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Senate Bill 224 (Substitute S-1 as passed by the Senate)

Sponsor: Senator Dayna Polehanki

Committee: Civil Rights, Judiciary, and Public Safety

Date Completed: 8-21-25

RATIONALE

In 1986, the United States Congress passed the Firearm Owners Protection Act (FOPA), which included a provision banning the sale to civilians of machine guns¹ manufactured after the Act's effective date. As a result, an individual may legally purchase a machine gun only if that gun was manufactured before May 19, 1986 (and if that individual filled out the requisite forms and passed a background check). Following the 2017 Las Vegas shooting, in which a man used bump stock-modified firearms to fire more than 1,000 rounds and ultimately kill 60 people, the Federal Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) issued a rule classifying bump stocks as a type of machine gun, which prohibited their production, sale, and possession under the FOPA. A bump stock is a device that generally allows a semi-automatic firearm to shoot more than one shot with a single pull of the trigger by using the firearm's recoil to reload the gun. In June 2024, the U.S. Supreme Court ruled in *Garland v. Cargill* that, due to their engineering, bump stocks did not meet the legal definition of machine guns and could not be prohibited under then-current Federal law.² States can regulate firearms, and as of 2025, 18 states have outlawed bump stocks.³ As such, it has been suggested that the ATF's ruling be codified into Michigan law to prevent tragedies like the one that occurred in Las Vegas.

CONTENT

The bill would amend the Michigan Penal Code to prohibit a person from manufacturing, selling, offering for sale, or possessing a bump stock or multiburst trigger activator. A violation would be a felony punishable by up to five years' imprisonment or a maximum fine of \$2,500, or both.

Among other things, the Code prohibits a person, unless otherwise exempt, from manufacturing, selling, offering for sale, or possessing any of the following:

- A machine gun or firearm that shoots or is designed to shoot automatically more than one shot without manual reloading by a single function of the trigger.
- A muffler or silencer.
- A bomb or bombshell.
- A blackjack, slungshot, billy, metallic knuckles, sand club, sand bag, or bludgeon.

¹ The National Firearms Act defines a machine gun as "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 term includes the frame or receiver of any such weapon, any part designed and intended solely and exclusively, or combination of parts designed and intended, for use in converting a weapon into a machinegun, and any combination of parts from which a machinegun can be assembled if such parts are in the possession or under the control of a person.

² Howe, Amy, "Supreme Court strikes down bump stock ban", *SCOTUS Blog*, June 14, 2024.

³ "Which states have specific laws prohibiting bump stocks?" Everytown Research & Policy.
<https://everytownresearch.org/rankings/law/bump-stocks-prohibited/>. Retrieved 8-13-2025.

- A device, weapon, cartridge, container, or contrivance designed to render a person temporarily or permanently disabled by the ejection, release, or emission of a substance.

A violation is a felony punishable by up to five years' imprisonment or a maximum fine of \$2,500, or both.⁴

The bill would add a bump stock and a multiburst trigger activator to the provisions described above. "Bump stock" would mean a device that allows a semiautomatic firearm to shoot more than one shot with a single pull of the trigger by harnessing the recoil energy of the semiautomatic firearm to which the device is affixed so that the trigger resets and continues firing without additional physical manipulation of the trigger by the shooter. "Multiburst trigger activator" would mean any of the following:

- A device designed or redesigned to be attached to, built into, or used in conjunction with a semiautomatic firearm that allows the firearm to discharge two or more shots in a burst by activating the device.
- A manual or power-driven trigger activating device constructed and designed so that when attached to, built into, or used in conjunction with a semiautomatic firearm, it increases the rate of fire of that firearm.
- A device designed or redesigned to be attached to, built into, or used in conjunction with a semiautomatic firearm that enhances the firing rate of a firearm to mimic rapid or automatic fire.

A multiburst trigger activator would *include* any of the following devices:

- A device placed within the trigger guard of a firearm that used a spring to push back against the recoil of the firearm causing the finger in the trigger guard to move back and forth and rapidly activate the trigger.
- A mechanical device that activated the trigger of the firearm in rapid succession by turning a crank.
- Any aftermarket trigger or trigger system that, if installed, allowed more than one round to be fired with a single depression of the trigger.

MCL 750.224

PREVIOUS LEGISLATION

(This section does not provide a comprehensive account of previous legislative efforts on this subject matter.)

The bill is a reintroduction of Senate Bill 942 of the 2023-2024 Legislative Session. Senate Bill 942 passed the Senate and was referred to the House Committee on Government Operations but received no further action.

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

The bill would fulfill an essential function of State law: saving lives. During the 2017 Las Vegas shooting, the gunman possessed 23 firearms, 14 of which were equipped with bump stocks.⁵ The shooting lasted 10 minutes, resulting in the deaths of 58 people (two additional

⁴ The prohibitions do not apply to certain government weapons manufacturers or individuals licensed by the Federal Secretary of Treasury to manufacture, sell, or possess the weapons described above.

⁵ Clark, Dartunorro, "Trump administration bans bump stocks, device used in Las Vegas shooting", *NBC News*, Dec. 18, 2025.

individuals died of injuries sustained during the shooting several years later), including the gunman; around 400 injuries related to gunfire and shrapnel; and 400 additional injuries.⁶ The event is considered the deadliest mass shooting in modern U.S. history conducted by a single perpetrator. The gunman fired an estimated 90 rounds in 10 seconds.⁷ Bump stocks have been used in other mass shootings. In 2018, another gunman opened fire at Marjorie Stoneman Douglas High School in Parkland, Florida, using a bump stock-modified rifle to shoot 139 rounds in six minutes, ultimately killing 14 students and three staff members and injuring 18 others.⁸ One student, aged 15, was shot 13 times.⁹ The Parkland shooting is considered the deadliest mass shooting at a high school in U.S. history. These shootings are so deadly because of bump stocks, which are designed to fire the most rounds in the least amount of time.

Events such as these sparked a debate concerning the prohibition of bump stocks. In 2019, the ATF ruled that bump stocks met the statutory definition of machine guns, creating an effective ban on their use. The Supreme Court vacated this ruling because bump stocks do not fire more than one shot "by a single function of the trigger".¹⁰ Instead, they require a shooter to release pressure on the trigger (to bump, or apply pressure to, the trigger, rather than fully pulling the trigger, which reduces the speed of fire). This narrow reading of the law misses the point of the Federal ban on machine guns¹¹, which ensures that weapons suited for warzones remain only in the hands of those fit to use them, i.e., law enforcement officials and members of the military. State law exists to protect the State's residents from danger, and bump stocks are dangerous. Michigan should follow the ATF's lead and enact a ban on these deadly tools.

Opposing Argument

Some individuals believe that the Second Amendment of the U.S. Constitution, which protects the right to bear arms, includes modern-weaponry and accessories such as bump stocks. As such, the bill would infringe on Michigan residents' constitutional rights by forbidding the purchase of goods that should be lawful.

Response: Though the Supreme Court vacated the ATF's ruling, it did not do so on the basis of constitutionality. The Federal government and the Supreme Court have held throughout United States history that Second Amendment protections are not unlimited.¹² In *Garland v. Cargill*, the Court decided that the ATF's ruling was inconsistent with then-current Federal law, and the ban was unenforceable. In his concurring opinion, Justice Samuel Alito stated that Congress could pass legislation that would achieve the effects of the ATF's rule.¹³

Legislative Analyst: Tyler VanHuyse

FISCAL IMPACT

The bill would have an indeterminate but likely negative fiscal impact on State and local government. New felony arrests and convictions under the bill could increase resource

⁶ *LVMPD Criminal Investigative Report of the 1 October Mass Casualty Shooting*, p. 19.

⁷ Wamsley, Laurel, "Las Vegas Police Release Bodycam Footage; ATF Says Gunman Had 'Bump-Fire' Stocks", *NPR*, Oct. 3, 2017.

⁸ Shapiro, Emily, et al., "Parkland school shooting 7 years later: Remembering the 17 victims", *ABC News*, February 14, 2025.

⁹ Levenson, Eric and Dakin, Andone, "Parkland school shooter was 'cold, calculative, manipulative and deadly,' prosecutors say in death penalty trial", *CNN*, July 19, 2022.

¹⁰ *Garland v. Cargill*, 602 U.S. 406 (2024).

¹¹ *Garland v. Cargill*, 602 U.S. 406 (2024) (Sotomayor, J., dissenting).

¹² Culhane, Mallory, "Federal Machine Gun Ban is Constitutional, Sixth Circuit Says", *Bloomberg Law*, Aug. 7, 2025.

¹³ *Garland v. Cargill*, 602 U.S. 406 (2024) (Alito, J., concurring).

demands on law enforcement, court systems, community supervision, jails, and correctional facilities; however, it is unknown how many people would be prosecuted under provisions of the bill. The average cost to State government for felony probation supervision is approximately \$5,600 per probationer per year. For any increase in prison intakes the average annual cost of housing a prisoner in a State correctional facility is an estimated \$48,700. Per diem rates range from \$100 to \$431 per day (average per diem is \$135), depending on the security level of the facility. Any associated increase in fine revenue would increase funding to public libraries.

Fiscal Analyst: Joe Carrasco, Jr.

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.