



U.S. Department of Justice

Bureau of Alcohol, Tobacco,
Firearms and Explosives

Firearms Technology Industry Services Branch

Martinsburg, WV

www.atf.gov

APR 24 2017

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Dear (b) (6)

This refers to your correspondence and sample submitted to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), Firearms Technology Industry Services Branch (FTISB). Specifically, you requested classification of a pistol stabilizing brace that you have designed.

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...*

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).

As you may be aware, the term "firearm," as defined in the National Firearms Act (NFA), 26 U.S.C. § 5845(a)(3)(5), includes *a rifle having a barrel or barrels of less than 16 inches in length...*

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Your specific questions are in italics below, followed by FTISB's response:

Q1) Would attaching a Neck Stabilizing Brace to a pistol, alter the classification of the firearm in a manner which it would be reclassified as a rifle?

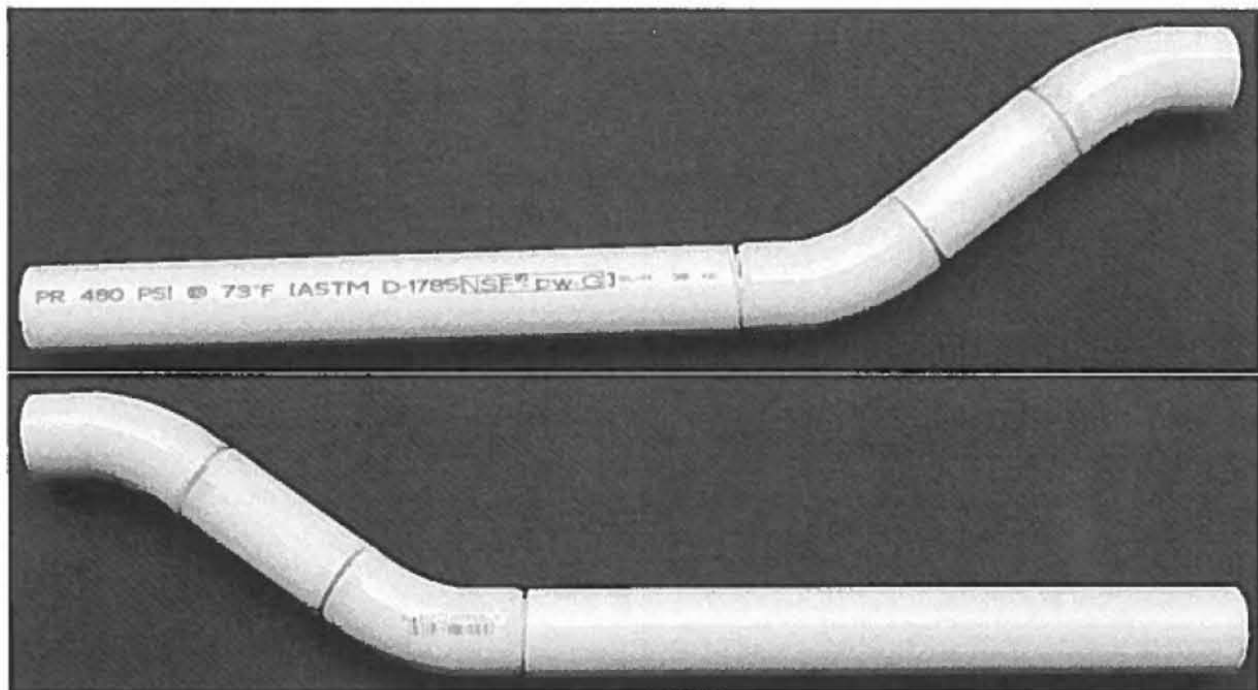
A1) Yes, the attachment of your Neck Stabilizing Brace to a pistol would reclassify the weapon as a "rifle" as defined by the GCA.

Q2) Would attaching a Neck Stabilizing Brace to a pistol, alter the classification of the firearm in a manner which it would be reclassified as something other than a pistol?

A2) Yes, the weapon would now be a "rifle" as defined by the GCA.

Q3) Would attaching a Neck Stabilizing Brace to a pistol, alter the classification of the firearm in a manner which would require it to be regulated by the NFA?

A3) Yes, with the Neck Stabilizing Brace, ATF would classify the weapon as a "short barrel rifle" as defined by the NFA.



Even though the diagrams that you submitted show certain muscle groups as part of the neck, the device still rest on top of what ATF considers the shoulder. When the operator uses the device as a cheek rest, the device is pinched between the cheek and the shoulder of the operator. The

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device as submitted is only a stock and is not regulated by the GCA or the NFA. However, attaching the device to a pistol would change the classification of the firearm.

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

To facilitate return of the submitted device, please provide FTISB with an appropriate FedEx or similar prepaid shipping label within 60 days.

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

Sincerely yours,

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Chief, Firearms Technology Industry Services Branch