

Duplicates/Conflicts with/Companion to/Relates to:
Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis:

Makes it unlawful to possess a weapon conversion device or knowingly transporting a weapon conversion device. Make the possess a third-degree felony. “Weapon conversion device” means a part or combination of parts designed and intended to convert a semiautomatic weapon into a fully automatic weapon.

FISCAL IMPLICATIONS

Cost of enforcement and possible incarnation of individual because of HB39.

SIGNIFICANT ISSUES

Constitutional concerns: HB39 may be subject to a challenge under the Second Amendment of the U.S. Constitution. The United State Supreme Court in *Garland v. Cargill* 602 U.S. 406 (2024) struck down a law that banned bump stock. One of the issues raise in the case is whether or not a bump stock made a semi-automatic rifle into a machine gun or fully automatic. The United States Supreme Court stated a bump stock did not make a semi-automatic into a machine gun. Justice Thomas stated that "specifies the precise action that must 'automatically' cause a weapon to fire 'more than one shot'—a 'single function of the trigger'"; as "a shooter must also actively maintain just the right amount of forward pressure on the rifle's front grip with his nontrigger hand" when using a bump stock, this qualified as an additional function and thus did not meet the requirements for the definition of a machine gun. It could be argued that a bump stock is a “weapon conversion device” for its intent is convert a semiautomatic weapon into a fully automatic weapon although not successful converting it to a fully automatic weapon according to the United States Supreme Court.

TECHNICAL ISSUES

Definition of semiautomatic weapon could be simplified by deleting some of the language.