



U.S. Department of Justice

Bureau of Alcohol, Tobacco,
Firearms and Explosives

Martinsburg, WV 25405

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Dear (b) (6)

This is in reference to your correspondence, with enclosed samples, to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), Firearms Technology Industry Services Branch (FTISB). In your letter, you asked for a classification of a "receiver extension plug" for a CZ Scorpion EVO 3 S1, 9X19 caliber, semi-automatic pistol. Specifically, you requested a classification of the pistol with the "receiver extension plug" assembly attached.

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....*

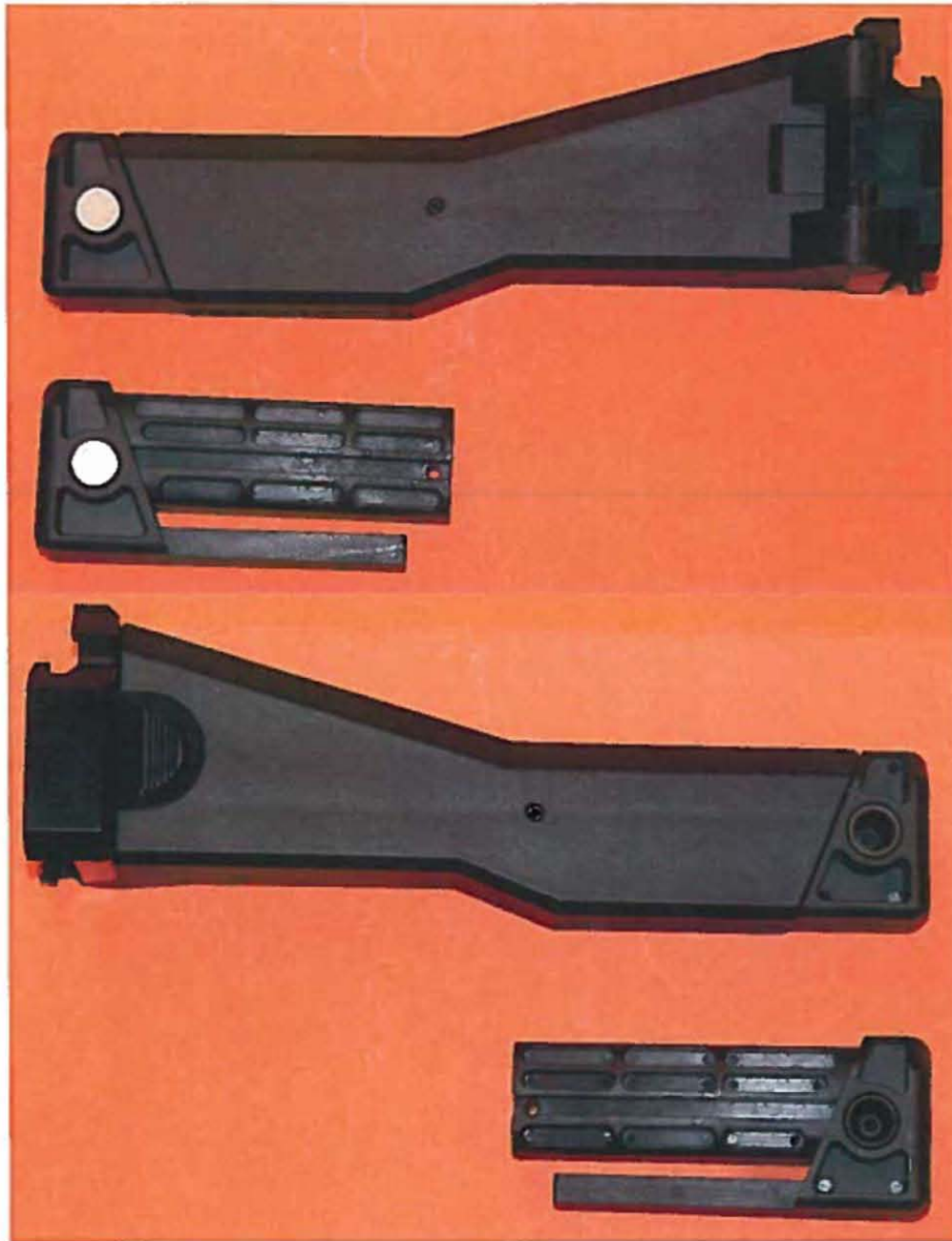
Additionally, 27 CFR § 478.11, a regulation implementing the GCA, defines "pistol" as *...a weapon originally designed, made, and intended to fire a projectile (bullet) from one or more barrels when held in one hand, and having (a) a chamber(s) as an integral part(s) of, or permanently aligned with, 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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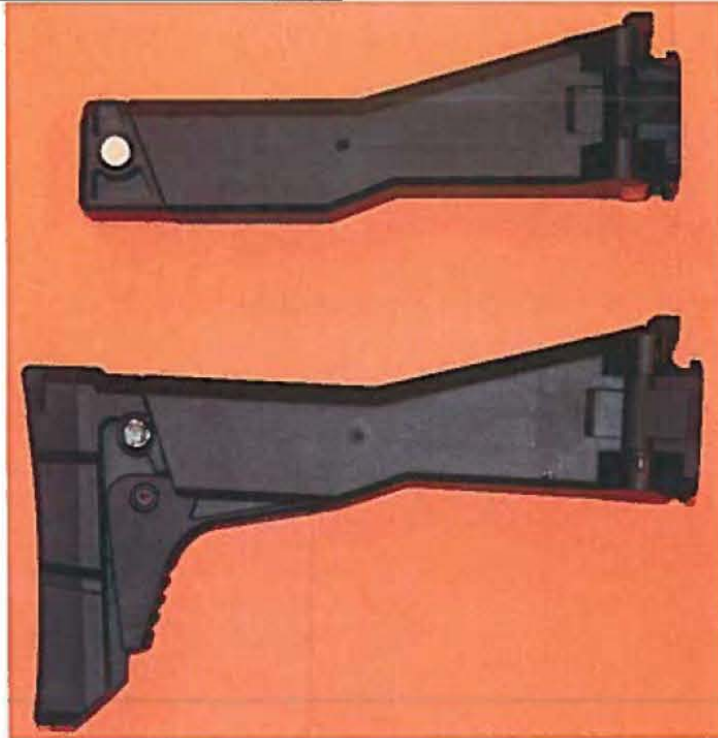
Finally, the National Firearms Act (NFA), 26 U.S.C. § 5845(a)(3), defines “firearm” to include ...a rifle having a barrel or barrels of less than 16 inches in length....

Submitted Sample “Receiver Extension Plug”



FTISB finds that the submitted sample, when attached to a CZ Scorpion EVO 3 S1 type pistol, utilizes the same design and functions like the shoulder stock of the CZ Scorpion EVO 3 A1, and CZ Scorpion EVO 3 S1 Carbine.

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Submitted Sample with "Receiver Extension Plug" installed.

CZ Scorpion EVO 3 S1/A1 stock.

The sample has the following parts in common with the CZ Scorpion EVO 3 A1 and CZ Scorpion EVO 3 S1 Carbine stock assemblies:

- Stock/body joint
- Stock catch spring
- Stock tube
- Stock Catch
- Joint pin
- Shoulder Stock pin
- Stock catch pin

The modified shoulder stock incorporates a "receiver extension plug" made primarily of a polymer material. FTISB finds that the device offers a contact surface similar in design to a buttstock or shoulder stock utilized on CZ Scorpion EVO 3 rifles depicted below.

CZ Scorpion EVO 3 S1 Carbine



CZ Scorpion EVO 3 A1



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The objective design of the submitted sample utilizes the aforementioned parts of the CZ Scorpion EVO 3 S1/A1 buttstock design, suggesting an intended use as a buttstock. Further, the stock on a CZ Scorpion EVO 3 type firearm serves no mechanical purpose in the operation of the weapon system. Therefore, FTISB finds that the stated purpose of the submitted device is not supported by the design, as it retains the objective design features of a shoulder stock.

Based on our analysis of your sample and consideration of the Federal definitions cited, we find that your sample, with an attached "receiver extension" would be a buttstock or shoulder stock and, when installed on a CZ Scorpion EVO 3 S1 type pistol, would be designed or redesigned, made or remade, and intended to be fired from the shoulder. Therefore, installation of the device or possession of the device with a compatible pistol, provided the barrel was less than 16 inches in length, would result in the manufacture of a "firearm" as defined in 26 U.S.C. § 5845(a)(3).

Based on our analysis your submission, you noted that when attached to a CZ Scorpion EVO 3 S1 type pistol, a shooter may use the sample as a cheek rest while gripping the pistol's handgrip. However, as previously stated FTISB finds that the submitted device retains the objective design features of a buttstock or shoulder stock despite any incidental use as a cheek rest.

Your letter contained the following questions, repeated below and followed by FTISB's response based on this classification:

Question 1: *Would the use of our "receiver extension plug" in the factory receiver extension allow a CZ-USA Scorpion Evo 3 pistol to maintain its classification as a pistol?*

Answer 1: FTISB has determined that the use of your "receiver extension plug" in the factory stock on a CZ USA Scorpion Evo 3 pistol would redesign or remake it into a rifle and a "firearm" under the NFA, provided the barrel is less than 16 inches in length.

Question 2: *If the answer to Question 1 is "Yes", are there any additional design considerations that the FATD can recommend in order to help us further ensure that this product is never mis-used?*

Answer 2: No response necessary.

Question 3: *If the answer to Question 1 is "No", are there any additional design considerations that the FATD can recommend in order to allow the classification to remain the same?*

Answer 3: FTISB will not provide recommendations or advice concerning the design of a proposed product or submitted item.

We should remind you that the information found in correspondence from FTISB is intended only for use by the addressed individual or company with regard to a specific scenario(s) or item(s) described within that correspondence.

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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, our determination would be subject to review.

The submitted sample will be returned to you under separate cover.

We trust that the foregoing has been responsive to your request for an evaluation. If we can be of any further assistance, please contact us.

Sincerely yours,

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Chief, Firearms Technology Industry Services Branch