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Attorney General Brown Urges Supreme Court to Uphold Federal Ghost Gun Regulations

Coalition of 24 AGs Argue that Ghost Gun Rule Closes Dangerous Loophole and Protects Public Safety

BALTIMORE, MD (July 5, 2024) – Attorney General Anthony G. Brown joined a group of 24 attorneys general urging the U.S. Supreme Court to uphold a federal rule that regulates ghost guns—untraceable weapons often made at home from kits—like other firearms. In an [amicus brief](#) filed in *Garland v. VanDerStok*, the coalition urges the Supreme Court to reverse a decision by an appeals court overturning the ghost gun rule and argues that the rule is a common-sense clarification of existing law that is necessary to prevent gun violence and help law enforcement to solve serious crimes.

In recent years, gun violence skyrocketed across the country, with gun-related homicides increasing by 45 percent between 2019 and 2021. At the same time, states reported a considerable increase in the number of untraceable, unserialized ghost guns recovered by law enforcement. Even in jurisdictions that attempted to regulate ghost guns themselves, these dangerous weapons were being manufactured and circulated without federal regulation.

The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) issued a Final Rule to combat this growing problem by clarifying that the Gun Control Act of 1968 (GCA) applies to the key building blocks (parts) of ghost guns, including gun kits and partially complete frames and receivers. The GCA is a longstanding federal law that regulates gun ownership and sales and keeps guns out of the hands of people who should not have them, including individuals convicted of felonies, domestic violence perpetrators, and children. The rule clarifies that the definition of “firearms” includes kits and parts that can be easily converted to fully-functional firearms. This common-sense clarification does not ban gun kits. Rather, it subjects kits and nearly-complete guns to the same rules as conventionally manufactured guns—including serial number and background check requirements.

The rule was challenged, and the Court of Appeals for the Fifth Circuit struck it down, although the court allowed it to remain in effect while an appeal proceeds. That case, *Garland v. VanDerStok*, will be heard by the Supreme Court during its next term.

Attorney General Brown and the coalition are urging the Supreme Court to uphold the ATF's ghost gun rule, arguing that striking it down would harm public safety and hinder law enforcement. The coalition describes how the rule is consistent with the text, history, and purpose of the GCA and demonstrates that the Fifth Circuit's decision was incorrect. The attorneys general argue that the rule is necessary to close a dangerous loophole and stop people who are banned from owning guns from sidestepping existing law—which they were able to do before gun kits were subject to the same regulations as other firearms. Additionally, the coalition shares early evidence that the rule is already improving public safety: multiple jurisdictions have seen a drop in ghost gun recoveries since the rule went into effect in 2023.

In submitting the brief, Attorney General Brown joins the attorneys general of Arizona, California, Colorado, Connecticut, Delaware, the District of Columbia, Hawaii, Illinois, Maine, Massachusetts, Michigan, Minnesota, Nevada, New Jersey, New York, North Carolina, Oregon, Pennsylvania, Rhode Island, Vermont, Washington, Wisconsin, and the Northern Mariana Islands.

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