



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 correspondence to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), Firearms Technology Industry Services Branch (FTISB). Specifically, you requested information regarding shouldering an AR-15 type pistol with a stabilizing brace.

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).*

Further, the GCA, 18 U.S.C. § 921(a)(7) defines the term "rifle" as follows:

*...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.*

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As well, the GCA, 18 U.S.C. § 921(a)(8), 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...."

Also, the GCA, 18 U.S.C. § 921(a)(6), defines "short-barreled shotgun" to mean "...a shotgun having one or more barrels less than sixteen inches in length and any weapon made from a shotgun (whether by alteration, modification, or otherwise) if such weapon, as modified, has an overall length of less than twenty-six inches...."

In addition, the National Firearms Act (NFA), 26 U.S.C. § 5845(a), defines "firearm," to include... a (1) a *shotgun having a barrel or barrels of less than 16 inches in length...* (3) a *rifle having a barrel or barrels of less than 16 inches in length...*

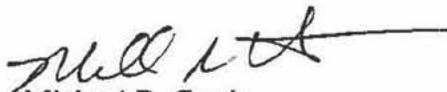
Your specific question is in italics below, followed by FTISB's response:

*Q) Is it legal to shoulder an AR-15 type pistol with a stabilizing brace?*

A) An accessory that can be attached to a firearm in any one of several configurations must be evaluated to determine whether attaching it in each of those configurations constitutes "making" an NFA firearm under both objective and subjective analyses. With respect to stabilizing braces, ATF has concluded that attaching the brace to a handgun as a forearm brace does not "make" a short-barreled rifle because in the configuration as submitted to and approved by FATD, it is not intended to be and cannot comfortably be fired from the shoulder. If, however, the shooter/possessor takes affirmative steps to configure the device for use as a shoulder-stock—(there by creating a length that has no other purpose than to facilitate its use as a stock), removing the arm-strap, or otherwise undermining its ability to be used as a brace – and then in fact shoots the firearm from the shoulder using the accessory as a shoulder stock, that person has objectively "redesigned" the firearm for purposes of the NFA.

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

Sincerely yours,



Michael R. Curtis

Chief, Firearms Technology Industry Services Branch