



U.S. Department of Justice

Bureau of Alcohol, Tobacco,  
Firearms and Explosives

Washington, DC 20226

[www.atf.gov](http://www.atf.gov)

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Mr. [REDACTED]

Dear Mr. [REDACTED]

This is in response to your letter dated October 1, 2006, to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF). In your letter, you stated that you saw a movie trailer that showed actor Mark Wahlberg handling a firearm. You also stated that he was a convicted felon. As such, you asked how an individual in the entertainment industry is free to break the Federal firearms laws while, under similar circumstances, an "average citizen" would go to prison for violating these same firearms laws.

As you may know, ATF is responsible for enforcing the Gun Control Act of 1968 (GCA), as well as other Federal firearms laws. A significant part of the GCA concerns the requirements pertaining to the manufacture, importation, distribution, and sale of firearms, as well as regulations designed to prevent their falling into the hands of criminals. Federal law makes it unlawful for certain prohibited persons, including a convicted felon, to purchase, possess, or receive any firearm (see 18 U.S.C. 922(g)). 27 CFR 478.11 defines a firearm as:

*Any weapon, including a starter gun, which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; the frame or receiver of any such weapon; any firearm muffler or firearm silencer; or any destructive device; but the term shall not include an antique firearm. In the case of a licensed collector, the term shall mean only curios and relics.*

Mr. [REDACTED]

Because you saw this individual possessing a gun in a movie trailer, it is not known whether or not this item meets this definition. The possibility exists that it could have been a movie prop and made to function as a real weapon through the use of special effects. As such, even if this individual was a convicted felon, he would be able to possess this "gun" if it did not meet the Federal definition of a firearm.

We trust this has been responsive to your inquiry. If you should have any further questions, please feel free to contact our office at (202) 927-7770.

Sincerely yours,



Cherie Knoblock  
Acting Deputy Chief  
Firearms Programs Division