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SUPREME COURT OF THE UNITED STATES

Syllabus

STAPLES v. UNITED STATES

CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE TENTH CIRCUIT

No. 92-1441. Argued November 30, 1993—Decided May 23, 1994

The National Firearms Act criminalizes possession of an unregistered "firearm," 26 U. S. C. §5861(d), including a "machinegun," §5845(a)(6), which is defined as a weapon that automatically fires more than one shot with a single pull of the trigger, §5845(b). Petitioner Staples was charged with possessing an unregistered machinegun in violation of §5861(d) after officers searching his home seized a semiautomatic rifle—*i.e.*, a weapon that normally fires only one shot with each trigger pull—that had apparently been modified for fully automatic fire. At trial, Staples testified that the rifle had never fired automatically while he possessed it and that he had been ignorant of any automatic firing capability. He was convicted after the District Court rejected his proposed jury instruction under which, to establish a §5861(d) violation, the Government would have been required to prove beyond a reasonable doubt that Staples knew that the gun would fire fully automatically. The Court of Appeals affirmed, concluding that the Government need not prove a defendant's knowledge of a weapon's physical properties to obtain a conviction under §5861(d).

Held: To obtain a §5861(d) conviction, the Government should have been required to prove beyond a reasonable doubt that Staples knew that his rifle had the characteristics that brought it within the statutory definition of a machinegun. Pp. 4-19.

(a) The common-law rule requiring *mens rea* as an element of a crime informs interpretation of §5861(d) in this case. Because some indication of congressional intent, express or implied, is required to dispense with *mens rea*, §5861(d)'s silence on the element of knowledge required for a conviction does not suggest

that Congress intended to dispense with a conventional *mens rea* requirement, which would require that the defendant know the facts making his conduct illegal. Pp. 4-5.

(b) The Court rejects the Government's argument that the Act fits within the Court's line of precedent concerning "public welfare" or "regulatory" offenses and thus that the presumption favoring *mens rea* does not apply in this case. In cases concerning public welfare offenses, the Court has inferred from silence a congressional intent to dispense with conventional *mens rea* requirements in statutes that regulate potentially harmful or injurious items. In such cases, the Court has reasoned that as long as a defendant knows that he is dealing with a dangerous device of a character that places him in responsible relation to a public danger, he should be alerted to the probability of strict regulation, and is placed on notice that he must determine at his peril whether his conduct comes within the statute's inhibition. See, e.g., *United States v. Balint*, 258 U. S. 250; *United States v. Freed*, 401 U. S. 601. Guns, however, do not fall within the category of dangerous devices as it has been developed in public welfare offense cases. In contrast to the selling of dangerous drugs at issue in *Balint* or the possession of hand grenades considered in *Freed*, private ownership of guns in this country has enjoyed a long tradition of being entirely lawful conduct. Thus, the destructive potential of guns in general cannot be said to put gun owners sufficiently on notice of the likelihood of regulation to justify interpreting §5861(d) as dispensing with proof of knowledge of the characteristics that make a weapon a "firearm" under the statute. The Government's interpretation potentially would impose criminal sanctions on a class of persons whose mental state—ignorance of the characteristics of weapons in their possession—makes their actions entirely innocent. Had Congress intended to make outlaws of such citizens, it would have spoken more clearly to that effect. Pp. 5-16.

(c) The potentially harsh penalty attached to violation of §5861(d)—up to 10 years' imprisonment—confirms the foregoing reading of the Act. Where, as here, dispensing with *mens rea* would require the defendant to have knowledge only of traditionally lawful conduct, a severe penalty is a further factor tending to suggest that Congress did not intend to eliminate a *mens rea* requirement. Pp. 16-19.

(d) The holding here is a narrow one that depends on a common-sense evaluation of the nature of the particular device Congress has subjected to regulation, the expectations that individuals may legitimately have in dealing with that device, and the penalty attached to a violation. It does not set forth comprehensive criteria for distinguishing between crimes that require a mental element and crimes that do not. Pp. 19-21.

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971 F. 2d 608, reversed and remanded.

THOMAS, J., delivered the opinion of the Court, in which REHNQUIST, C. J., and SCALIA, KENNEDY, and SOUTER, JJ., joined. GINSBURG, J., filed an opinion concurring in the judgment, in which O'CONNOR, J., joined. STEVENS, J., filed a dissenting opinion, in which BLACKMUN, J., joined.