



U.S. Department of Justice

Bureau of Alcohol, Tobacco,
Firearms and Explosives

Firearms Technology Industry Services Branch

Martinsburg, WV

www.atf.gov

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Dear (b) (6)

This is in reference to your letter to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), Firearms Technology Industry Services Branch (FTISB), in which you ask four questions regarding AR-type pistols, and the addition of a Magpul AFG or a SB-15 brace to an AR-type pistol.

As background to your inquiry, we should point out that the amended Gun Control Act (GCA), 18 U.S.C. Section 921(a)(3) defines the term **“firearm”** as *any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; the frame or receiver of any such weapon; any firearm muffler or firearm silencer; or any destructive device. Such term does not include an antique firearm.*

Also, the 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.*

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).*...

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...*

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Further, the NFA, 26 U.S.C. § 5845(a)(5), defines the term “firearm” to mean, in part, “any other weapon, as defined in subsection (e)...” And defines “**any other weapon [or AOW]**” as follows: *...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 question is paraphrased below, followed by FTISB’s response:

Question #1: If an AR-type pistol is assembled, from a receiver that has never been previously assembled as a rifle, is there any stipulation on barrel length or overall length?

Answer #1: No, the barrel length and overall length do not apply to a “pistol”, so long as it can still be held and fired in a single hand. We caution that manufacturing a pistol from a receiver previously assembled in rifle configuration would constitute manufacturing an item classified under the NFA, as a “weapon made from a rifle” and subject to NFA controls.

Q #2: Does adding a SB-15 brace to an AR-type pistol change its configuration?

A #2: No, the attachment of the SB-15 brace to an AR-type pistol alone would not change the classification of the pistol. 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. Consequently, a Sig SB-15 shooting brace is not designed or intended for firing a weapon from the shoulder. 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 we have enclosed the recently published open letter on the redesign of “Stabilizing Braces”.

Q #3: Is it permissible to have an angled fore grip (AFG) on an AR-type pistol?

A #3: If an individual attaches a distinct 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 AOW. If an AR-type firearm has an overall length of 26 inches or more attaching a forward vertical grip would simply make it a “firearm” under GCA. If the overall length of an AR-type pistol is less than 26 inches then attaching a forward grip would make it into an AOW as defined and regulated under the NFA. However, we have found

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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 #4: Can one have an AFG (angle fore grip) and an SB-15 on the same AR-type pistol?

A #4: Yes, see answers #3 and #4 for clarification.

Individuals desiring to manufacture a firearm subject to NFA provisions (machineguns excepted) may do so, but 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.

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.

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

(b) (6) Sincerely yours,

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Acting Chief, Firearms Technology Industry Services Branch

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