



U.S. Department of Justice

Bureau of Alcohol, Tobacco,  
Firearms and Explosives

www.atf.gov

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Dear (b) (6)

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 any device used as the shoulder stock for a handgun, 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.

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

Sincerely yours,



Earl Griffith  
Chief, Firearms Technology Branch