



U.S. Department of Justice

Bureau of Alcohol, Tobacco,
Firearms and Explosives

Firearms Technology Industry Services Branch

Martinsburg, WV

www.atf.gov

NOV 3 0 2015

907010 (b) (6)
3311/303984

(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). Specifically, you asked whether the subject device could be lawfully installed on a handgun.

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).*

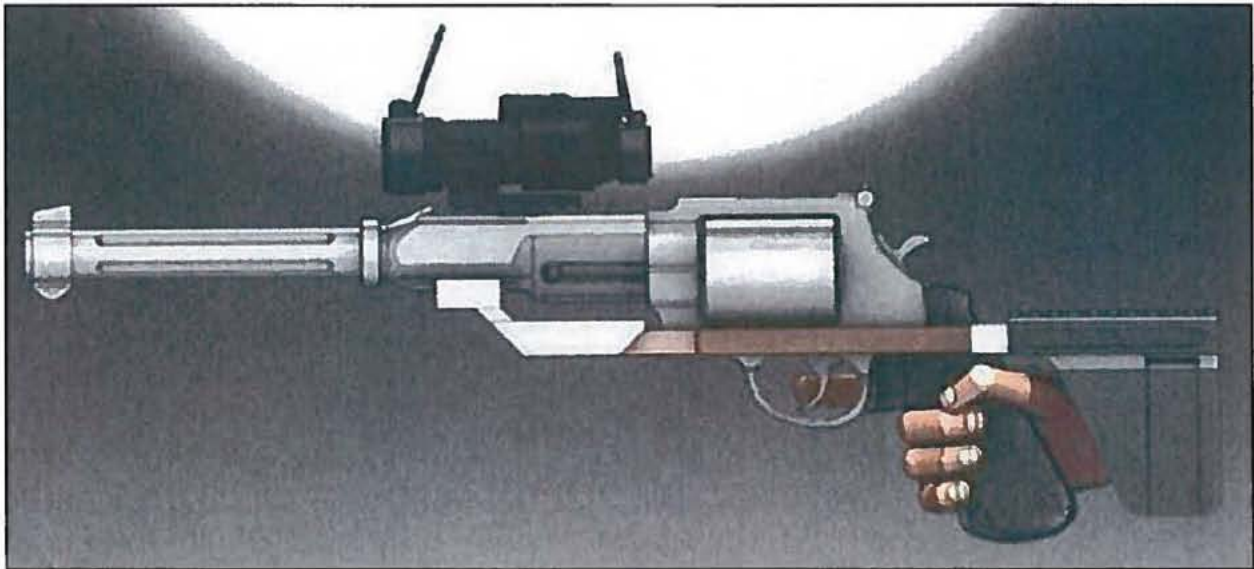
Please note also that the GCA, 18 U.S.C. § 921(a)(7), defines the term "rifle" to include *...a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder....* Finally, the National Firearms Act (NFA), 26 U.S.C. § 5845(a)(3), defines "firearm" to include *...a rifle having a barrel or barrels of less than 16 inches in length....*

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The subject device (pictured below) utilizes two telescoping metal tubes or rods that affix to both sides of a handgun frame:



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While the attachment of certain stabilizing brace devices to some handguns has been approved by ATF in the past, your intention to utilize a modified version could be interpreted as a change in the function of that part. 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.

Further, modifying the length of that part serves to extend a contact surface rearward of the pistol grip on the above-depicted handgun, a feature commonly associated with butt stocks/shoulder stocks as well as firearms designed and intended to be fired from the shoulder.

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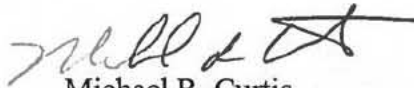
Therefore, we should inform you that your (b)(3)-(26 USC 6103) would likely be classified as a device similar in form and function to a buttstock when installed on a firearm thus reconfiguring the firearm into a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder. Consequently, the installation of the device or possession of the device with a compatible pistol or revolver, 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

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

Sincerely yours,



Michael R. Curtis
Chief, Firearms Technology Industry Services Branch