



U.S. Department of Justice

Bureau of Alcohol, Tobacco,  
Firearms and Explosives

*Firearms Technology Industry Services Branch*

Martinsburg, WV

www.atf.gov

APR 24 2015

907010 (b) (6)  
3311/302956

(b)(3)-(26 USC 6103), (b) (6)

Dear (b) (6)

This refers to your correspondence, including diagrams and photos, to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), Firearms Technology Industry Services Branch (FTISB), pertaining to a (b)(3)-(26 USC 6103) that your company has designed. Specifically, you asked whether the subject device could be lawfully installed on (b)(3)-(26 USC 6103) pistols.

As you may be aware, 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....*

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Finally, the National Firearms Act (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....

Based on our analysis of your proposed device and consideration of the Federal definitions cited above, we should inform you that the installation of a (b)(3)-(26 USC 6103) (pictured below) on a (b)(3)-(26 USC 6103) pistol could potentially change the classification of a “pistol” or “handgun” depending on the specific design characteristics of the device installed onto the pistol and/or the manner in which the device is utilized.

(b)(3)-(26 USC 6103)



As depicted, the length adjustability feature of your proposed device serves little purpose other than to extend a contact surface rearward of the pistol's grip on the referenced (b)(3)-(26 USC 6103) pistols, a feature commonly associated with butt stocks/shoulder stocks rather than stabilizing braces.

Arm stabilizing brace devices were originally submitted to FTISB for classification as a product designed and intended to assist handicapped shooters maintain control of a specific type of handgun. However, we caution 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.

We should point out that FTISB is unable to make a formal determination based solely upon photographs and a written description. A physical sample would have to be examined in order to make a formal determination. Our shipping address is the same as our mailing address—

Bureau of Alcohol, Tobacco, Firearms and Explosives  
Firearms Technology Industry Services Branch  
244 Needy Road  
Martinsburg, West Virginia 25405

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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