



U.S. Department of Justice

Bureau of Alcohol, Tobacco,
Firearms and Explosives

Firearms Technology Industry Services Branch

Martinsburg, WV
www.atf.gov

907010 (b) (6)
3311/307572

JAN 12 2018

(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), in which you ask how overall length is measured for a firearm which uses a folding wrist brace. You also ask about the classification of a firearm that is (b) (4) inches in overall length and uses both a folding wrist brace and a forward vertical grip.

As a background to your inquiry, the Gun Control Act (GCA) § 921(a)(3) defines the term "firearm" to mean: (A) any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; (B) the frame or receiver of any such weapon; (C) any firearm muffler or firearm silencer; or (D) any destructive device. Such term does not include an antique firearm.

The National Firearms Act (NFA) § 5845(a) defines the term "firearm" to mean: (1) a shotgun having a barrel or barrels of less than 18 inches in length; (2) a weapon made from a shotgun if such weapon as modified has an overall length of less than 26 inches or a barrel or barrels of less than 18 inches in length; (3) a rifle having a barrel or barrels of less than 16 inches in length; (4) a weapon made from a rifle if such weapon as modified has an overall length of less than 26 inches or a barrel or barrels of less than 16 inches in length; (5) any other weapon, as defined in subsection (e); (6) a machinegun; (7) any silencer (as defined in section 921 of title 18, United States Code); and (8) a destructive device. The term "firearm" shall not include an antique firearm or any device (other than a machinegun or destructive device) which, although designed as a weapon, the Secretary finds by reason of the date of its manufacture, value, design, and other characteristics is primarily a collector's item and is not likely to be used as a weapon.

Additionally, the NFA, § 5845(e) defines the term "any other weapon" to mean: any weapon or device capable of being concealed on the person from which a shot can be discharged through the energy of an explosive, a pistol or revolver having a barrel with a smooth bore designed or redesigned to fire a fixed shotgun shell,... Such term shall not include

(b) (6)

- 2 -

a pistol or a revolver having a rifled bore, or rifled bores, or weapons designed, made, or intended to be fired from the shoulder and not capable of firing fixed ammunition.

Also, 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)...

Individuals desiring to manufacture a firearm subject to NFA provisions (machineguns excepted) may do so, but 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.

The addition of a distinct grip, to a pistol or handgun, would change its classification to AOW as defined above. If an individual attaches a forward grip to a pistol, it is no longer designed to be held and fired by the use of a single hand and cannot qualify as a handgun or pistol as defined above in Federal statutes and regulations. Therefore, it is no longer exempt from classification as an "AOW."

Since a firearm that uses a forward grip is not a "pistol," such a firearm would not be subject to the NFA/AOW classification provided it has never been configured with a shoulder stock, its overall length is at least (b) (4) inches, and it is not actually concealed on the person. It would be properly classified as a "firearm" as defined in the GCA, 18 U.S.C. § 921(a)(3). *FTISB has previously determined the threshold for concealability on a person is less than 26 inches in overall length.*

However, you should note that the overall length of a firearm that uses a folding wrist brace, is taken with the wrist brace in the folded position.

In conclusion, please check to make sure that the assembly and possession of the proposed firearm does not violate any State laws or local ordinances.

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

(b) (6) Sincerely yours,

(b) (6)

Chief, Firearms Technology Industry Services Branch