



LEGAL DEFENSE  
FOR  
SELF DEFENSE

THE LAW-ABIDING GUN OWNER'S GUIDE TO:  
**FIREARMS**  
CUSTOMIZATION





## LEGAL DEFENSE FOR SELF DEFENSE



# WHAT IS A SHORT BARRELED RIFLE, AND WHAT DOES THE FEDERAL GOVERNMENT REQUIRE TO OWN SUCH AN ITEM?

A short barreled rifle is subject to the National Firearms Act of 1934 (NFA) and requires a tax stamp to own. The NFA defines a rifle as a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder, and which has an overall length of at a minimum 26 inches with a barrel length of a minimum of 16 inches. The overall length often worries people when measuring a rifle with a folding stock, or a stock that collapses at less than 26 inches overall. Good news for people that own such rifles—the ATF measures such items with the stock fully extended. For an accurate length, unfold or extend your stock before taking this measurement. Cutting the barrel of the rifle below 16 inches in length, or modifying the stock to make it shorter can cause a legal weapon to run afoul of NFA provisions—leading to possible criminal penalties of imprisonment and fines.

Want to own a gun like this legally? There are options. To own one of these weapons, you can pay \$200 and apply for a tax stamp from the federal government. Once you receive approval and the tax stamp, you will be able to legally possess or make such a weapon. You will need a completed and approved Form 1 tax stamp to make such a weapon, or a completed and approved Form 4 to buy such a weapon.

Another option is to buy a pistol. A pistol may fire rifle caliber cartridges, while having a barrel length under 16 inches, with an overall length of 26 inches. The catch is that the weapon cannot be designed or redesigned to be fired from the shoulder. This means the wildly popular “pistol wrist braces” have been accepted and approved by the ATF for use on this pistol. However, you may not do anything to alter the brace to make it appear or function more stock like. This includes modifications as simple as removing straps from the wrist brace. Furthermore, you

must be very careful with other modifications to these weapons. Recently, the ATF has gone after folks for minor additions to these braces, such as an extra rubber “cane tip” at the end of a brace. See *U.S. v. Wright*, 3:18-CR-162.



The lesson here is clear—do not modify braces from their factory appearance. Furthermore, make sure you know and understand the law. The discussion above focuses on federal law. You must also comply with a myriad of ever-changing state and local laws that widely vary. Some states restrict all NFA items. Join U.S. & Texas LawShield [here](#) to receive updates from firearms attorneys regarding the laws you need to know. As a member, you will also receive comprehensive legal defense for self-defense. You will also have the ability to speak with Independent Program Attorneys, free of charge, for answers to any weapons or self-defense law questions you have. To be certain you understand laws in your state, consider attending a state-specific legal seminar that can be found at [gunlawseminar.com](http://gunlawseminar.com)





## LEGAL DEFENSE FOR SELF DEFENSE



# DID YOU KNOW THAT THE WRONG GRIP ON YOUR PISTOL COULD RESULT IN A FELONY CHARGE?

The NFA, described previously, also prohibits the use of a vertical foregrip on pistols.

What do you need to know about this, and why does it matter? The NFA classifies pistols that have a vertical foregrip into a category of weapons known as “Any Other Weapons” or AOWs. The NFA is not concerned with an existing pistol grip, but with a vertical foregrip. This means that one grip on a pistol is ok, but issues arise when adding a separate secondary grip ahead of the existing grip, which will convert the weapon to an AOW.



In order to legally own or make an AOW—you guessed it—you will need to pay a tax and get approval on a completed Form 1 or Form 4 application, depending on whether you are making or buying the weapon. While most people would quickly recognize that something such as a forward or accessory rail mounted grip on a weapon such as a Glock 19 could spell trouble, they often forget that these rules apply to popular AR, AK, or other similar pattern pistols. Remember—these weapons are classified as pistols if they have a barrel length of 16 inches or less, are not designed or re-designed to be fired

from the shoulder, and do not fall into the classification of short barreled rifle (SBR) that was previously discussed.

So, can you add any grips to a pistol? The answer is yes, with a cautionary note. The ATF has indicated that grips that would not fit the definition of a vertical grip may be permissible. This approval has seemingly been extended to angled foregrips—or grips that mount on the weapon at 45 degrees or less. Because of the angle, these grips fail to meet the definition of a “vertical foregrip” and are therefore exempted from the NFA’s AOW classification. This guidance comes from ATF opinion letters. But remember letters from the ATF do not constitute law, and such letters have been kept out of court. See *U.S. v. Wright*, 3-18-CR-162.

Additionally, it is worth noting that weapons that do not constitute rifles, because they do not meet the legal definition, may be considered simply a “firearm” by the law—so long as they have an overall length of at least 26 inches. Weapons classified only as a “firearm,” not a “rifle” or “pistol” can also have vertical foregrips.

But, be careful. Some states restrict certain weapons and grips. Always check your state and local laws and stay up to date on guidance that the ATF distributes. If you do not already have contacts with a good firearms attorney, consider making some. Another good option is to join U.S. & Texas LawShield [here](#) to receive updates from firearms attorneys on the laws you need to know. As a member, you will also receive comprehensive legal defense for self-defense. You will also have the ability to speak with Independent Program Attorneys, free of charge, for answers to any weapons or self-defense law questions you have. To be certain you understand laws in your state, consider attending a state-specific legal seminar that can be found at [gunlawseminar.com](http://gunlawseminar.com)



## LEGAL DEFENSE FOR SELF DEFENSE



# HAVE YOU THOUGHT ABOUT BUILDING A GUN? ARE YOU IN THE PROCESS?

Did you know that possessing the wrong combination of parts could lead to jail time?

The concept is known as “constructive possession.” Constructive possession can occur when someone’s intent becomes obvious because of the surrounding circumstances. While this theory is employed in a variety of criminal cases, often involving possession of other illegal substances, it matters to gun owners because it can indicate the intent to make an illegal weapon based only on possession of parts or a combination of parts.

Constructive possession has been applied in cases where there are two or more parts, that when put together, would make an illegal weapon, there are no barriers to the parts being combined, and the police do not perceive another legal purpose. The ATF outlined in *Administrative Ruling 2011-4* that an item controlled by the NFA (necessitating a tax stamp) is created “when unassembled parts are placed in close proximity in such a way that they: (a) serve no useful purpose other than to make a rifle having a barrel or barrels of less than 16 inches in length; or (b) convert a complete weapon into such an NFA firearm.”

An example of this legal theory can be found in the recent arrest of a Florida man, who was trying to sell a pistol with an attachable accessory stock. When a stock is attached to a pistol, it becomes a short barreled rifle. In this case, the sale occurred with the pistol and stock detached, leaving room for the seller to argue that he intended to help the buyer obtain the appropriate tax stamp. However, the gun case included was molded to accept the pistol with the stock attached. Because of the proximity of the pistol and stock, the seller was arrested under the theory of constructive possession. The police determined the seller intended to create an unlicensed short barreled rifle.

You can see how this theory could be troublesome for a gun builder who buys the wrong combinations of parts. For example, you could be prosecuted for purchasing a pistol with a 10.5” barrel and a full rifle stock (lower) at the same time. Could you see how someone might assume you intended to put the pistol upper on the rifle lower thereby creating an illegal short barreled rifle?



This is not to scare you out of buying and building guns or keeping spare parts around, but is instead to serve as a warning. Keep in mind how your parts or parts kits may be perceived and consider keeping them separate and well labeled.

It is probably a bad idea to possess parts that could, when combined, make an NFA item (such as a short barreled rifle) without having another clearly viable use, such as being combined in a format that could make a legal pistol. While none of these steps are guaranteed to keep law enforcement from misinterpreting your intentions, they may help keep you out of trouble.





## HAVE YOU THOUGHT ABOUT BUILDING A GUN? ARE YOU IN THE PROCESS? (CONTINUED)

Also, always remember to check state and local laws relating to what you can make and own. If you do not

already have contacts with a good firearms attorney, consider making some. We suggest that you join U.S. & Texas LawShield [here](#) to make a connection with an experienced firearms attorney, and receive updates on the laws you need to know. As a member, you will also receive comprehensive legal defense for self-defense. You will also have the ability to speak with Independent Program Attorneys, free of charge, for answers to any weapons or self-defense law questions you have. To be certain you understand laws in your state, consider attending a state-specific legal seminar that can be found at [gunlawseminar.com](#)







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