



U.S. Department of Justice

Bureau of Alcohol, Tobacco,
Firearms and Explosives

Firearms Technology Industry Services Branch

Martinsburg, WV

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(b) (6)

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

Dear (b) (6)

This refers to your letter to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF),
Firearms Technology Industry Services Branch (FTISB), regarding the accompanying (b)(3)-(26 USC 6103)

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Sample as received

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As background, the amended Gun Control Act of 1968, 18 U.S.C. § 921(a)(3), defines the term **"firearm"** as *"(A) 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, the GCA, 18 U.S.C. § 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."*

Further, the GCA, 18 U.S.C. § 921(a)(8), defines the term **"short-barreled rifle"** as *"a rifle having one or more barrels less than sixteen inches in length and any weapon made from a rifle (whether by alteration, modification, or otherwise) if such weapon as modified, has an overall length of less than twenty-six inches."*

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)...."*

The National Firearms Act (NFA), 26 U.S.C. § 5845(a), defines **"firearm"** in part as *"...(3) a rifle having a barrel or barrels of less than 16 inches in length;..."*

In your correspondence you request a written opinion that would articulate whether or not the use of this article, as designed and intended, would violate the GCA or the NFA.



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The submitted sample is a shoulder stock for a pistol. Submitted with the sample was a (b)(3)-(26 USC 6103) which is a training copy of a Glock 19 pistol. For this evaluation the sample was attached to the "blue gun" as pictured above.

There are no provisions or requirements specifying mechanical attachment of a shoulder stock to a pistol in order to justify classifying that item as a shoulder stock. The submitted item is designed to fit on the back strap of a pistol, and it is held in place by the pressure of the hand gripping the pistol stock (see photo below).



Therefore, FTISB has determined that the submitted sample is classified as a shoulder stock for a pistol.

The addition of a shoulder stock to a "handgun" or "pistol" redesigns that firearm from a weapon originally designed, made, and intended to fire a projectile *while held in one hand* to a weapon *intended to be fired from the shoulder*.

Therefore, attaching the submitted sample to a handgun or pistol would result in the firearm no longer being classified as a "handgun" or "pistol" as defined; and the resulting combination of pistol and stock would meet the definition of a "rifle" in that it would be a "weapon designed to be fired from the shoulder."

Also, attaching the submitted sample to a handgun or pistol having a barrel less than 16 inches in length would result in the firearm being classified as a "short-barreled rifle" as defined in the GCA,

18 U.S.C. § 921(a)(8) and a "firearm" as defined in the NFA, 26 U.S.C. § 5845(a)(3). Further, mere possession of the stock with a compatible firearm would constitute possession of an NFA firearm.

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Individuals desiring to manufacture a firearm subject to NFA provisions (machineguns excepted) 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. To reiterate, the making of a *firearm* defined in 26 U.S.C. § 5845(a) by an individual, prior to receiving approval from the NFA Branch, would be unlawful.

The submitted sample will be returned under a separate cover.

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

Sincerely yours,



Michael R. Curtis

Chief, Firearms Technology Industry Services Branch