



U.S. Department of Justice

Bureau of Alcohol, Tobacco,
Firearms and Explosives

Firearms Technology Industry Services Branch

Martinsburg, WV

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[REDACTED]
AutoGlove USA, LLC
[REDACTED]
[REDACTED]
[REDACTED]

This refers to your correspondence to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), Firearms Technology Industry Services Branch (FTISB), which accompanied your submitted sample of an "AutoGlove" device. Specifically, you requested an examination and classification of this sample with regard to the amended Gun Control Act of 1968 (GCA) and the National Firearms Act (NFA).

As background, the GCA, 18 U.S.C. § 921(a)(23), defines the term "**machinegun**" as...

"The term "machinegun" has the meaning given such term in section 5845(b) of the National Firearms Act (26 U.S.C. 5845(b))."

Further, the NFA, 26 U.S.C. § 5845(a), defines the term "**firearm**" to include "(6) a machinegun."

Additionally, the NFA, 26 U.S.C. § 5845(b), defines "**machinegun**" to mean:

...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 term shall also include the frame or receiver of any such weapon, any part designed and intended solely and exclusively, or combination of parts designed and intended, for use in converting a weapon into a machinegun, and any combination of parts from which a machinegun can be assembled if such parts are in the possession or under the control of a person.

The physical characteristics and identity of the submitted sample are provided below:

Submitted Sample:

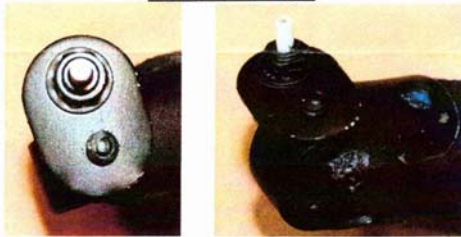


The submitted sample is a right-handed glove containing a “braced” pointer finger with an attached solenoid, and an “activation plunger” located on the middle finger. Included with the sample is a “simplified” battery control pack, which has only an ON/OFF setting.

Solenoid with Actuator Arm:



Activator Plunger:



The basic premise of your submitted design is what you label a patent pending “Trigger Assist Device (TAD).” The TAD uses an “activator plunger” to turn on a solenoid which pushes an “actuator arm” in and out engaging a firearm trigger.

The term "trigger" is a term generally applied by a manufacturer to that part of a firing mechanism which is manually operated to cause the firearm to discharge a projectile, usually by the release of a sear, hammer, firing pin, or striker. However, the "trigger" of a firearm under the GCA and NFA is defined in a context-specific manner. U.S. Courts of Appeals have defined the term "trigger" as "anything that...cause[s] the weapon to fire. A trigger may be either a traditional small projecting tongue in the firearm that, when pressed by the finger, actuates the mechanism that discharges the weapon, any mechanism used to initiate a firing sequence, or anything that serves as a stimulus and initiates or precipitates a reaction or series of reactions." U.S. v Carter, 465 F.3d 658 (6th Cir 2006). In both practical and legal terms, the "trigger" of a firearm is whatever is used to initiate the firing sequence.¹

When used in conjunction with a firearm, the AutoGlove replaces the traditional "trigger" of that weapon.



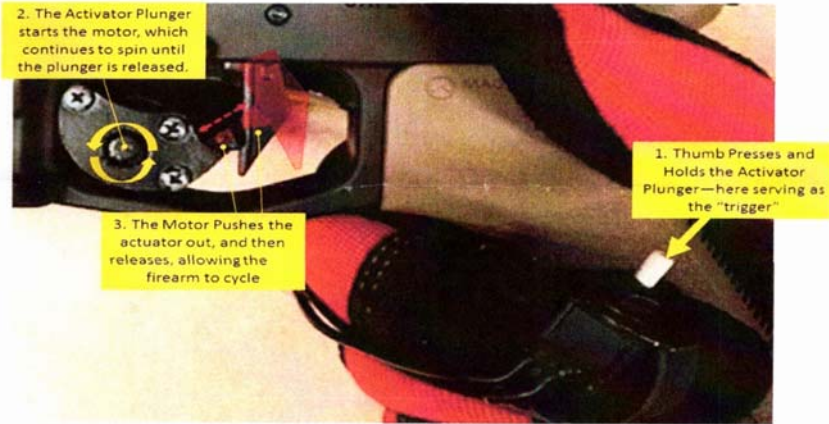
This shows the device in position and ready to fire. To fire, the shooter will move the selector to "fire," then press and hold the white activator plunger with his thumb. The firearm will fire until the thumb is released.



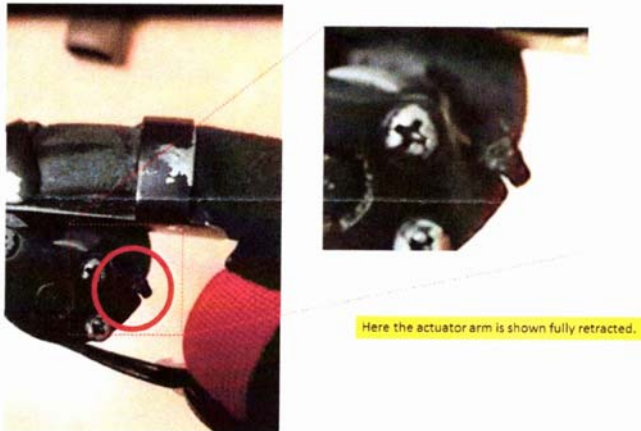
This shows the back side of the device when it is in position and ready to fire. Note that the traditional "trigger finger" is used merely to hold the device in place.

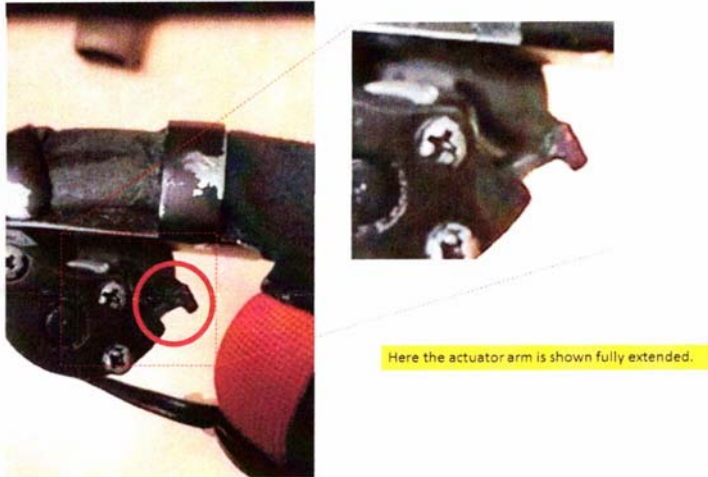
¹ See also United States v. Evans, 978 F.2d 1112 (9th Cir. 1992) (As used in § 5845(a), "by a single function of the trigger" describes the action that enables the weapon to "shoot . . . automatically . . . without manual reloading," not the "trigger" mechanism. The argument that the plain meaning of trigger in 28 U.S.C. § 5845(a)(6) is a curved metal trigger is out of context and without merit. It would lead to the absurd result of enabling persons to avoid the NFA simply by using weapons that employ a button or switch mechanism for firing.); United States v. Jokel, 969 F.2d 132 (5th Cir. 1992) (defined a trigger, as used in 26 U.S.C. § 5845(d) (shotguns), as any "mechanism . . . used to initiate the firing sequence"); United States v. Fleischli, 305 F.3d 643 (7th Cir. 2002) (concerning machine gun, approving of Jokel's definition).

The AutoGlove changes the shooter's interaction with the firearm's traditional trigger in that it incorporates the traditional trigger as a part of the firing sequence, but removes it as the part that initiates firing. Instead, the activator plunger acts as the actual trigger.



The below pictures show the functioning of the Actuator Arm.





ATF has held a consistent position with regard to electrically-driven trigger devices, going back more than 30 years.

An excerpt from a 1982 letter reads:

"An electric motor attached to a firearm, in such a manner that turning the motor on causes the weapon to fire repeatedly until the motor is switched off, would be a machinegun as defined."

Additionally, a 1988 letter reads:

"The Bureau of Alcohol, Tobacco and Firearms has previously determined a semiautomatic firearm having an electronic solenoid attached to the trigger and fired by means of a switch meets the definition of a machinegun as contained in the National Firearms Act (NFA)."

A separate 1988 letter reads:

"Your device, an electrically powered trigger actuator would fall within the purview of the NFA....A weapon on which a device such as you describe has been affixed would fire more than one shot, without manual reloading, by a single function of the electrical switch(trigger) and therefore meets the definition of a machinegun as defined. Further, section 5845(b), Title 26, U.S.C. also states the term "machinegun" shall also included....any part designed and intended solely and exclusively, or combination of parts

designed and intended for use in converting a weapon into a machinegun. Therefore, a device such as you describe would meet that definition even if it were not attached to any firearm."

Electrically-driven trigger devices are considered "**machineguns**" because they are a "combination of parts designed and intended, for use in converting a weapon into a machinegun." Because these electric devices use a switch/button to activate the drive motor to initiate the firing sequence, that switch/button is the firearm's trigger. Since the weapon fires more than one round for each single function of its trigger (a single press on the AutoGlove's Activator Plunger), it would be a "**machinegun**" as defined.

In your correspondence, you highlight two "major differences" in your AutoGlove device, which you claim should cause the device to not be classified as a "**machinegun**." First, your primary argument is that the AutoGlove does not permanently attach to a firearm, even while being utilized. Second, you claim that the actuator arm on the solenoid does not actually engage a firearms trigger on its own because a "micro-trigger" pull is required.

FTISB will discuss this second claim first. Your correspondence states:

"Second, although the AutoGlove has an activation plunger/switch to begin activation of the Trigger Activation Device (TAD), the TAD does not activate the trigger without additional human interaction. The person's trigger finger must still pull the TAD rearward and must use the TAD to take up slack/slop in the trigger. Then when the trigger is ready to break, and fire the gun, the person must begin making "micro-trigger pulls even with the TAD activated. Without such actions on the person's behalf, the TAD will only vibrate inside the trigger guard and possibly not even come into contact with the trigger."

FTISB personnel test-fired a semiautomatic AR-type firearm from the National Firearms Collection (NFC), utilizing the AutoGlove, to test the validity of this statement. Trigger pull on the NFC firearm was measured before the test-fire, and found to consistently break between 2-1/2 and 2-3/4 pounds of pressure. FTISB used commercially available, Federal brand, 55-grain .223 caliber ammunition for the test-fire.

Instead of making the "micro-trigger" pulls, which you claim are necessary, the solenoid was held against the front trigger guard with *forward* pressure (away from the traditional firearm trigger) applied during the test. When the activator plunger was pressed and held, the firearm fired automatically and continuously until the ammunition supply was exhausted. The test was repeated two additional times, with the same results.

The result of the test-fire leads FTISB to conclude that your claim of needing "micro-trigger" pulls to fire a firearm using the AutoGlove is not accurate. In fact, a shooter need not move his finger at all, but only hold the AutoGlove in place because the actuator arm provides all of the movement necessary to fire the weapon.

[REDACTED]

Your primary basis for reasoning that the AutoGlove should not be classified as a "**machinegun**" appears to be predicated on the belief that being "not permanently attached" excludes it from such classification. Unfortunately, the requirement that a device be "permanently attached" is found nowhere in the definition of a machinegun, and is thus not a requirement. As we stated in 1988, any part designed and intended solely and exclusively, or combination of parts designed and intended for use in converting a weapon into a machinegun would meet that definition even if it were not attached to any firearm." Therefore, this argument is immaterial to a final classification.

Consequently, the submitted device is a "**machinegun**" as defined in the NFA. It is also a "**firearm**" as defined in the NFA, and is subject to all NFA provisions.

Further, since May 19, 1986, the GCA permits only properly licensed manufacturers and importers to register new machineguns; private, unlicensed individuals may not do so.

An unregistered machinegun is a contraband firearm, and possession of such a weapon is unlawful. The submitted firearm is not registered in accordance with the provisions of the NFA and it cannot be returned to you.

Instead, FTISB is obliged to request forfeiture of the unregistered AutoGlove sample you have submitted.

We trust that the foregoing has been responsive to your request. If we can be of any further assistance, you may contact us at any time.

Sincerely yours,



Michael R. Curtis

Chief, Firearms Technology Industry Services Branch