



U.S. Department of Justice

Bureau of Alcohol, Tobacco,
Firearms and Explosives

Martinsburg, WV 25405

www.atf.gov

DEC 15 2014

907010 (b) (6)
3311/302014

(b) (6)

Dear (b) (6)

This is in reference to your correspondence to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), Office of Public and Governmental Affairs (PGA) Branch which was forwarded for reply to the ATF Firearms Technology Industry Services Branch (FTISB), located in Martinsburg, West Virginia. Your communication requests information regarding the lawfulness of modifying an AR15-type pistol.

As background to your inquiry, a review of definitions from relevant statutes and implementing regulations is in order. As you may know, the amended Gun Control Act of 1968 (GCA), 18 U.S.C. § 921(a)(3), defines the term "**firearm**" to include *...any weapon (including a starter gun) which will or is designed to or may be readily converted to expel a projectile by the action of an explosive...[and] ...the frame or receiver of any such weapon....*

With respect to handguns, the GCA, 18 U.S.C. § 921(a)(29), defines "**handgun**" to mean in part, *...a firearm which has a short stock and is designed to be held and fired by the use of a single hand....*

Additionally, 27 CFR § 478.11, a regulation implementing the GCA, defines "**pistol**" as *...a weapon originally designed, made, and intended to fire a projectile (bullet) from one or more barrels when held in one hand, and having (a) a chamber(s) as an integral part(s) of, or permanently aligned with, the bore(s); and (b) a short stock designed to be gripped by one hand and at an angle to and extending below the line of the bore(s)....*

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...

(b) (6)

Also, the amended Gun Control Act of 1968, 18 U.S.C. Section 921(a)(8), defines “**short-barreled rifle (SBR)**” 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.

Finally, the National Firearms Act (NFA), 26 U.S.C. § 5845(e) defines “**any other weapon**” as...*any weapon or device capable of being concealed on the person from which a shot can be discharged through the energy of an explosive, a pistol or revolver having a smooth bore designed or redesigned to fire a fixed shotgun shell, weapons with combination shotgun and rifle barrels 12 inches or more, less than 18 inches in length, from which only a single discharge can be made from either barrel without manual reloading, and shall include any such weapon which may be readily restored to fire. Such term shall not include a pistol or revolver having a rifled bore, or rifled bores, or weapons designed, made, or intended to be fired from the shoulder and not capable of firing fixed ammunition*

Your specific question, paraphrased and repeated below, are followed by FTB’s answers.

Question # 1: If I possess a legally owned AR-type pistol with a Sig Tactical 5815 Arm Stabilizing brace and add a Magpul brand AFG2 grip, will I have made a weapon subject to the provisions of the NFA?

A: The Sig Tactical 5815 Arm Stabilizer was not designed and intended to be fired from the shoulder. That being said, a shoulder stock capable of being attached to a handgun when in close proximity, or *knock-down* condition may be considered an SBR. Further a shoulder stock which has no means of attaching to a handgun would not be considered part of an SBR. However, as soon as an individual actually uses a stock of this type 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.

The addition of a forward vertical grip to a handgun would result in the making of a NFA-category firearm. However, the Magpul AFG is not a vertical forward grip. Consequently, the addition of a “Magpul” to a handgun does not result in the making of a firearm subject to NFA controls, and may lawfully be added to the AR15-type pistol without changing its GCA classification. Furthermore, the addition of a Magpul AFT to a handgun with a Sig Tactical Arm Stabilizer would not result in the making of a NFA-category firearm.

(b) (6)

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

YMK Sincerely yours,

(b) (6)

Acting Chief, Firearms Technology Industry Services Branch