



U.S. Department of Justice

Bureau of Alcohol, Tobacco,
Firearms and Explosives

Martinsburg, WV 25405

www.atf.gov

907010: (b) (6)
3311/302850

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Dear (b) (6)

This refers to your correspondence to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), Firearms Technology Industry Services Branch (FTISB), submitted for findings regarding the lawfulness of your proposals: As indicated, you have submitted information pertaining to a product that is intended for use on handguns that is referenced as a *“Contact increasing balancing recoil reduction attachment for a handgun”* or alternately as a stabilizing handgun brace for able bodied shooters.

The following details pertaining to the proposed device were provided:

- Device adds weight to the rear of a handgun and provides a sufficient surface area for the operator’s cheek to rest.
- Device provides the operator with sufficient surface area to increase points of contact between him/herself and the handgun.
- The resilient material and geometry of the invention manage and absorb recoil that can be damaging to both the handgun and the operator.

And;

- *“Friction grip, preferably but not limited to a cylinder, made of rubber, foam-rubber or like material”.*

- *“Backstop made of rubber, foam-rubber or like material”.*
- *“Cheek rest made of rubber, foam rubber or like material”.*
- *“Hollowed back made of negative space”.*
- *“Support ridge(s) made of rubber, rubber-foam or like material.*
- *“The friction grip slides over the buffer tube, or like structure and holds the tube via friction, although other means of holding may be applied.”*
- *“This attachment can be manufactured using multiple techniques including but not limited to injection, transfer, and compression molding”.*
- *“All elements are necessary. Elements such as negative space, holes, grooves, and or functional compartments could be added to add functionality to the attachment”.*

For your reference in this matter, 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....*

Also, with respect to the definitions of “handgun” and “pistol” under Federal statutes and regulations, you may be aware that 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).

Please note also that the GCA, 18 U.S.C. § 921(a)(7), defines the term “rifle” to include *a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder....*

Finally, the NFA, 26 U.S.C. § 5845(a)(3), defines “firearm” to include *a rifle having a barrel or barrels of less than 16 inches in length....*

While the attachment of certain stabilizing brace devices to some handguns has been approved by ATF in the past, arm stabilizing brace devices were originally submitted to FTISB for classification as a product that was designed and intended to assist handicapped shooters to maintain control of a specific type of handgun. We point out that should an individual utilize a pistol stabilizing brace as a shoulder stock to fire the weapon from the shoulder, such a firearm would then be classified as a "short-barreled rifle" as defined in the NFA, 26 U.S.C. § 5845(a)(3) because the subject brace has then been made or remade, designed or redesigned from its originally intended purpose.

Your product descriptions indicate that this device is being contemplated for utilization on a number of handgun designs and the statement that "*elements such as negative space, holes, grooves, and or functional compartments could be added to add functionality to the attachment*" point to the possibility such braces may differ substantially in design elements as well though illustrations were not provided.

Finally, while you state that funding is limited and as a consequence wish to acquire our offices approval, prior to obtaining an expensive utility patent, we regret that our branch would not be able to offer an official classification of your proposed device(s) based solely on reviewing the materials submitted without also examining a functioning prototype similar in both design and materials to the device(s) that is/are intended for installation on handguns. We note that this approach is consistent with the approval cited in FTISB determination letter 2013-0172, which was included in your submission.

Should you wish to submit a sample "handgun brace for able-bodied shooters" for evaluation, it may be sent to:

Chief, Firearms Technology Industry Services Branch
244 Needy Road
Martinsburg, West Virginia 25405

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

(b) (6) sincerely yours,

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Acting Chief, Firearms Technology Industry Services Branch