

## NEW ATF RULINGS RE: PISTOL BRACES, EFFECTIVE AS OF JANUARY 31, 2023

### HOW DOES THIS AFFECT YOU?

First, you can expect multiple lawsuits being filed to get an injunction, and the ATF rulings may very well reach the Supreme Court for a final decision as to the legality.

However, until the dust settles the rulings, as described below ARE in effect.

ATF provided FFL's with a Zoom-type video training session on 01/31 and again on 02/01. I missed half of the 01/31 session as my area of The Villages lost power for several hours. I watched an abbreviated session the following day.

#### THE MAIN TAKE-AWAYS:

Any firearm with a barrel less than 16" and an attached brace is considered an SBR (short barreled rifle). Besides AR-type platforms, there are several other firearm manufacturers that offer this configuration.

SBR's will have to be registered with the ATF using a "Form 1" which is available on the ATF website, and the possessor of an SBR has 120 days (01-31-23 through 05-31-23) to comply. If you were in possession of the SBR **PRIOR** to 01-31-23, you can submit the paperwork and **NOT** have to pay \$200 for the tax stamp. If you bought or are buying an SBR after 01-31-23, you **WILL** have to pay \$200. As long as paperwork is submitted in the above time frame, any delay in approval will not affect you.

Your Options: **A)** destroy your SBR, **B)** turn your SBR in to the ATF, **C)** submit your paperwork for registration, **D)** remove the brace and use the buffer tube only to get a "cheek weld", however no scope or flip-up sights may be used as that would indicate a 3" - 4" eye-relief, typical of a shoulder mounted firearm. Red dots or similar open reflex sights are allowed, **E)** replace the short barrel with a rifled barrel 16" or longer.

Both items D & E above negate the need to submit a registration as the firearm would no longer be considered an SBR. If taking option D and removing the brace, the brace must be either made unusable OR kept in a separate area that can't be in proximity to the firearm as doing so would be considered "constructive possession", and without the tax stamp a felony.

To register an SBR, the paperwork will require the Manufacturer Name, City, State, Model, and Caliber as engraved on the receiver. If you have an SBR made from an 80% lower, this info would need to be engraved on the receiver should you want to register the gun. I don't know the specifications for depth of engraving, but that can be discovered on the ATF website.

A lower receiver alone (with no barrel attached or in the same order) with an attached brace is not required to be registered as the final configuration is not established.

Pistols such as the Scorpion or other similar configurations where a rear brace CANNOT be mounted are not considered SBR's.

GUN TRUSTS: If you have an SBR in a Gun Trust, the trust itself must submit the registration paperwork (unless the gun is reconfigured as described above) in the referenced time frame to avoid the

\$200 tax stamp. If you have an SBR that is not in a Gun Trust but you wish to place it in one, you must first register it in your own name, and then register it again under the Trust name when the gun is transferred as the Trust is a separate entity.

During the video training session a question arose regarding short barreled shotguns such as the Mossberg Shockwave and Remington Tac-14 that use "Bird Neck" grips. These are NOT considered SBR's under the new rulings.

The new Rulings would require ME to obtain a Class 3 in order to transfer any braced "pistol". That is something I do not want to bother with, so if you want to buy a braced pistol you will need some other FFL to handle the transfer. I will continue to receive and transfer lower receivers with a brace. Barrels are a non-NFA item and can be shipped to your residence.

The above are the most important points of the presentation by the ATF as I understand them. In order to make sure you are in full compliance, I recommend you visit the ATF website to verify what I have stated above as I will not be held liable for any decisions the possessor of an SBR makes solely upon my interpretation of an, at times, nebulous ATF presentation.