



DEPARTMENT OF THE TREASURY
BUREAU OF ALCOHOL, TOBACCO AND FIREARMS
WASHINGTON, DC 20226

FEB - 5 2001

903050:CHB
3311/1-251

Mr. Larry Gaglio
CCF



Dear Mr. Gaglio:

This refers to your letter of January 30, 2001, regarding Glock pistols with folding shoulder stocks.

As defined in section 5845(c), of the National Firearms Act (NFA), the term "rifle" means 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 the explosive in a fixed cartridge to fire only a single projectile through a rifled bore for each single pull of the trigger, and shall include any such weapon which may be readily restored to fire a fixed cartridge. A Glock semiautomatic pistol with an attachable folding shoulder stock is a "rifle" as defined.

As defined in section 5845(a)(3), of the NFA the term "firearm" means a rifle having a barrel or barrels less than 16 inches in length. Thus a Glock semiautomatic pistol with a barrel less than 16 inches in length and an attachable folding shoulder stock is a "firearm" as defined in section 5845(a)(3), and is subject to all registration and tax provisions of the NFA.

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As defined in section 921(a)(30)(B), of the Gun Control Act of 1968, the term "semiautomatic assault weapon" includes a semiautomatic rifle that has an ability to accept a detachable magazine and has at least 2 of -

- (i) a folding or telescoping stock;
- (ii) a pistol grip that protrudes conspicuously beneath the action of the weapon;
- (iii) a bayonet mount;
- (iv) a flash suppressor or a threaded barrel designed to accommodate a flash suppressor; and
- (v) a grenade launcher.

A Glock semiautomatic pistol with an attachable folding shoulder stock meets the above definition and therefore it is a "semiautomatic assault weapon" as defined. Such firearms are not only subject to the provisions of the NFA, but they are also subject to the prohibition on semiautomatic assault weapons in Title 18, United States Code (U.S.C.), § 922(v).

It is unlawful for any person to manufacture, transfer and possess a "semiautomatic assault weapon" as provided in 18 U.S.C. section 922(v). Please note further, that the exemption for a pre-ban semiautomatic assault weapon in section 922(v)(2), applies only to a firearm which actually qualified as "semiautomatic assault weapon" on September 13, 1994. Any firearm which became a "semiautomatic assault weapon" after September 13, 1994, does not meet the exemption and is subject to the prohibition.

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Please note further, that a machinegun such as a Glock 18 which shoots, is designed to shoot, or can be readily restored to shoot automatically more than one shot without manual reloading by a single function of the trigger, does not meet the definition of a "rifle" which fires only a single projectile for each single pull of the trigger. A Glock 18 machinegun with a shoulder stock is not a "semiautomatic assault weapon" as defined.

Further, there has been no change in policy regarding NFA firearms classified as semiautomatic assault weapons. Question O6 on page 112 of Federal Firearms Regulations Reference Guide, ATF P 5300.4 (10-95) advised that "Any firearm that falls within the definition of 'semiautomatic assault weapon' and the NFA definition of 'firearm' is subject to both statutes."

Please note further, that NFA firearms are not exempt from other GCA requirements. NFA firearms are still subject to GCA recordkeeping, GCA licensing, GCA interstate commerce controls, and all applicable provisions of 18 U.S.C. Chapter 44 and Title 27, Code of Federal Regulations, Part 178.

We trust that the foregoing has been responsive to your inquiry. If you have further questions concerning this matter, please contact us.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Curtis H.A. Bartlett". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Curtis H.A. Bartlett
Chief, Firearms Technology Branch