# The U.S. Supreme Court will hear a 2nd Amendment lawsuit raised by DOJ’s ATF concerning Bump Stocks qualification as a machinegun. Here's the Law: “26 U.S.C. SS 5845(b): For the purpose of the National Firearms Act the term Machinegun means: Any weapon which shoots, is designed to shoot, or can be readily restored to shoot, automatically more than one shot without manual reloading, by a single function of the trigger.”

When 26 U.S.C. SS 5845(b) was passed by Congress, the Agency appointed to write and enforce regulations to carry out the intent of the new law, was the ATF.

What the U.S. Supreme Court may consider:

\* Is ATF’s interpreting of 26 U.S.C. SS 5845(b) within the scope of their regulatory-enforcement?  
 \* If AFT able to exceed 26 U.S.C. SS 5845(b)’s written definition defining a machine gun, and  
 therefore regulate and ban such weapons?  
 \* If so, can ATF apply their upgraded definition to Bump Stocks, and thus banning them.

\* If so, AFT is   
 \* If not: Congress must amend or rewrite 26 U.S.C. SS 5845(b) to include such authority.

Today, ATF believes they are within their authority to upgrade the law without Congressional approval to include the Bump Stock, and “assault weapons,” and the restriction of all modifications, such as the rubber-bands and shoestrings.

Although banning the 2nd Amendment is not a consideration in ATF’s lawsuit before the U.S. Supreme Court, their decision will likely determine the larger issue:

Primarily, whether or not the ATF can interpret existing law beyond the Congressional 26 U.S.C. SS 5845(b) law.

Here’s the law:

“26 U.S.C. SS 5845(b) For the purpose of the National Firearms Act the term Machinegun means:  
Any weapon which shoots, is designed to shoot, or can be readily restored to shoot, automatically more than one shot without manual reloading, by a single function of the trigger.”

The above law clearly defines a machinegun as a weapon that automatically can fire more than one round (continuously) by a “single function of the trigger.”

# Bumper Stocks; Machine guns; Congress; Regulatory Agencies authority to elevate weapons firing rounds, per single trigger pull, per 26 U.S.C. SS 5845(b).

Bump fire stocks are gun stocks that are specially designed to make bump firing easier, but do not make the firearm automatic. Essentially, bump stocks assist rapid-fire by "bumping" the trigger against one's finger (as opposed to one's finger pulling on the trigger), thus allowing the firearm's recoil, plus constant forward pressure by the non-shooting arm, to actuate the trigger.

The difference between firing a machinegun and Bump Stock weapon:

Machineguns automatically (continusly) fire rounds by a “single function of the trigger.”|  
  
Bump Stock weapons: Firing each round requires a reteated actuation of the trigger. This is accomplished by recoil of the fired weapon to force the trigger-finger to fire another round. Recoil aides in “rapid-firing,” not “automatic firing.”

# to the 2nd A qualifies as a machine gun

## **Supreme Court bump stocks overview:**

* **Who:** The U.S. Supreme Court says it will hear a case from the federal government on whether the U.S. Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) can ban bump stocks.
* **Why:** An appeals court ruled that the ATF can’t ban bump stocks because they do not qualify as machine guns, Law360 reported.