

April 16, 2024

Sen. John Marty
Chair, Senate Finance Committee
95 University Avenue W.
Minnesota Senate Bldg., Room 3235
St. Paul, MN 55155

Re: SF 5153 - Criminalizing Certain Legal Triggers, Costs and Compensation

Dear Chair Marty and Members of the Senate Finance Committee,

The National Shooting Sports Foundation (NSSF) represent over 10,000 retailers, distributors, and manufacturers in the firearm trades. We oppose criminalizing the triggers outlined in SF 5153. We believe mingling with “machine guns” is inaccurate, and that as contemplated the proposal would result in an uncompensated “taking” from legal firearm businesses and owners by the State.

This common trigger type (binary) was specifically referenced by the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) as “**not a machine gun**” component in March 2022. (<https://www.atf.gov/firearms/docs/open-letter/all-ffls-mar-2022-open-letter-forced-reset-triggers-frts/download>)

The ATF has been very clear: Binary triggers do not qualify. The ATF is also clear on surrender of or destruction of illegal machine guns. It remains unclear what Minnesota suggests be done with a binary trigger - because they are legal. Importantly, who would do the work, how is it to be paid for, what would be the financial reimbursement process, and where will replacement triggers come from should they need to be removed?

A binary trigger is a relatively expensive component in a firearm. The market value is in the \$400 range. This proposal means loss of value and the need to purchase and install some other equivalent (high end) trigger. The process will require a professional gunsmith; it will not be easy or inexpensive. We estimate the cost at \$800 per firearm in value lost, new component cost, and gunsmithing.

It does not appear that HF 2609 or SF 5153 contains either a “grandfather” clause or an appropriation to reimburse owners who are being mandated to modify the firearms in question. Again, these triggers are not illegal. As such, the criminalization destroys a firearm’s value and constitutes a “taking” from the owner. The Minnesota Constitution, Article 1 Section 13 reads:

“Private property shall not be taken, destroyed or damaged for public use without just compensation therefor, first paid or secured.”

The Minnesota provision is similar to the US Constitution's "Takings Clause".

"nor shall private property be taken for public use, without just compensation."

In current form we have seen no recognition of the cost associated with this proposal. We have seen no mechanism to account for or suggestion of what would be done with removed trigger assemblies. We question if there has been adequate consideration of the fiscal repercussions of this decision – on the State and on the individual gun owners.

This proposal is not ready. There are certainly many thousands of these triggers installed legally on firearms in the State of Minnesota. This action would criminalize thousands of Minnesotans, create millions in cost to avoid criminality, and leave doubt as to the fate of the components and firearms in question.

A criminal in Minnesota illegally used a firearm and component – that should not be reason to unfairly take property from and/or criminalize thousands of other Minnesotans. Please give this discussion further attention.

Sincerely,

A handwritten signature in black ink, appearing to read "Nephi Cole", written over a light blue horizontal line.

Nephi Cole
Director Government Relations-State Affairs
The National Shooting Sports Foundation

CC:

Sen. Heather Gustafson