



U.S. Department of Justice

Bureau of Alcohol, Tobacco,
Firearms and Explosives

Firearms Technology Industry Services Branch

Martinsburg, WV

www.atf.gov

MAY 26 2015

907010 (b) (6)
3311/303170

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

Dear (b) (6)

This refers to your correspondence, including diagrams, 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 AR-style or other type 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 submitted diagrams (below), FTISB finds that the device offers a contact surface similar in nature to buttstocks or shoulder stocks utilized on various AR-15/M-16 rifles when the device is set in its “closed” position. While the attachment of certain stabilizing brace devices to some handguns had been approved by ATF in the past, these devices were shaped differently and manufactured from softer, contoured materials rather than rigid aluminum. Finally, the approved devices generally were not configurable to a position or setting in which the device more closely resembled a buttstock or shoulder stock in form and function, rather than its stated purpose as an arm brace.

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Therefore, we should inform you that your (b)(3)-(26 USC 6103) would likely be classified as a device similar in form and function to a buttstock when installed on a firearm thus reconfiguring the firearm into a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder. Consequently, the installation of the device or possession of the device with a compatible pistol, containing a barrel of less than 16 inches in length, could result in the manufacture of a "short-barreled rifle" (SBR) as defined in 26 U.S.C. § 5845(a)(3).

However, FTISB is unable to make a formal determination based solely upon diagrams 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

Finally, we should point out that the subject device is essentially the same as a device recently submitted by your company and evaluated by our branch (see FTISB letter 3311/302864, dated May 4, 2015). We recommend you review that particular letter prior to submitting the subject device for evaluation and 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