2017 Ghost Gun Guide

A current guide to making your own firearms at home from unfinished receivers, by Defense Distributed.

www.ghostgunner.net

WHAT THIS GUIDE IS

This guide is intended as a factual survey of the Federal laws and industry guidelines that have shaped the 80 percent receiver culture. It cites statutes and published opinion where relevant.

WHAT THIS GUIDE IS NOT

Nothing in this guide is intended as legal advice. This collection of facts should be used as a supplement to the advice of counsel, and to correct hearsay and uninformed opinions.

What Is an "80 Percent Receiver?"

For many years, Americans have used so-called "80% receivers" as the starting point for building their own firearms. A firearm receiver is usually understood to mean the basic unit of a firearm which houses the firing and breech mechanism and to which the barrel and stock are assembled*.

An 80% receiver is most often a frame or receiver where no machining has been done to start the housing area for the firing mechanism.

It is the US Bureau of Alcohol Tobacco and Firearms (ATF) that makes this determination, but not in the way you might expect. By letter requests, ATF is asked by manufacturers whether a submitted receiver either is or is not a firearm. When ATF answers that the submitted receiver is, in their opinion, not yet a firearm, this receiver design can be sold as "unfinished" or a so-called "80 percent." No serial number is required to be placed on such receivers, and if they are finished by an individual, no serial number is required to be placed on them after completion.

You should note, then, that 80% is not a legally precise term, but is rather one meant for marketing. The relevant questions for determining if a receiver is an 80% is if the manufacturer can show an ATF letter confirming the frame is not in fact a firearm.

See: 18 U.S.C. § 921(a)(3) and 27 CFR § 478.11

Why Buy an 80% Receiver over a Gun?

The most common benefits of building your own gun from 80% are three:

1. Customization and Craft - 80% receivers usually have no initial markings or finishes. Working with an unfinished receiver allows you to build exactly the kind of gun you like, to whatever design specs you imagine. Engraving, skeletonizing, and industrial coatings are popular options for custom receivers. Your enthusiasm and curiosity are the only limitations.

2. Dealing with State Regulations - Some states may restrict the legal configurations of AR-type rifles or other firearms, limiting your commercial options. Beginning from 80% can in some cases allow you to comply with or route around these restrictions.

3. Privacy - Due to increasing government invasions of privacy, a large and growing number of the privacy-conscious prefer to have at least some of their firearms built without any federal or state records. As is their right.

Note - Unless you are going into business, 80% receivers are usually NOT the value option. Working with unfinished receivers requires equipment, time, and extra materials. In the Trump era especially, it makes more sense to purchase your firearm if you are primarily price-conscious.

Who Can Buy or Finish an 80% Receiver?

Federal law creates the basic categories of people who are ineligible to purchase firearms. The federal Gun Control Act of 1968, 18 U.S.C. § 922, generally prohibits the sale of firearms to any person who:

> Has been convicted of, or is under indictment for, a crime punishable by imprisonment for more than one year;
>
> Is a fugitive from justice;

Is an unlawful user of or addicted to a controlled substance;
Is underage;

Has been adjudicated as a mental defective or committed to a mental institution;

Is unlawfully in the United States or has been admitted to the U.S. under a nonimmigrant visa;

Has been dishonorably discharged from the military;

Has renounced his or her U.S. citizenship;

Is subject to a court order restraining him or her from harassing, stalking or threatening an intimate partner, his or her child or a child of a partner, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child; or

Has been convicted of a misdemeanor offense of domestic violence.

You may note that the above rules only apply to the sale of firearms and not 80% receivers, but we do not advise that you purchase 80% receivers if you are ineligible to purchase a firearm.

Can I Pay Someone to Finish an 80%?

This question is handled by ATF letter rulings: 2010-10 and 2015-01

Generally speaking, since 2015 you cannot pay a firearms manufacturer or gunsmith to finish an 80% receiver for you without also performing serialization.

If you wish to finish unfinished frames privately, you must own or use the equipment yourself, without paying for the service.

What is a Firearms Manufacturer?

The term “manufacturer” is defined in 18 U.S.C. 921(a)(10) as any person engaged in the business of manufacturing firearms or ammunition for purposes of sale or distribution.

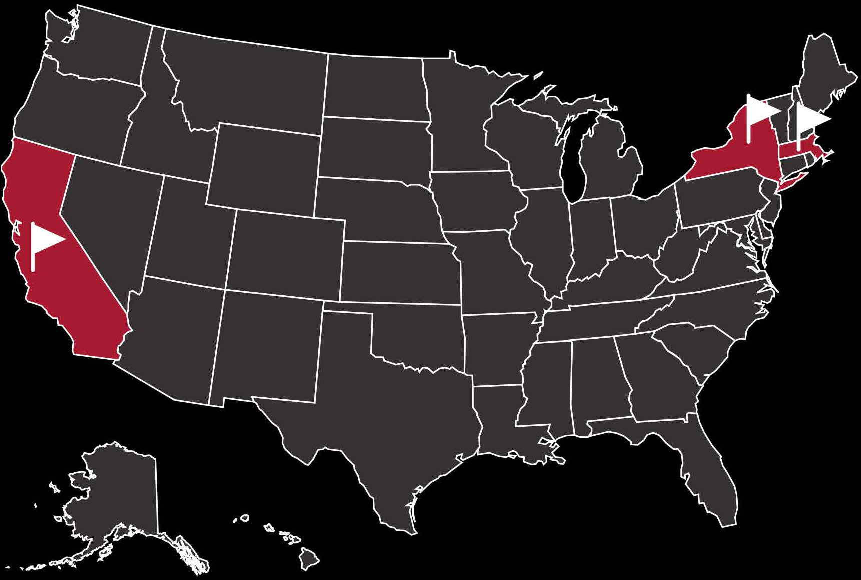
As applied to a manufacturer, “engaged in the business” is defined by 18 U.S.C. 921(a)(21)(A) and 27 CFR 478.11, as a “person who devotes time, attention, and labor to manufacturing firearms as a regular course of trade or business with the principal objective of livelihood and profit through the sale or distribution of the firearms manufactured.”

Generally speaking, finishing your own firearms receivers, even in large volumes, does NOT make a private individual a firearms manufacturer under the law.

The ATF and the Gun Control Act are concerned with regulating persons "in the business" of firearms making.

State Laws and Regulations

The state by state situation is changing every quarter, even during the Trump presidency. Locations of note and concern for 2017 are detailed below:



CALIFORNIA

- By July 2018 home finished guns will be regulated.
- New laws expected for 2018 and 2019.
- Low chance of repeal in 9th Circuit COA.

NEW YORK

- AR-type rifles must be SAFE Act compliant.
- New laws expected for 2018 and 2019.

MASSACHUSETTS

- Many semi-automatics are now banned as "copycats."
- For foreseeable future AR-type rifles are illegal.