**8.72A FIREARMS—UNLAWFUL POSSESSION OF BODY ARMOR**

**(18 U.S.C. § 931(a))**

 The defendant is charged in [Count \_\_\_\_\_\_\_ of] the indictment with possessing body armor in violation of Section 931(a) of Title 18 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 body armor;

 Second, the defendant had previously been convicted of a felony; and

 Third, the defendant knew that [his][her] felony conviction had as an element the use, attempted use, or threatened use of physical force.

**Comment**

 The term “body armor” means any product sold or offered for sale, in interstate or foreign commerce, as personal protective body covering intended to protect against gunfire, regardless of whether the product is to be worn alone or is sold as a complement to another product or garment. [18 USC § 921(a)(35)](https://www.law.cornell.edu/uscode/text/18/921#a_35).

 In *United States v. Door,* 996 F.3d 606, 615 (9th Cir. 2021), the Ninth Circuit held that “the government must prove that a defendant who possessed body armor knew that (1) he was convicted of a felony and, (2) the felony of which he was convicted had as an element ‘the use, attempted use, or threatened use of physical force.’”

*Approved 6/2021*