

## Bump stocks to be a banned in 2019

Posted by [Alan Van Wormer](#) On 01/03/2019

**WASHINGTON DC** - On Dec. 18, 2018, Acting Attorney General Matthew Whitaker announced that the Department of Justice has amended the regulations of the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF), clarifying that bump stocks fall within the definition of "machinegun" under federal law, as such devices allow a shooter of a semiautomatic firearm to initiate a continuous firing cycle with a single pull of the trigger.

### **Acting Attorney General Whitaker made the following statement:**

"President Donald Trump is a law and order president, who has signed into law millions of dollars in funding for law enforcement officers in our schools, and under his strong leadership, the Department of Justice has prosecuted more gun criminals than ever before as we target violent criminals. We are faithfully following President Trump's leadership by making clear that bump stocks, which turn semiautomatics into machine guns, are illegal, and we will continue to take illegal guns off of our streets."

On February 20, 2018, President Trump issued a memorandum instructing the Attorney General "to dedicate all available resources to... propose for notice and comment a rule banning all devices that turn legal weapons into machineguns." In response to that direction the Department reviewed more than 186,000 public comments and made the decision to make clear that the term "machinegun" as used in the National Firearms Act (NFA), as amended, and Gun Control Act (GCA), as amended, includes all bump-stock-type devices that harness recoil energy to facilitate the continuous operation of a semiautomatic firearm after a single pull of the trigger.

This final rule amends the regulatory definition of "machinegun" in Title 27, Code of Federal Regulations (CFR), sections 447.11, 478.11, and 479.11. The final rule amends the regulatory text by adding the following language: "The term 'machine gun' includes bump-stock devices, i.e., devices that allow a semiautomatic firearm to shoot more than one shot with a single pull of the trigger by harnessing the recoil energy of the semi-automatic firearm to which it is affixed so that the trigger resets and continues firing without additional physical manipulation of the trigger by the shooter."

Furthermore, the final rule defines "automatically" and "single function of the trigger" as those terms are used in the statutory definition of machinegun. Specifically, "automatically" as it modifies "shoots, is designed to shoot, or can be readily restored to shoot," means functioning as a result of a self-acting or self-regulating mechanism that allows the firing of multiple rounds through the single function of the trigger; "single function of the trigger" means single pull of the trigger and analogous motions.

Because the final rule clarifies that bump-stock-type devices are machineguns, the devices fall within the purview of the NFA and are subject to the restrictions of 18 U.S.C. 922(o). As a result, persons in possession of bump-stock-type devices must divest themselves of the devices before March 26, 2019 of the final rule.

A current possessor may [destroy](#) the device or abandon it at the nearest [ATF office](#), but no compensation will be provided for the device. Any method of destruction must render the device incapable of being readily restored to its intended function.

The final rule may be found [here](#).

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