



**DEPARTMENT OF THE TREASURY
BUREAU OF ALCOHOL, TOBACCO AND FIREARMS**

AUG 15 2001

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Dear Mr.

This is in response to your letter dated July 4, 2001, to the Bureau of Alcohol, Tobacco and Firearms (ATF), in which you inquired about the legality of a nonlicensed person manufacturing an "AR-15-style" rifle. Specifically, you indicate that you intend to manufacture a functioning rifle and utilize a partially completed receiver that you will purchase as raw material.

As you know, ATF is responsible for enforcing the Gun Control Act of 1968 (GCA), 18 United States Code (U.S.C.), Chapter 44. Included in this chapter are provisions pertaining to the manufacture of firearms. Persons engaged in the business of manufacturing firearms must be licensed. However, apart from certain exceptions described below, a firearm may be made by a nonlicensee, provided it is not for sale and the maker is not prohibited from possessing firearms.

Also included in Chapter 44 are provisions of the Violent Crime Control and Law Enforcement Act, more commonly known as the "Crime Bill," which was signed into law on September 13, 1994, amending the GCA. The Crime Bill banned the manufacture, transfer, or possession of certain named semiautomatic assault weapons and weapons with specific characteristics. Specifically prohibited are semiautomatic rifles that have the ability to accept a detachable magazine and have at least two of the following features: a folding or telescoping stock, a pistol grip that protrudes conspicuously beneath the action of the weapon, a bayonet mount, a flash suppressor or threaded barrel designed to accommodate a flash suppressor, or a grenade launcher.

Further, and as is described in 27 CFR 178.39, persons are prohibited from assembling a semiautomatic rifle utilizing 10 or more imported parts if the assembled firearm is prohibited from importation under 18 U.S.C. 925 (d) (3) as not being particularly suitable for or readily adaptable to sporting purposes. Military style semiautomatic rifles with folding bayonets, folding stocks, or detachable magazines are prohibited from importation under the provisions of this section.

You further ask what required markings must appear on a rifle of your own manufacture. Marking requirements for licensed manufacturers are described in 27 CFR 178.92 and include an individual serial number that must be placed on the frame or receiver. Other markings that can appear on the frame, receiver, or barrel include model, caliber, and name of manufacturer. However, these requirements are specific to licensed manufacturers and are not a requirement for nonlicensees manufacturing a firearm for their personal use. This being said, we strongly suggest that it be marked in a fashion sufficient for it to be identified by you if the firearm should be stolen.

While the foregoing is representative of Federal law, it does not address issues of State law that may be applicable to your concerns. As a result, you may wish to contact Maryland's Attorney General's Office for further information. The address and telephone number are:

Office of the Attorney General
200 Saint Paul Place
Baltimore, Maryland 21202
(410) 576-6300

For purposes of this section, the term imported parts are: (1) Frame¹ or stampings (2) Barrels (3) Barrel extensions (4) Mounting Hocks (t Bolls (7) Bolt carriers (8) Operating rods (9) Gas pistons (10) Trigger (13) Sears (14) Disconnectors (15) Bulistocks (16) Pistol Grips (17) I bodies (19) Followers (20) Floorplates

We hope this has been responsive to your concerns. If you have any further questions, please feel free to contact our office at (202) 927-7770.

Sincerely yours,

A handwritten signature in black ink, appearing to read "J. P. Byrd". The signature is fluid and cursive, with a long horizontal stroke at the end.

Chief, Firearms Enforcement Branch