



U.S. Department of Justice

Bureau of Alcohol, Tobacco,  
Firearms and Explosives

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Dear (b) (6)

This refers to your letter to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), Firearms Technology Industry Services Branch (FTISB), in which you present several questions about the assembly of an AR-type pistol utilizing various accessories to include a SB-15 Stabilizing Brace, a MagPul Angled Fore Grip, and questions regarding marking and measurement requirements for an AR-type firearm, which will be used in the assembly of an AR-type pistol.

As background to your question, 27 CFR § 479.11 defines "*pistol*" to mean ...*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).*

The Gun Control Act (GCA), 18 U.S.C. Section 921(a)(7) defines the term "*rifle*" as ...*a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of an explosive to fire only a single projectile through a rifled bore for each single pull of the trigger.*

The National Firearms Act (NFA), 26 U.S.C. Section 5845(a) (3) (a) (4), defines "*firearm*", in part, as: ...*a rifle having a barrel or barrels of less than 16 inches in length; a weapon made from a rifle if such weapon as modified has an overall length of less than 26 inches or a barrel or barrels of less than 16 inches in length....*

Finally, the NFA, 26 U.S.C. § 5845(e), defines “*any other weapon*”, in part, as follows: *...any weapon or device capable of being concealedd 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 questions are consolidated and paraphrased below, followed by FTISB’s comprehensive answers:

Question #1: If an AR-type pistol is fitted with a SB-15 brace, and I chose to use it as a shoulder stock, does it change the classification of the “pistol” to a Short Barreled Rifle (SBR)?

Answer #1: The Sig Sauer SB-15 pistol stabilizing brace is designed so that a shooter would insert his or her forearm into the device while gripping the pistol’s handgrip—then tighten the Velcro straps for additional support and retention. As designed, the device provides the shooter with additional support of a firearm while it is still held and operated with one hand. A Sig SB-15 shooting brace is not designed or intended for firing a weapon from the shoulder.

Consequently, the attachment of the SB-15 brace to an AR-type pistol alone; would not change the classification of the pistol to an SBR. However, if this device, *un-modified or modified*; is assembled to a pistol and used as a shoulder stock, thus designing or redesigning or making or remaking of a weapon design to be fired from the shoulder; this assembly would constitute the making of a “rifle” as defined in 18 U.S.C. Section 921(a)(7). For your convenience, the recently published ATF Open Letter regarding firearm braces, is enclosed with this letter.

Q #2: If I purchase an AR-type receiver does it have to be stamped with the word “pistol” for it to classify as a pistol?

A #2: No.

We caution that manufacturing a pistol from a receiver previously assembled in rifle configuration would constitute manufacturing an item classified as a “weapon made from a rifle” under the NFA, and the firearm would be subject to NFA controls.



Q #3: If an AR-type pistol has an overall length of 26 inches or more, is it still a pistol?

A #3: Yes, provided the weapon is still designed and intended to be held and fired by the use of a single hand.

Q #4: Can an AFG2, MagPul Angled Fore Grip be used on an AR-type pistol without changing its classification as a “pistol”?

A #4: FTISB has determined that the addition of a forward grip to a handgun would result in the making of a NFA-category firearm. However, we have also found that the MagPul AFG is not a forward grip. Consequently, the addition of a MagPul AFG to a handgun does not result in the making of a firearm subject to NFA controls and may lawfully be added to your pistol without changing its GCA classification.

Q #5: Can a vertical fore grip be used on an AR-type pistol without changing its classification.

A #5: FTISB has determined that the addition of a forward grip to a handgun would result in the making of a NFA-category firearm. If an individual attaches a forward grip to a pistol, it is no longer designed to be held and fired by the use of a single hand and cannot qualify as a *handgun* or *pistol* as defined above in Federal statutes and regulations. To reiterate, adding a distinct forward grip to an AR-type pistol would convert it into an Any Other Weapon (AOW.) However, if the subject pistol incorporates an Overall Length (OAL) of 26 inches or more; the attachment of a forward grip would not result in the making of an NFA weapon.

Q #6: Can overall length or barrel length change the classification of “pistol”.

A #6: As noted in answer #3, the (OAL) for a “pistol” does not affect its classification as a “pistol” as long as the subject weapon is originally designed, made and intended to fire a projectile from one or more barrels when held in one hand.

Q #7: What is the proper method for obtaining overall length and how are removable devices, such as a muzzle device or rails, factored in to the measurement?

A #7: The OAL is the distance between the extreme ends of the weapon measured along a line parallel to the centerline of the bore, and does not include any removable devices. The OAL for a “rifle” is taken with the butt stock in the most “extended” or unfolded position.

For an individual to lawfully “make” an NFA category weapon, (machineguns excepted), you must first submit and secure approval of an ATF Form 1, *Application to Make and Register a Firearm*, and pay the applicable \$200 making tax. Upon notification of approval, the individual could then proceed with making of the subject weapon.

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Finally, please check to make sure that the assembly and possession of the subject AR-type firearm does not violate any State laws or local ordinances.

Sincerely,

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Acting Chief, Firearms Technology Industry Services Branch

**Enclosure:** Open Letter On The Redesign of "Stabilizing Braces" - 01/16/2015