



U.S. Department of Justice

Bureau of Alcohol, Tobacco,  
Firearms and Explosives

*Firearms Technology Industry Services Branch*

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Martinsburg, WV

www.atf.gov

JUN 06 2018

907010 (b) (6)  
3311/308340

(b)(3)-(26 USC 6103), (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), inquiring about the classification of the (b)(3)-(26 USC 6103) when attached to a handgun. Specifically, you ask if the attachment of this accessory would change the classification of a handgun into a "short-barreled rifle."

As background, the amended Gun Control Act of 1968 (GCA), 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 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.

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).

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Also, the National Firearms Act (NFA), 26 U.S.C. § 5845(a), defines “firearm” to mean, in part,

“...(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 18 U.S.C. § 921); 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 ...[Attorney General]... 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

The GCA defines “rifle” to mean: “...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.” (See 18 U.S.C. § 921(a)(7).)

The GCA defines “short-barreled rifle” to mean: “...a rifle having one or more barrels less than sixteen inches in length and any weapon made from a rifle (whether by alteration, modification, or otherwise) if such weapon, as modified, has an overall length of less than twenty-six inches.” (See 18 U.S.C. § 921(a)(8).)

In your correspondence, you state “The design intent of the (b)(3)-(26 USC 6103) is to facilitate one hand firing of both normal and large frame handguns (for example a Desert Eagle).” FTISB has consistently held the position that “stabilizing braces” are an accessory for pistols or firearms which are generally large and heavy, such as AR, AK, FAL, CZ BREN/Scorpion and HK91/93-type semiautomatic pistols, the Mossberg Shockwave, and the Remington Tac-14. FTISB research has found such a firearm accessory is not necessary for use with revolvers, single-shot pistols and standard sized semiautomatic pistols such as 1911 or Glock-type pistols, or Smith & Wesson J-frame revolvers as these handguns are generally too small and too lightweight to necessitate the use of a “stabilizing brace.”


Therefore, any attachment of a “stabilizing brace” to a standard size handgun (including the Desert Eagle), will be evaluated based on its design characteristics and true purpose, and most likely be classified as a “short-barreled rifle.” Due to the intention of attaching your (b)(3)-(26 USC 6103) to standard size pistols, FTISB must advise the likely outcome of a “short-barreled rifle” classification.

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If you would like to submit a working prototype of the (b)(3)-(26 USC 6103) that attaches to AR-type or similar sized pistol or firearm, you may send it for classification to:

Firearms Technology Industry Services Branch  
Attn: Chief Michael R. Curtis  
244 Needy Road  
Suite 1600  
Martinsburg, WV 25405

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

Sincerely yours,  


  
Michael R. Curtis

Chief, Firearms Technology Industry Services Branch