

# THE TRUTH ABOUT ARMOR PIERCING AMMUNITION

The Law Enforcement Officers Protection Act<sup>i</sup> outlawed armor piercing ammunition in an effort to protect law enforcement officers. Specific handgun ammunition made from metals including steel and brass that was originally designed to pierce body armor was banned from being manufactured or imported.

Despite media sensationalism, there is no evidence that an officer has ever been killed by “armor piercing” ammunition penetrating a bullet-proof vest that was shot from a handgun. And while bullet proof vests aren’t designed to block ammunition shot from higher-powered rifles, FBI crime data show these firearms are rarely the weapons of choice for criminals.<sup>ii</sup>

## REGULATORY OVERREACH

Under former President Obama, the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) had sought to use the armor piercing ammunition ban to outlaw any rifle ammunition that could be loaded into a handgun. That represented a deliberate misread of the law and runs counter to congressional intent.

As part of the definition of armor piercing ammunition, the statute provides one test for exemption - whether the projectile is “*primarily intended to be used for a sporting purpose.*”<sup>iii</sup> This narrowly-written test does not state that the exemption is dependent on what types of handguns exist in the marketplace. It is also not related to whether the ammunition is suitable for target shooting with rifles or whether it is



- **Armor Piercing Ammunition is illegal, and has never killed a law enforcement officer by being shot through a handgun and penetrating a bullet-proof vest.**
- **The Obama Administration sought to use existing regulations as a broader ban on rifle ammunition that may be used in a handgun.**
- **This runs counter to legislative intent and holds serious consequences for manufacturers.**

used in specific cartridges.

Handguns that could be loaded with rifle ammunition existed when the law was enacted, and as we know from the extensive legislative history<sup>iv</sup>, this test deliberately does not take into account how the ammunition is actually used or principally used – rather what the ammunition is the primary intended for.

Barring an actual change in the law, there should be no question of the test used for a sporting purpose exemption. Furthermore, once the test is applied to a type of projectile, there should not be a change in the application if new handguns that can chamber rifle ammunition enter the market.

## DEFINING A HANDGUN

Another difficulty with attempting to read the law as banning any ammunition that may be loaded into a handgun lies with the definition of handgun. A handgun is defined by law as “designed to be held and fired by the use of a single hand.”<sup>v</sup>

There are large single shot pistols in the market that may be chambered with rifle ammunition. However, these are not “handguns” under the law as they are designed to be fired by the use of two hands.<sup>vi</sup>

*continued* →



## LEAD CONCERNS

Some manufacturers have been looking at new and innovative materials to replace traditional lead components in markets such as areas of California, where the use of traditional ammunition for hunting has been banned by law due to perceived

environmental concerns.<sup>vii</sup> However, some of these alternative materials, e.g. brass, cause the ammunition to fail the composition test and therefore are considered armor piercing ammunition.

While the goal of protecting law enforcement officers is laudable,

the unintended consequences of the statute and potential misinterpretation by ATF are steep, particularly considering the fortunate lack of instances of officers killed by armor piercing ammunition shot from a handgun through body armor.

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i P.L. 99-408

ii FBI, Uniform Crime Reports, various years <http://www.fbi.gov/about-us/cjis/ucr/ucr>

iii 18 USC 921 (17) (C)

iv Armor-Piercing Ammunition: Hearing before the Subcommittee on Criminal Law, Senate Judiciary Committee, 98th Cong., 2nd Sess., at 8. (1985)

v 18 U.S.C. § 921 (29) (A)

vi Rep. Biaggi acknowledged as much during a House committee hearing on the law stating, "my bill clearly defines the term handgun to mean a firearm 'originally' designed to be fired by the use of single hand."

vii California Department of Fish and Wildlife, "Nonlead Ammunition in California," <https://www.wildlife.ca.gov/hunting/nonlead-ammunition> (last accessed on Aug. 29, 2017).

