



U.S. Department of Justice

Bureau of Alcohol, Tobacco,
Firearms and Explosives

Martinsburg, WV 25405

www.atf.gov

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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 firearm, specifically a (b)(3)-(26 USC 6103) receiver parts kit including a buffer tube which is designed not to accept a shoulder stock and has a barrel length of (b) (4) inches. You further state that the overall length of the weapon is greater than (b) (4) inches without a muzzle device attached.

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)....*

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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. 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: *Can I legally attach a vertical foregrip to the firearm without changing the weapon’s classification to a Class 3 Short Barreled Rifle (SBR) or Any Other Weapon (AOW)?*

A: Fitting an actual forward pistol grip to an AR15 pistol **would** enable an individual to fire with two hands, thus taking the item out of the pistol category and creating an AOW. This firearm would be unlawful unless the required NFA registration was completed and the appropriate tax was paid beforehand. Conversely, if the weapon were to have an overall length over 26 inches, it would no longer be concealable and therefore, no longer an AOW.

Question # 2: *With the vertical foregrip attached, can I also legally install the SIG SB15 Stabilizing Brace to the buffer tube without changing the classification of the firearm to a Class 3 SBR?*

A: 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-

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barreled rifle” (SBR) 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. If however, the weapon were to have an overall length of less than 26 inches with both the vertical foregrip and stabilizing brace attached, it would be classified as an AOW.

Question #3: Can I legally remove the adjustable nylon straps that accompany the SIG SB15 Stabilizing Brace without altering its legality or classification?

A: Although the removal of the adjustable nylon straps may show another intent, if the weapon is fired from the shoulder it may result in an “SBR” classification.

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

Sincerely yours,

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Acting Chief, Firearms Technology Industry Services Branch