

OFFICE OF THE GOVERNOR
STATE OF MONTANA

GREG GIANFORTE
GOVERNOR



KRISTEN JURAS
LT. GOVERNOR

February 8, 2023

The Honorable Merrick Garland
Attorney General
Department of Justice
950 Pennsylvania Avenue NW
Washington, DC 20530

Dear Attorney General Garland:

On January 31, 2023, the Department of Justice and the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) published final rule 88 FR 6478 revising criteria for firearms with stabilizing braces. Under this rule, nearly all firearms with attached stabilizing braces are now subject to taxation and registration requirements of the National Firearms Act.

This decision further erodes the Second Amendment rights of law-abiding Montanans. Our right to keep and bear arms is integral to Montana's and our nation's rich heritage, and this rule directly violates our long-held traditions. The rule also ignores the design and intent of stabilizing braces – to help disabled veterans fire large format pistols.

As a matter of law, the State of Montana and its political subdivisions cannot enforce, or assist the ATF with enforcement, of this rule. The 2021 Montana Legislature passed, and I signed into law, House Bill 258, which states:

A peace officer, state employee, or employee of a political subdivision is prohibited from enforcing, assisting in the enforcement of, or otherwise cooperating in the enforcement of a federal ban on firearms, magazines, or ammunition and is also prohibited from participating in any federal enforcement action implementing a federal ban on firearms, magazines, or ammunition. (MCA § 45-8-368).

That same legislation defined a “federal ban” as:

[A] federal law, executive order, rule, regulation that is enacted, adopted, or becomes effective on or after January 1, 2021, or a new and more restrictive interpretation of a law that existed on January 1, 2021, that infringes upon, calls in question, or prohibits, restricts, or requires individual licensure for or registration of the purchase, ownership, possession, transfer, or use of any firearm, any

magazine or other ammunition feeding device, or other firearm accessory (MCA § 45-8-367).

This rule creates additional barriers to lawful gun ownership and undermines our Montana way of life. I strongly urge you to reverse this decision to acknowledge and respect Montana's long history of responsible gun ownership.

Sincerely,

A handwritten signature in blue ink, appearing to read "Greg Gianforte", written in a cursive style.

Greg Gianforte
Governor