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GENERAL SKRMETTI JOINS COALITION IN LAWSUIT AGAINST US AG GARLAND, ATF ON PISTOL BRACE RULE

Nashville- Tennessee Attorney General Jonathan Skrmetti joined a 24-state coalition in filing a lawsuit against U.S. Attorney General Merrick Garland, the Bureau of Alcohol, Tobacco, Firearms and Explosives and its director that seeks to enjoin a recently issued final rule governing “Stabilizing Braces,” commonly known as pistol braces.

The rule, called Factoring Criteria for Firearms with Attached Stabilizing Braces, indicated that 99% of the time when manufacturers, dealers and individuals pair stabilizing braces with pistols, they must comply with the laws that regulate rifles, including the National Firearms Act (NFA). This means those who use a stabilizing brace would be required to apply for a permit with the ATF within four months, pay a tax and face restrictions on future transfer of the brace. If gun owners do not comply by May 31, 2023, the ATF will treat them as having committed a felony.

Stabilizing braces were designed to help people with disabilities use pistols. Since then, many others, including older persons, people with limited mobility and those with smaller stature have come to use the braces. For more than a decade, these braces were sold as firearms attachments not subject to regulation. The rule, however, affects most all pistol and handgun owners who own a stabilizing brace. Many lawful gun owners use stabilizers to prevent some recoil when using firearms and to assist in accuracy.

The lawsuit calls on the United States District Court for the District of North Dakota to declare unlawful and set aside the rule.

“In sum, ATF’s factors are little more than window dressing for the agency to reach whatever outcome it wants, regardless of the facts,” the challenge states.

General Skrmetti signed on to the lawsuit led by West Virginia Attorney General Patrick Morrisey, in addition to state attorneys general from Alabama, Arkansas, Florida, Georgia, Idaho, Indiana, Iowa, Kansas, Kentucky, Louisiana, Missouri, Mississippi, Montana, Nebraska, New Hampshire, North Dakota, Oklahoma, South Carolina, South Dakota, Utah, Virginia, and Wyoming.

Additional plaintiffs include Firearms Regulatory Accountability Coalition, Inc. (an advocacy group), SB Tactical (a brace manufacturer), B&T USA (a firearms importer and manufacturer), and Richard Cicero, a retired police firearms instructor and a wounded warrior who uses stabilizing braces.

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