**14.26 Firearms—Destructive Devices—Component Parts**

**(26 U.S.C. § 5861(d))**

The defendant is charged in [Count \_\_\_\_\_\_\_ of] the indictment with possession of an unregistered firearm—specifically, components from which a destructive device such as a bomb, grenade, or mine can be readily assembled—in violation of Section 5861(d) of Title 26 of the United States Code. For the defendant to be found guilty of that charge, the government must prove each of the following elements beyond a reasonable doubt:

First, the defendant knowingly possessed components that could be readily assembled into a destructive device such as a bomb, grenade, or mine;

Second, the defendant intended to use the components as a weapon; and

Third, the components were not registered to the defendant in the National Firearms Registration and Transfer Record.

**Comment**

The statutory definition of “destructive device” includes “any combination of parts either designed or intended for use in converting any device into a destructive device . . . and from which a destructive device may be readily assembled.” 26 U.S.C. § 5845(f). For unassembled components to qualify as a “firearm” there must be proof beyond a reasonable doubt that the components were intended for use as a weapon. *United States v. Fredman*, 833 F.2d 837, 839 (9th Cir. 1987); *see United States v. Schaefer*, 13 F.4th 875, 893-95 (9th Cir. 2021) (explaining “destructive device” as that term is used in both 18 U.S.C. § 921(a)(4) and 26 U.S.C. § 5845(f)).

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