



U.S. Department of Justice

Bureau of Alcohol, Tobacco,  
Firearms and Explosives

*Firearms Technology Industry Services Branch*

Martinsburg, WV

www.atf.gov

APR 13 2017

90701 (b) (6)  
3311/305984

(b) (6)

Dear (b) (6)

This refers to your correspondence to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), Firearms Technology Industry Services Branch (FTISB), which accompanied your submitted samples of two "bent stocks." Specifically, you requested an evaluation and classification regarding the installation of these attachments onto pistols or "firearms" under the National Firearms Act (NFA).

As background, 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..."

18 U.S.C. § 921(a)(7), defines "**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."

Also, with respect to the definitions of "**handgun**" 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)."

(b) (6)

Further, the NFA, 26 U.S.C. § 5845(a), defines the term “firearm” to include ...*(3) a rifle having a barrel or barrels of less than 16 inches in length...*

The definition(s) of “rifle” in both 18 U.S.C. and 26 U.S.C. describe, in significant part, “a weapon, designed or redesigned, made or remade, and intended to be fired from the shoulder.” While a shoulder stock is not a requirement of either definition; having a shoulder stock is a conclusive physical feature of a weapon designed and intended to be fired from the shoulder. However, because such a stock is not a requirement of the definition, the lack of a shoulder stock does not necessarily preclude a weapon from such classification. Any feature that is added to a firearm which designs or redesigns the weapon such that it is capable of and intended to be fired from the shoulder area could bring such a weapon into the classification of a “rifle”.

Shoulder stocks (folding, collapsing or fixed) generally have a somewhat triangular shape or “T” shape, often have a length (sometimes adjustable) of between 12-1/2 and 14-1/2 inches (for adults), and provide a surface on which to brace the firearm against the shoulder area. (Please note, some rifle stocks may be longer or shorter than the noted average length range.) Some armbrace type devices have a similar shape or feature, but lack length and/or include additional features that, when used, prevent the use of the brace to be fired from the shoulder or indicate an alternative primary intended purpose.

The FTISB findings based on our examination of the submitted samples (photos below) are as follows:

**Submitted Sample 1: Bent AR-type stock**





(b) (6)

Sample 1 is described by you as “a chest stabilizing brace made at between a 20 to 30% angle, and intended to be pressed against the user’s pectoral muscle.” In your correspondence you state: “the design is made to disallow the use of such a product to the user’s shoulder.” What you fail to take into account is that not all shooters are right-handed. The provided modified stock provide an easily viable stock option for left-handed shooters.

When determining a classification for a submitted item under Federal law, ATF considers the manufacturer’s purported use of the item. Note, however, while the manufacturer’s stated intent for the item may be useful in classifying that item, the objective design characteristics must support this use. To rely exclusively on a manufacturer’s assertion would permit manufacturers to market devices under their own classification, whether or not they may have an alternate use; simply by claiming that they are neither designed nor intended for such use. Classifications based solely on the stated intent of the manufacturer would create a ludicrous result: Federal regulation of only those items the manufacturer wanted to market as such, leaving other items completely unregulated.

FTISB finds that the Sample 1 modified stock, is still a shoulder stock for an AR-type pistol. Additionally, attaching the submitted sample to a pistol having a barrel less than 16 inches in length would result in that firearm no longer qualifying as a “handgun” or “pistol” as defined above. 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.” In use the resulting firearm would be classified as a short-barreled rifle and a “firearm” as defined in the NFA, 26 U.S.C. § 5845(a)(3). Further, mere possession of the item with a compatible firearm would constitute possession of an NFA firearm.

We caution that these findings are based on the sample as submitted. If the design, dimensions, configuration, method of operation, or materials used were changed, this classification would be subject to review.

**Submitted Sample 2: Bent AK-type stock**



(b) (6)

Sample 2 is described by you as “a chest stabilizing brace made at between a 20 to 30% angle, and intended to be pressed against the user’s pectoral muscle.” In your correspondence you state: “the design is made to disallow the use of such a product to the user’s shoulder.” What you fail to take into account is that not all shooters are right-handed. The provided modified stock provide an easily viable stock option for left-handed shooters.

When determining a classification for a submitted item under Federal law, ATF considers the manufacturer’s purported use of the item. Note, however, while the manufacturer’s stated intent for the item may be useful in classifying that item, the objective design characteristics must support this use. To rely exclusively on a manufacturer’s assertion would permit manufacturers to market devices under their own classification, whether or not they may have an alternate use; simply by claiming that they are neither designed nor intended for such use. Classifications based solely on the stated intent of the manufacturer would create a ludicrous result: Federal regulation of only those items the manufacturer wanted to market as such, leaving other items completely unregulated.

FTISB finds that the Sample 2 modified stock, is still a shoulder stock for an AK-type pistol. Additionally, attaching the submitted sample to a pistol having a barrel less than 16 inches in length would result in that firearm no longer qualifying as a “handgun” or “pistol” as defined above. 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.” In use the resulting firearm would be classified as a short-barreled rifle and a “firearm” as defined in the NFA, 26 U.S.C. § 5845(a)(3). Further, mere possession of the item with a compatible firearm would constitute possession of an NFA firearm.

We caution that these findings are based on the sample as submitted. If the design, dimensions, configuration, method of operation, or materials used were changed, this classification would be subject to review.

The submitted samples will be returned under separate cover.

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

Sincerely yours,

(b) (6)

(b) (6)

Chief, Firearms Technology Industry Services Branch