

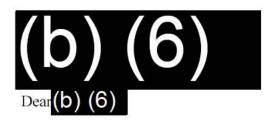
U.S. Department of Justice

Bureau of Alcohol, Tobacco, Firearms and Explosives

> 903050 (b) (6) 3311/2013-174

www.atf.gov

APR 1 5 2013



This is in reference to your follow-up letter to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), FTB, inquiring about the lawfulness of using a modified detachable stock device as a "brace" when a pistol is held for shooting. You further ask if a shoulder stock or a brace device in "close proximity" to a pistol would create a combination that would be considered a short-barreled rifle (SBR).

As background, we should point out that the National Firearms Act, 26 U.S.C. § 5845(a), defines "firearm," in part, as follows:

... (3) a rifle having a barrel or barrels of less than 16 inches in length....

Also, the amended Gun Control Act of 1968, 18 U.S.C. § 921(a)(8), defines "short-barreled rifle" as—

...a **rifle having one or more barrels less than sixteen inches in length** and any weapon made from a rifle (whether by alteration, modification, or otherwise) if such weapon, as modified, has an overall length of less than twenty-six inches.

For your information, a shoulder stock capable of being attached to a handgun when in close proximity to the handgun or in *knock-down* condition may be considered an SBR. Further, a shoulder stock which has no means of attaching to a handgun would generally not be considered part of an SBR. However, as soon as an individual actually uses a stock of this type, or <u>any device used as the shoulder stock for a handgun</u>, the combination of the shoulder stock and handgun would constitute an SBR and become subject to all applicable Federal statutes.

Finally, if you would like to submit a picture, drawing, or sample of the shoulder brace you describe, FTB will evaluate the item and determine whether or not it constitutes an SBR.



We thank you for your additional inquiry and trust the foregoing has been responsive.

Sincerely yours,

Chief, Firearms Technology Branch