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Minnesota House Public Safety Finance and Policy Committee
1601 Utica Ave. S.,
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VIA ELLEN.MCDANIEL@HOUSE.MN.GOV

In re: OPPOSE - Minnesota House File 2609 – Criminalizing Binary® Triggers

Attn: Chair Rep. Kelly Moller

I write on behalf of Franklin Armory, Inc. regarding the recent proposal in Minnesota, House File 2609. Specifically, I write to provide my comments that relate to the debate that took place on March 21, 2024.

First and foremost, having observed the debate, we appreciate their gracious and professional conduct from both sides of the debate and their refraining from politicizing the issue given the underlying circumstances which initiated HF 2609. There were, however, some statements made that need to be corrected and/or clarified in order to maintain an honest discussion and decorum.

First, there was concern about the function, design, and intended purpose of the Binary Trigger. It was stated during the debate that Binary Triggers increase the rate of fire; this, however, is inaccurate. Binary Triggers do not increase the rate of fire for a firearm, as the rate of fire is something that is set by the overall design of the firearm and the general physics. Binary Triggers are, however, patented and trademarked semiautomatic triggers designed to fire once when the trigger is manually pulled and once when the trigger is manually released.¹ Binary Triggers are arms that have been in common use for years within the sporting, recreational, defensive, and law enforcement fields. Binary Triggers are very rarely used for criminal misconduct, with the known incidents of criminal misuse of binary indicating that greater than 99.999% percent of owners use them in furtherance of their lawful sporting, recreational, and defensive purposes.

During the debate, it was posited that Binary Triggers were used in the 2017 Las Vegas shooting that occurred at the Mandalay Bay. This is incorrect. A review of the 1 October Force Investigation Team Report prepared by the Las Vegas Metropolitan Police Department will evidence that fact that the evidence report is void of any reference to Binary Triggers entirely.

It was also intimated during the debate that Binary Triggers are the same as “bump stocks” and “machineguns.” This is patently incorrect. Binary Triggers are neither bump stocks, nor machineguns. In fact, the Bureau of Alcohol, Tobacco, and Firearms has expressly clarified this issue in their Department Response within their Final Rule regulating “bump stocks” as “machinegun,” stating:

The Department disagrees that other firearms or devices, such as rifles, shotguns, and binary triggers, will be reclassified as machineguns under

¹ Variants of pull-release triggers have been around for decades.



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this rule. Although rifles and shotguns are defined using the term “single pull of the trigger,” 18 U.S.C. 921(a)(5), (7), the statutory definition of “machinegun” also requires that the firearm “shoots automatically more than one shot, without manual reloading,” by a single function of the trigger, 26 U.S.C. 5845(b). While semiautomatic firearms may shoot one round when the trigger is pulled, the shooter must release the trigger before another round is fired. Even if this release results in a second shot being fired, it is as the result of a separate function of the trigger. This is also the reason that binary triggers cannot be classified as “machineguns” under the rule—one function of the trigger results in the firing of only one round. By contrast, a bump-stock-type device utilizes the recoil energy of the firearm itself to create an automatic firing sequence with a single pull of the trigger. The Department notes that ATF has already described a “single pull of the trigger” as a “single function of the trigger.” See ATF Ruling 2006–2.

See Federal Register, Vol. 83, No. 246 (Dec. 26, 2018), at 66534.²

That being said, this bill will affect the many law-abiding gun owners that currently own or intend to own a Binary Trigger for sporting, recreational, defensive, and law enforcement by subjecting them to criminal prosecution for merely possessing a semiautomatic firearm trigger. There are a number of flaws with the overall mechanics of the HF 2609, including the potential of the bill being deemed an unconstitutional taking and entirely invalidated on that basis.

The law-abiding firearm owners who own, possess, and use Binary Triggers for sporting, recreational, defensive, and law enforcement should not be penalized or subjected to potential criminal penalties for the possession of a product protected by the Second Amendment to the United States Constitution.

We thank you for your time and consideration.

Thank you,

Jason Davis
s/ Jason Davis
General Counsel

² See <https://www.govinfo.gov/content/pkg/FR-2018-12-26/pdf/2018-27763.pdf>, last visited March 26, 2024.