



U.S. Department of Justice

Bureau of Alcohol, Tobacco,
Firearms and Explosives

Firearms Technology Industry Services Branch

Martinsburg, WV

www.atf.gov

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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 assembly of an AR-type pistol. Specifically, you ask if it is legal to assemble an AR-type pistol utilizing a KAK Shockwave pistol stabilizing brace and a Law Tactical folding stock adapter.

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....”

Additionally, 18 U.S.C. § 921(a)(29), defines the term “handgun” in part as:

“...(A) a firearm which has a short stock and is designed to be held and fired by the use of a single hand....”

Further, 27 C.F.R. §478.11, defines the term “pistol” in part 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 ... (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 the term “firearm” as:

“...(5) any other weapon, as defined, as defined in subsection (e)....”

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In addition, the NFA, 26 U.S.C. § 5845(e), defines the term “any other weapon” (AOW) to include:

“...any weapon or device capable of being concealed on the person from which a shot can be discharged through the energy of an explosive.... Such term shall not include a pistol or revolver having a rifled bore, or weapons designed, made, or intended to be fired from the shoulder and not capable of firing fixed ammunition.”

In your correspondence, you question the legality of assembling an AR-type pistol utilizing the Law Tactical, AR Folding Stock Adapter in conjunction with the KAK Industries, Shockwave Blade Pistol Stabilizing Brace. In order to be classified as a *pistol*, an AR-type firearm must be originally manufactured as a *pistol* from a bare receiver. Meaning, the firearm must never have been designed or redesigned, made or remade, and intended to be fired from the shoulder.

Configuring an AR-type *pistol* with a Law Tactical, AR Folding Stock Adapter in conjunction with the KAK Industries, Shockwave Blade Pistol Stabilizing Brace would not be a violation of the provisions of either the GCA or NFA.

However, installing the Law Tactical, AR Folding Stock Adapter (or similar device) negates the inherent fixed receiver extension found in the typical AR-type firearm with respect to the overall length. Lacking the fixed receiver extension, the overall length is measured from the muzzle end of the barrel to the rearmost portion of the receiver and not to the end of the fixed receiver extension.

This is important when considering the use of popular accessories such as a vertical fore-grip (VFG). For example, installing a VFG on a *pistol*, or any *firearm* having an overall length less than 26 inches, will result in classification as an AOW, a *firearm* regulated under the provisions of the NFA.

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. Further, not marking a *firearm* defined in 26 U.S.C. § 5845(a) as required by 26 U.S.C. § 5842(a) would also be unlawful.

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

Sincerely yours,

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Chief, Firearms Technology Industry Services Branch