel

Approximate

Dimensions: 2.625" x 1.625"

Descriptions: Holds bolt assembly in place.



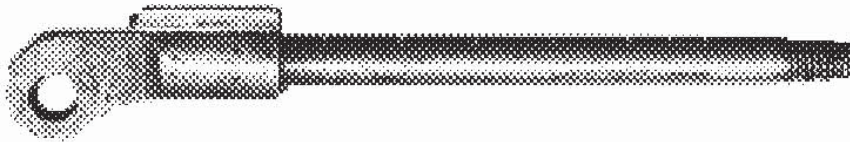
Part Name: Bolt Latch Rod

Material: Steel

Approximate

Dimensions: 5.5" x .5" (Diameter)

Descriptions: Part of mechanism to hold bolt carrier group in rearward position.



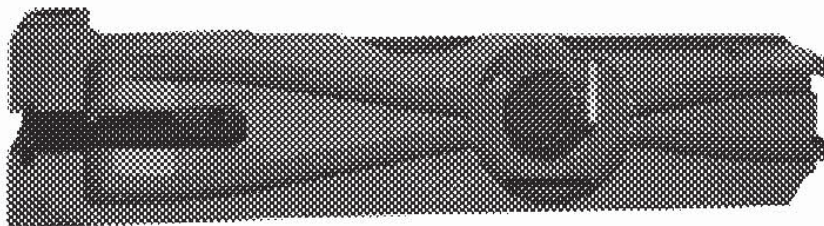
Part Name: Bolt Sub-Assembly

Material: Steel

Approximate

Dimensions: 9" x 2"

Descriptions: Contains firing pin and cartridge feed mechanisms.



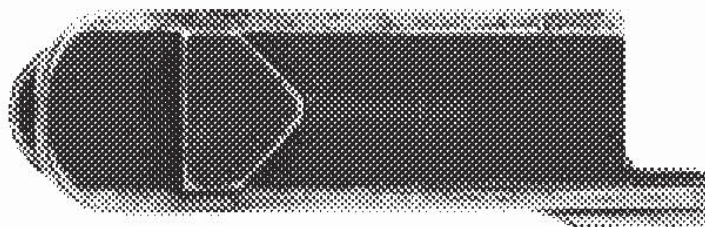
Part Name: Sear

Material: Steel

Approximate

Dimensions: 1.625" x .625"

Descriptions: Firing control.



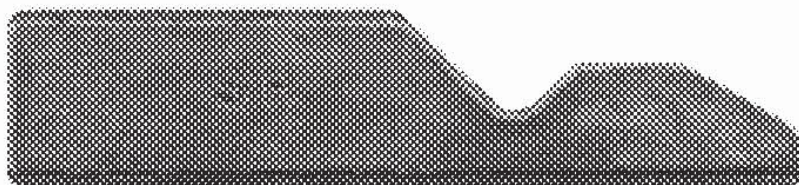
Part Name: Sear Slide

Material: Steel

Approximate

Dimensions: 1.5" x .375"

Descriptions: Firing control.



Part Name: Firing Pin

Material: Steel/Metal

Approximate

Dimensions: 3.75" x .5"

Descriptions: Strikes cartridge to initiate ignition.



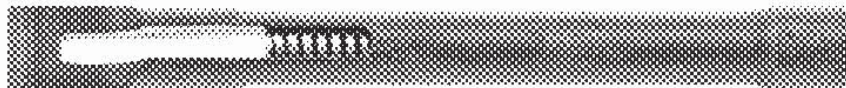
Part Name: Firing Pin Extension Assembly

Material: Steel

Approximate

Dimensions: 4.625" x .5" (Diameter)

Descriptions: Contains and guides firing pin.



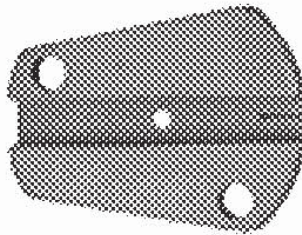
Part Name: Alternate Feed Knob

Material: Steel

Approximate

Dimensions: 1.75" x 1.375"

Descriptions: Articulated to allow for left- or right-hand belt feed. Attaches to bolt sub-assembly.



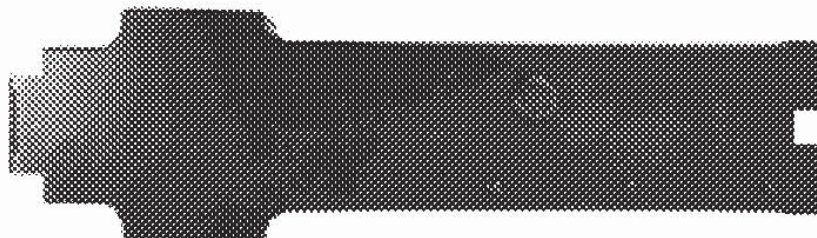
Part Name: Cover Sub-Assembly

Material: Steel **Approximate**

Dimensions: 12.75" x 3.5"

Descriptions: Covers bolt assembly.

Attaches to receiver top.



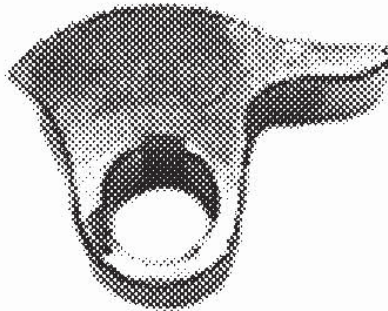
Part Name: Latch

Material: Steel

Approximate

Dimensions: .875" x .625"

Descriptions: Ensures cover sub-assembly remains closed during operation.



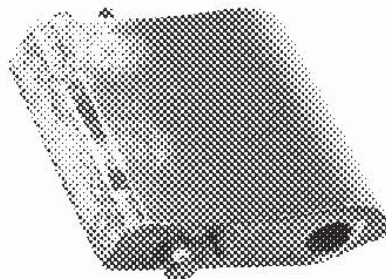
Part Name: Belt Feed Pawl

Material: Steel

Approximate

Dimensions: 4.625" x .5" (Diameter)

Descriptions: Aids in the feeding of linked ammunition.



Part Name: Belt Feed Arm

Material: Steel

Approximate

Dimensions: 2.5" x 0.750"

Descriptions: Feeds ammunition belt into receiver.



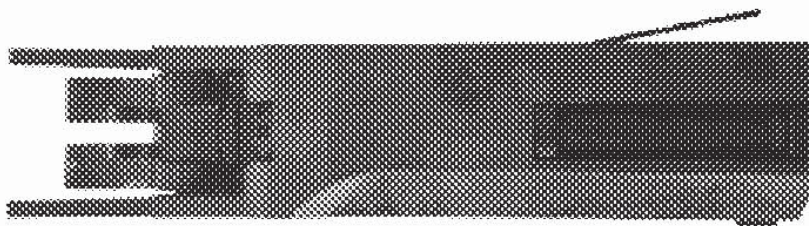
Part Name: Barrel Buffer Body Assembly

Material: Steel

Approximate

Dimensions: 7.25" x 2"

Descriptions: Firing control.



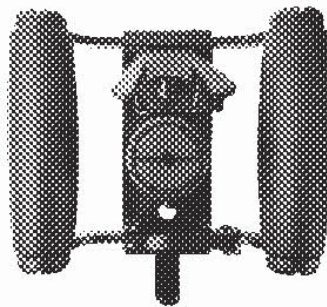
Part Name: Back Plate Assembly

Material: Metal/Plastic

Approximate

Dimensions: 6.0" x 6.0"

Descriptions: Physical contact point. Contains handles and trigger mechanism.



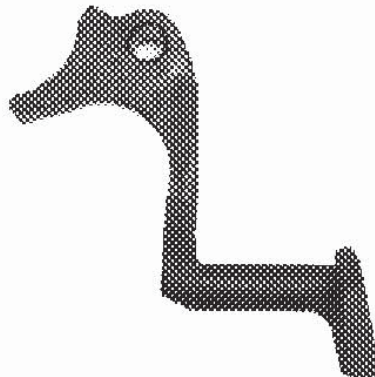
Part Name: Bolt Latch Release

Material: Steel

Approximate

Dimensions: 2.5" x 2"

Descriptions: Releases bolt from catch.



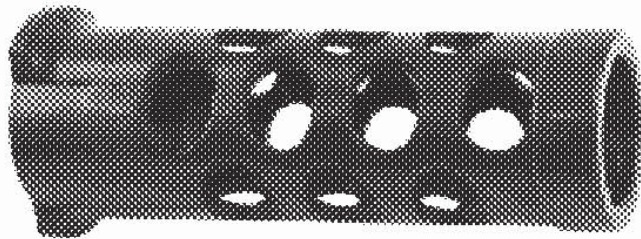
Part Name: Barrel Support

Material: Steel

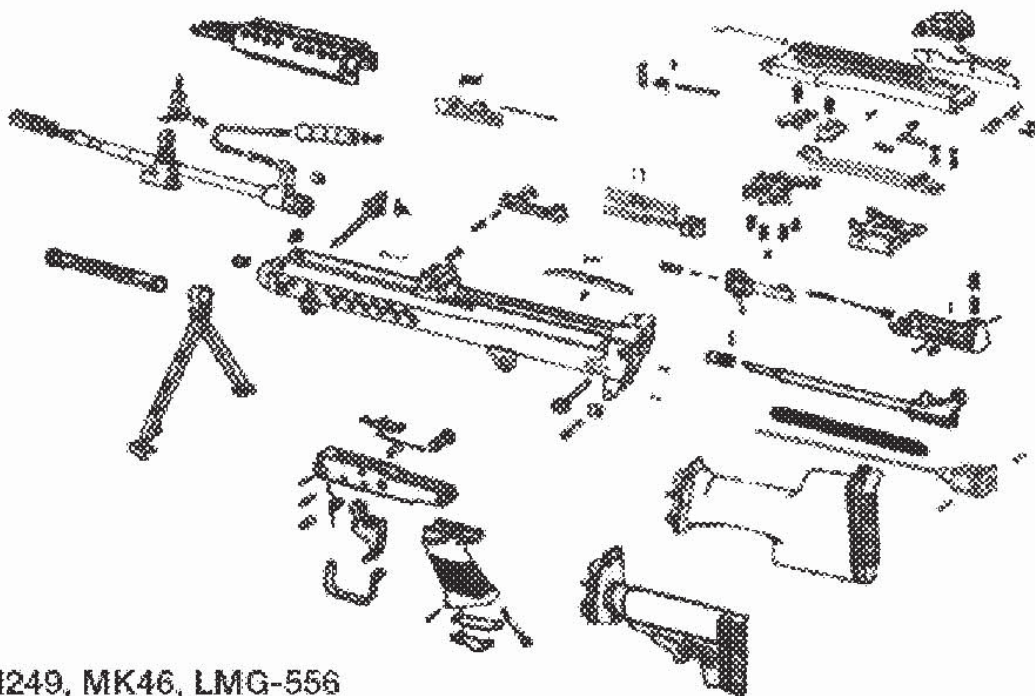
Approximate

Dimensions: 9.875" x 3.125" (Diameter)

Descriptions: Supports barrel and protects threaded connecting area.



M249 Squad Automatic Weapon (SAW)



M249, MK46, LMG-556

Part Name: Barrel Assembly

Material: Steel

Approximate

Dimensions: 19.5" x 4.125"

Descriptions: Includes barrel and handle.

Barrel guides projectile after ignition
and supports gas regulator.



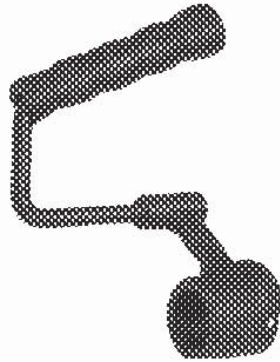
Part Name: Carry Handle

Material: Plastic/Metal

Approximate

Dimensions: 5.0" x 5.0"

Descriptions: Point of physical contact.



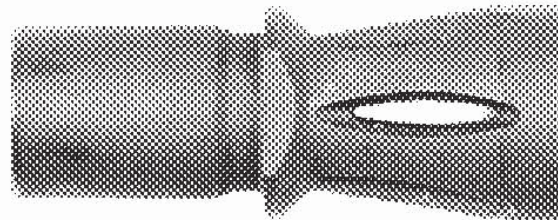
Part Name: Flash Suppressor

Material: Steel

Approximate

Dimensions: 2.125" x .875" (Diameter)

Descriptions: Reduces visible light from barrel after cartridge ignition.



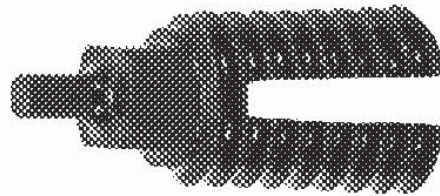
Part Name: Front Sight Post

Material: Steel

Approximate

Dimensions: .5" x .25"

Descriptions: Firearm aiming.



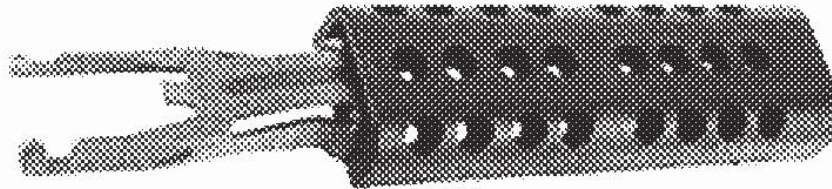
Part Name: Heat Shield

Material: Steel/Metal

Approximate

Dimensions: 10.125" x 2.125"

Descriptions: Covers and prevents direct contact with barrel.



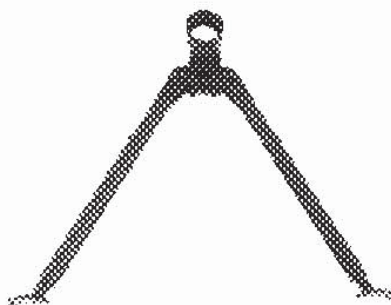
Part Name: Bipod Assembly

Material: Plastic/Metal

Approximate

Dimensions: 12.375" x 10.5"

Descriptions: Provides stable point of contact for
firearm aiming and operation.



Part Name: Gas Cylinder Assembly

Material: Steel

Approximate

Dimensions: 10.375" x 1.25" (Diameter)

Descriptions: Routes ignition gases to cycle firearm.



Part Name: Return Rod and Transfer Mechanism

Material: Steel

Approximate

Dimensions: 10.125" x 1"

Descriptions: Absorbs recoil from bolt and operating rod at the end of recoil movement.



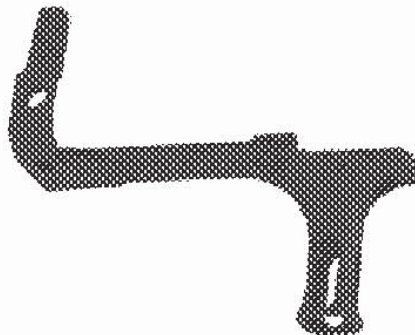
Part Name: Charging Handle Assembly

Material: Steel

Approximate

Dimensions: 3.875" x 1"

Descriptions: Moves bolt assembly to the rear position.



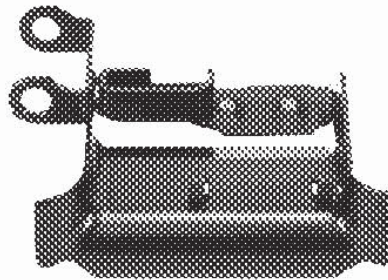
Part Name: Feed Tray

Material: Steel

Approximate

Dimensions: 3.5" x 2.75"

Descriptions: Guides linked ammunition into receiver body.



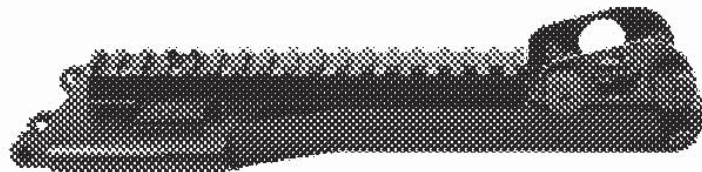
Part Name: Receiver Cover Assembly

Material: Steel

Approximate

Dimensions: 10.625" x 3"

Descriptions: Covers internal firing and feed mechanism. Positions cartridges for stripping, feeding, and chambering.

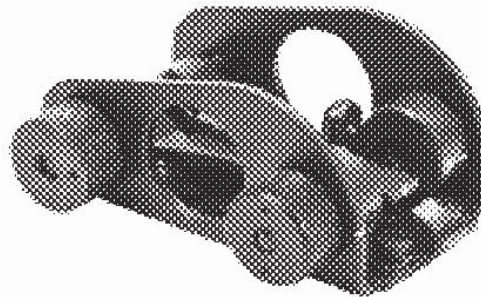


Part Name: Rear Sight Assembly

Material: Steel **Approximate**

Dimensions: 2.5" x 1.125"

Descriptions: Firearm aiming.



Part Name: Cocking Channel Cover

Material: Steel

Approximate

Dimensions: 5.75" x .875"

Descriptions: Prevents foreign objects from entering internal mechanisms.



Part Name: Headless Grooved Pin

Material: Plastic

Approximate

Dimensions: 6" x .125" (Diameter)

Descriptions: Holds ejection port cover in position.



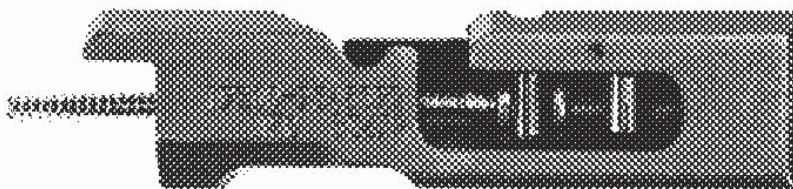
Part Name: Auto Slide Assembly

Material: Steel

Approximate

Dimensions: 4.25" x 1.25"

Descriptions: Contains and guides firing pin.



Part Name: Trigger Group

Material: Steel

Approximate

Dimensions: 1.75" x 2.375"

Descriptions: Initiates the ignition process when depressed.



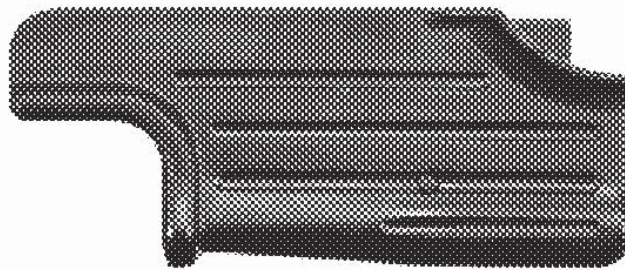
Part Name: Handguard

Material: Plastic

Approximate

Dimensions: 7.625" x 3.25"

Descriptions: Prevents direct contact with barrel.



Part Name: Piston/Operating Rod

Material: Steel

Approximate

Dimensions: 13.875" x 1.875"

Descriptions: Holds bolt and slide assemblies, and houses the return spring.



M203 Grenade Launcher

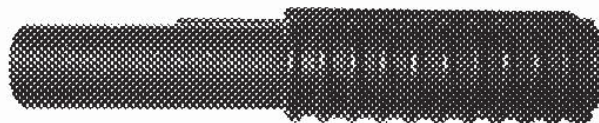
Part Name: Barrel Assembly

Material: Metal/Plastic

Approximate

Dimensions: 13.875" x 2.375" (Diameter)

Descriptions: Guides projectile out of chamber.



Part Name: Receiver Assembly

Material: Metal

Approximate

Dimensions: 11.75" x 4.5"

Descriptions: Contains trigger and firing mechanism.
Barrel attaches to the underside.



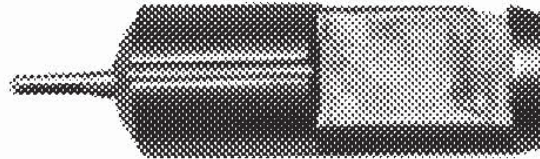
Part Name: Firing Pin

Material: Steel

Approximate

Dimensions: 1.75" x .5"

Descriptions: Strikes cartridge to initiate cartridge ignition.



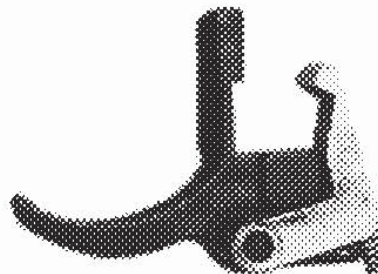
Part Name: Trigger Group

Material: Steel

Approximate

Dimensions: 1.375" x 1.875"

Descriptions: Part of firing mechanism that strikes cartridge to ignite the cartridge primer.



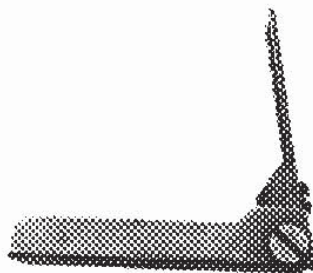
Part Name: Leaf Sight Assembly

Material: Steel

Approximate

Dimensions: 3.875" x 3.5"

Descriptions: Secondary aiming device attached to primary firearm, usually an AR-15 variant.



Accessories

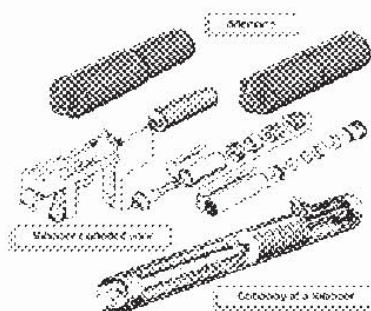
Part Name: Silencer/Muffler

Material: Steel

Approximate

Dimensions: Varies 5" to 10" x 1.5" (Diameter)

Descriptions: Device for silencing, muffling, or diminishing the report of a portable firearm.



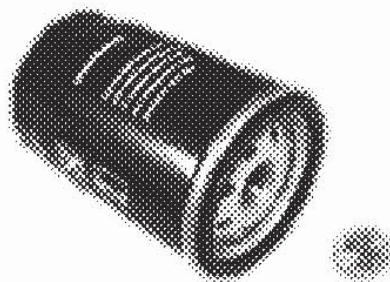
Part Name: Oil Filter Silencer/Solvent Trap

Material: Steel/Aluminum

Approximate

Dimensions: Varies

Descriptions: Attached to firearm with an adapter.



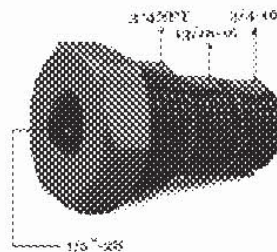
Part Name: Oil Filter Silencer Adapter

Material: Steel

Approximate

Dimensions: Varies

Descriptions: Device used to attach oil or fuel filter to firearm barrel, in order to reduce the report of a firearm discharge.



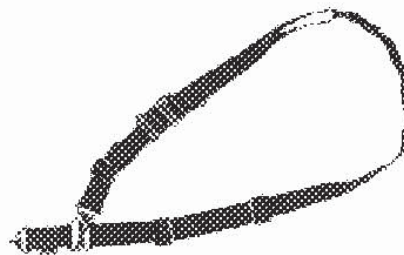
Part Name: Carry Strap/Sling

Material: Plastic/Fabric

Approximate

Dimensions: Varies

Descriptions: Allows for shoulder carry of a firearm.



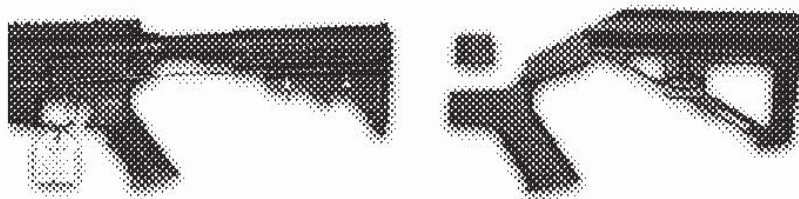
Part Name: Bump Stock

Material: Plastic

Approximate

Dimensions: 10" x 7"

Descriptions: A device that allows a semi-automatic firearm to shoot more than one shot with a single pull of the trigger.



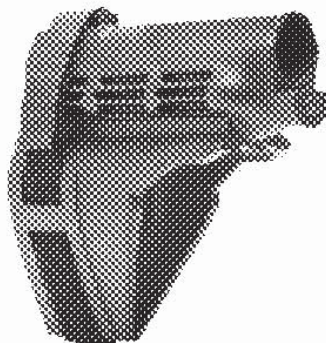
Part Name: Item Marketed as an Arm Brace

Material: Plastic

Approximate

Dimensions: 5" x 7"

Descriptions: Commonly used with AR pistol platforms.



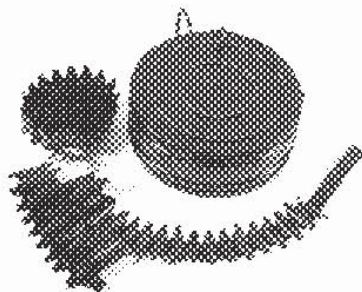
Part Name: RPD Ammunition Drum Magazine

Material: Steel

Approximate

Dimensions: 2.5" x 9" (Diameter)

Descriptions: Holds 7.62mm linked ammunition and attaches to the RPD rifle.



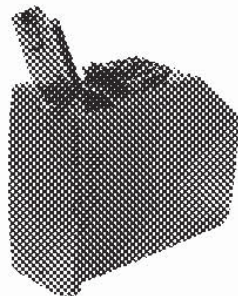
Part Name: M249/SAW Ammunition Drum

Material: Plastic/Cloth

Approximate

Dimensions: 12" x 3"

Descriptions: Holds 5.56mm linked ammunition and attaches to the M249 variant rifles.



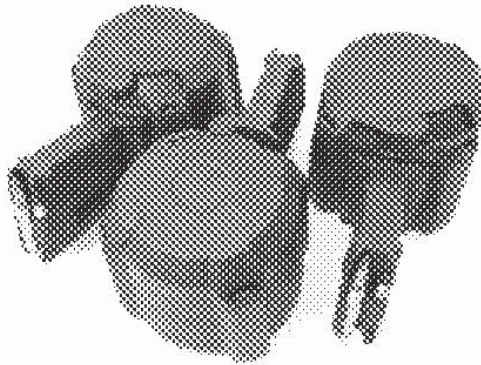
Part Name: D-60 Drum Magazine

Material: Plastic

Approximate

Dimensions: 6" x 9"

Descriptions: Holds 5.56mm non-linked ammunition and attaches to AR variant rifles.



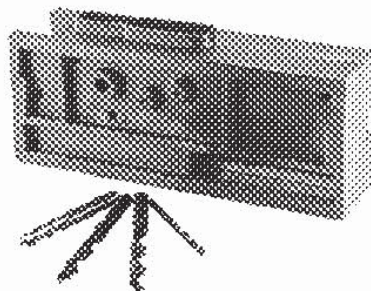
Part Name: Drilling Jig

Material: Plastic

Approximate

Dimensions: 7.25" X 1.5" X 3.5"

Descriptions: Plastic box containing drill guides and used to complete a rifle firearm receiver.



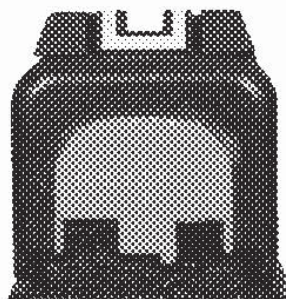
Part Name: Invisi-Switch

Material: Plastic or Metal

Approximate

Dimensions: 1" X .75"

Descriptions: Machinegun conversion device that resembles a manufactured slide cover plate and used to convert a Glock-type pistol from semi-automatic to automatic operation.



Part Name: Switch

Material: Plastic or Metal

Approximate

Dimensions: 1.5" X 1" X .5"

Descriptions: Machinegun conversion device used to convert a Glock-type pistol from semi-automatic to automatic operation.



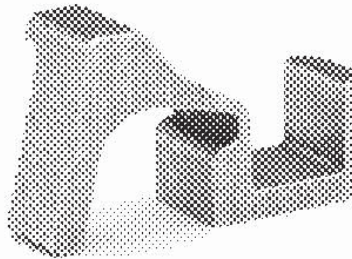
Part Name: Swift Link

Material: Plastic or Metal

Approximate

Dimensions: 1.75" X 1"

Descriptions: Machinegun conversion device used to convert an AR-15-type rifle from semi-automatic to automatic operation.



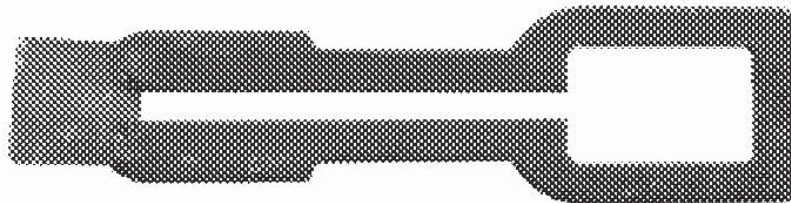
Part Name: Lightning Link

Material: Metal

Approximate

Dimensions: 3.5" X .5"

Descriptions: Machinegun conversion device used to convert an AR-15-type rifle from semi-automatic to automatic operation.



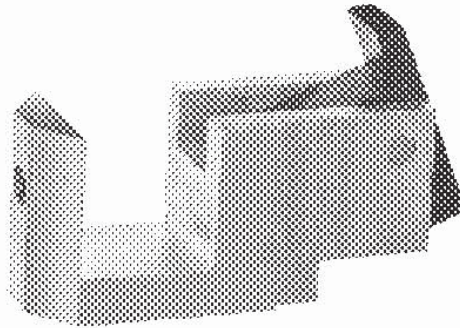
Part Name: Drop in Auto Sear (DIAS)

Material: Plastic or Metal

Approximate

Dimensions: 1.25" X .5" X .5"

Descriptions: Machinegun conversion device used to convert an AR-15-type rifle from semi-automatic to automatic operation.



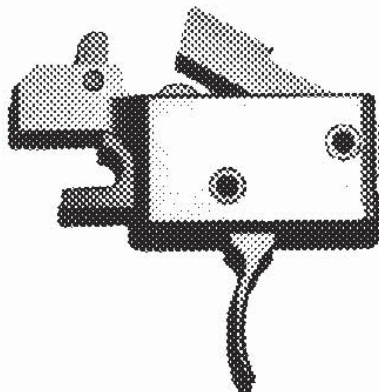
Part Name: Forced Reset Trigger (FRT)

Material: Metal

Approximate

Dimensions: 2.5" X .5" X 3"

Descriptions: Drop in trigger device used to convert an AR-15-type rifle from semi-automatic to automatic operation.



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

www.atf.gov

OSIICID-23-162
ATF-P 3800.1
Revised (June 2023)

Electronically Filed

JEFFERSON CIRCUIT COURT
CASE NOS. 24-CI-000518, 24-CI-002451, and 24-CI-002351
DIVISION SEVEN (7)
JUDGE MELISSA LOGAN BELLOWS

DANA MITCHELL, *et al.*
PLAINTIFFS

v.

RIVER CITY FIREARMS, INC., *et al.*
DEFENDANTS

MARYANNE ELLIOTT, *et al.*
PLAINTIFFS

v.

RIVER CITY FIREARMS, INC., *et al.*
DEFENDANTS

ZURICH AMERICAN INSURANCE COMPANY,
PLAINTIFF

v.

RIVER CITY FIREARMS, INC., *et al.*,
DEFENDANTS

ORDER GRANTING DEFENDANT RSR GROUP, INC.'S
MOTION FOR JUDGMENT ON THE PLEADINGS

This matter is before the Court upon the Motion of Defendant RSR Group, Inc. ("RSR") for judgment on the pleadings dismissing the Complaints and all claims therein against it with prejudice pursuant to CR 12.03. The Court having reviewed all documents submitted in support of, and in opposition to, the Motion to for Judgment on the Pleadings, heard arguments of counsel, and being otherwise sufficiently advised, it is hereby **ORDERED** that RSR's Motion for Judgment

F041EF7B-0A18-4032-8A83-CF5D9698F945 : 000240 of 000241

TD : 000001 of 000002

on the Pleadings is **GRANTED** and that Plaintiffs' Complaints and all claims against RSR are dismissed with prejudice.

Dated: _____

JUDGE JEFFERSON CIRCUIT COURT

Tendered by,

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