



Date: April 14, 1998

This document is an account a player, "Mike Gillam" had with the BATF regarding his BOA Concealer, a barrel with a built in sound suppressor. The following pages are posts made by Mike on the usenet forum rec.sport.paintball, as well as a copy of the official letter sent to Mike.

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From: Mike Gillam (tazanator@worldnet.att.net)
Subject: ATF going overboard

Newsgroups: rec.sport.paintball
Date: 1998/04/28

Well i was planing on rifling my BOA concelor and when i asked the ATF agent what i could do he asked to see the barrel, 2 months later i get a letter that they are keeping it as an illegal silencer.

i have contacted the NRA to be given a lawyer and told i should have been a member asked the congressmens office to be told they can't help its a legal matter. I am talking with the owner of BOA now to start the fight and i will keep you advised but for now put the barrels under your beds. If you can help please send me any info to fight this.

tazanator
tippman carbine (missing a 30" boa concelor)
back up KP-1 modified by glen palmer



DEPARTMENT OF THE TREASURY
BUREAU OF ALCOHOL, TOBACCO AND FIREARMS
WASHINGTON, D.C. 20226

April 14, 1998

[REDACTED]
[REDACTED]
[REDACTED]

RE: Seizure of Property(ies)

Agency Case Number : [REDACTED]
Seizure Number : [REDACTED]
Serial Number : NONE
Asset Identification : [REDACTED]
Asset Description : 30" BOA Concealer silencer sn:NONE
Asset Value : \$50.00

[REDACTED]

On [REDACTED] at [REDACTED] Northern District of [REDACTED] the property(ies) described above was/were seized by the Bureau of Alcohol, Tobacco, and Firearms (ATF) for forfeiture. The property(ies) was/were used in or acquired in a violation of Title 26 USC Chapter 53 and is/are subject to forfeiture pursuant to that law. Administrative forfeiture proceedings have commenced in accordance with the provisions of 31 U.S.C. 9703(o) and 19 U.S.C. 1602-1624.

To Contest the Forfeiture in Court

If you want to contest the forfeiture of the property(ies) in Federal Court, in accordance with 27 C.F.R. Part 72 you must file a claim to the property(ies) and a cost bond in the amount of ten (10) percent of the value of the property(ies), but not less than two hundred and fifty dollars (\$250.00) or more than five thousand dollars (\$5,000.00) by 05/13/98. The bond may be in the form of certified or cashier's check, or other acceptable surety payable to ATF.

If you do not have the financial means to pay the bond, you may request a waiver of the bond by filing a sworn affidavit setting forth the factual basis for seeking the waiver in order to proceed Informa Pauperis. It is necessary to file the claim and cost bond (or request for a waiver from the cost bond requirement) by 05/13/98 if you wish to obtain judicial review of this

[REDACTED]

matter in Federal Court. The documents concerning the claim and cost bond should be mailed to the following address:

Bureau of Alcohol, Tobacco, and Firearms
Seized Property Branch
650 Massachusetts Avenue, N.W.
Washington, D.C. 20226
Attn: S. Taylor

We have enclosed for your convenience a copy of a form to be used to submit a cost bond, along with a power of attorney form for use should you obtain the services of an attorney to represent you in this matter.

Administrative Petition for Remission or Mitigation of Forfeiture


As an alternative to seeking judicial review by filing a claim and cost bond, you may submit a Petition for Remission or Mitigation of Forfeiture (an original and two copies) to ATF. The Regulations pertaining to a Petition for Remission or Mitigation of Forfeiture are set forth in 27 C.F.R. Part 72.

The petition should state in clear and concise terms the nature and amount of the petitioner's present financial interest in the property(ies) and should be accompanied by any documents which would support the factual basis of the petition. If you are lienholder petitioner, you must also complete a Net Equity Worksheet which is available upon request from ATF.

The petition must be signed and sworn to by the petitioner or an attorney representing the petitioner. A petition should be filed within twenty (20) days following the receipt of this notice at the address referred to above.

Please ensure that any correspondence regarding this matter references the Asset Identification Number(s) which are listed above. If you have any questions regarding this matter, you may contact S. Taylor at 202-927-7960 by 05/13/98.

Sincerely,


J. Smith
Property Disposal Technician

Enclosures

Certified Mail, Return Receipt Requested



DEPARTMENT OF THE TREASURY
BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

To Whom it May Concern:

Re: **Paint Ball Sound Suppressors**

This letter is to advise you that the ATF Firearms Technology Branch conducted an examination, test, and classification determination on a suspected firearm silencer submitted for examination. The Firearms Technology Branch conducted the standard tests for sound suppression in order to determine if the device submitted did meet the definition of a "firearm silencer" as defined in Title 18 United States Code, Section 921(a)(24).

The Firearms Technology Branch performed its examination on the following three exhibits:

1. Exhibit 1 consists of a cylindrical outer body of a plastic-like material approximately 22-1/4 inches overall length having a front end cap and a rear end cap of similar material. Each end cap has a single rubber o-ring installed around its circumference. A brass tube extends approximately 7-3/4 inches from the rear end of the device, this tube being externally threaded approximately 5/8 inches from the end. This brass tube extends the length of the interior of the outer body and protrudes through the front end cap. Four rows of circular holes are cut into the wall of the brass tube, opening into the space between the brass tube and the outer body of Exhibit 1. This space acts as an expansion chamber.
2. A plastic bag containing foam padding material.
3. A plastic bag containing one copy of a magazine titled "Action Pursuit Games".

The conclusions reached from the examination are as follows:

Exhibit 1 is a "firearm silencer" as defined in Title 18 United States Code (U.S.C.), Chapter 44, Section 921(a)(24). Exhibit 1 is also a "firearm" as defined in Title 26 U.S.C., Chapter 53, Section 5845(a)(7). Further, Exhibit 1 bears no manufacturer's marks of identification serial number as required by Title 26 U.S.C., Chapter 53, Section 5842.

Exhibit 2, as received, and Exhibit 3 are not currently covered by any provisions of the Gun Control Act of 1968 or the National Firearms Act.

The subject determination constitutes a basis for the Bureau of Alcohol, Tobacco and Firearms to believe the item identified as Exhibit 1 is an unregistered firearm within the meaning of 26 U.S.C., Section 5845(a)(7). Such an unregistered firearm constitutes contraband under the forfeiture laws of the United States and is subject to seizure and forfeiture to the United States. Possession of an unregistered "firearm silencer," if proven in a United States District Court, would be a felony violation.