



Bump Fire Stocks: Finding a Way to Outlaw Their Usage

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I have elected to forgo the normal editorials for this edition. I have asked Dr. Joyce Newman Giger, Christine Brannon, and a new friend to the JNBNA, Michael Blanchard, former police officer, Indianapolis, Indiana, and current Investigator, Saint Joseph County, South Bend, Indiana, to assist in writing this editorial. Colleagues, as you know, the same hotel where we held our last annual conference was besieged with one of the worst episodes of gun carnage in recent U.S. history. Of course I am talking about the mass shooting and killing in Las Vegas where a gunman, Stephen Paddock, with a weapon modified with a bump-fire stock device, killed 58 people and wounded another 546 (Wegmann, 2017). I was saddened to hear about this event and shocked because we, as an organization, had been in the same space just a few weeks before. I really did not know what a bump-fire stock was, but when I learned it was legal, I thought that as an organization, we have work to do to alert people, and to try to change the laws so such mass shootings can never happen again.

Bump-Fire Stock: Defined

In 1986, the Firearms Owners Protection Act outlawed machine guns (Wegmann, 2018). Unfortunately, what was born out of that legal decision was the introduction of bump-fire stocks. In firearms, bump-fire is the act of using the recoil of a semi-automatic firearm to fire shots in rapid succession, which simulate the action of a fully automatic weapon. Bump-fire stocks are gunstocks that are specifically designed to enable bump-fire. While a single action rifle could be adjusted to do bump-stock firing, it would be prohibitive in terms of time and cost (Blanchard, Personal Communication, 2018). However, bump-fire stocks allow for the quick and economic conversion. Simply put, bump stock firing requires a semi-automatic weapon fitted with a bump-fire stock. In use, the weapon, usually a rifle, is braced with the non-trigger hand, while the grip of the firing hand is released, and the trigger finger is maintained in its normal position in front of the trigger (Jonsson, 2013). This mechanism pushes the semi-automatic weapon forward in order to apply pressure on the trigger from the finger, while keeping the trigger finger stationary. When firing a round, the weapon will recoil (“bump” back) and the trigger will reset as it normally does; then, the non-trigger hand pulls the firearm away from the body and back to the original position, pressing the trigger against the stationary finger again, thereby firing another round when the trigger is pushed back (Jonsson, 2013). A pistol can also be modified for bump-stock firing if it is a semi-automatic. With a semi-automatic pistol, one hand holds the grip, while two fingers are placed in the trigger well, and this action allows the grip hand to shove the weapon forward while the trigger fingers remain stationary (Jonsson, 2013).

Bump-Stock Firing: How Accurate and How Fast

Bump-stock firing is not accurate, but it is extremely fast. Unlike single action firing, it was not intended to be accurate because the bump-stock allows a spray of bullets to be fired, just like a machine gun (Blanchard, Personal communication, 2018). For example, using the bump-stock mechanism, a semi-automatic weapon can be altered to deliver over 96 rounds in less than 7 seconds or between 400 to 800 rounds per minute (The Economist, 2017). Moreover, this firing device is extremely cheap, costing between \$90.00 and \$400.00 (The Economist, 2017). If the shooter in Las Vegas used this mechanism as alleged, that fact would explain

the high number of fatalities and wounded in such a short time. In the Sandy Hook Elementary School massacre, a semi-automatic rifle, the AR-15-style Bushmaster, was used. Some believed that the shooter who massacred the 20 children and 6 adults there might have altered the semi-automatic weapon used there by converting it with a bump-fire stock. (Peters, 2013).

Bump-Stock Firing: The Legal Ramifications

Machine guns have been illegal to sell or to own by civilians since 1986. Moreover, Congress has heavily regulated conversion of semi-automatic weapons into fully automatic weapons (Jonsson, 2013). Note that the words used here are “heavily regulated” but not “outlawed” (Jonsson, 2013). Jeremy Cottle, the inventor of the Slide Fire replacement stock (Jonsson, 2013), has argued that one reason why it is so hard to outlaw bump-fire stocks is that to do so, the U.S. Bureau of Alcohol, Tobacco, and Firearms (ATF) would have to change the legal definition of a machine gun (Jonsson, 2013).

With bump-fire stocks, the firing mechanism is the key. In fact, the debate around so-called bump-fire devices that “simulate” automatic fire by utilizing a rifle’s recoil to shoot the next round of bullets could inspire a bureaucratic reclassification of assault weapons into machine guns. Such a reclassification could cause a de facto ban without Congress getting involved (Jonsson, 2013). It may be as simple as a re-classification of the bump-stock option to a de facto machine gun (Wegmann, 2017; Jonsson, 2013) that could stop their use. While the heated debate over bump-stocks rages on, this debate can hardly be described as nuanced. One perfectly legal product that turns a regular rifle into a machine gun further highlights how important it is to come to a consensus about the ownership and use of such a deadly weapon (Jonsson, 2013). Seemingly, if a redefinition of bump-fire stocks would not need a congressional vote, it is time to undertake such a definition. According to University of Virginia scientist Larry Sabato, an all-out ban of all assault weapons is dead in the water (Jonsson, 2013), but certainly the ban on bump-fire stocks should remain under consideration, because if a weapon has a bump-fire stock attachment, it might be more readily defined as a machine gun.

Moving Forward to Ban Bump-Fire Stock Sales and Use

It is hard to forget what happened in Las Vegas and just as hard to forget Sandy Hook. Former Governor of New Jersey, Chris Christie, signed into law bill S-3477/A-5200 on his last day in office, January 15, 2018 to make the use of bump-stocks a second-degree criminal offense in New Jersey, punishable by up to 10 years in prison and a fine of up to \$150,000. Simple possession or sale of the devices themselves would be a third-degree felony, punishable by up to 5 years imprisonment and a fine of up to \$150,000 (Eger, 2017). Another state that is on verge of banning bump stocks is Washington with SB 5992 and four other gun control bills; however, bump stocks are relatively rare in the state of Washington (Kington, 2018). At this point, this bill has moved through the committee successfully.

Right after the Las Vegas shootings, in the United States Congress, Democratic Senator Diane Feinstein combined with Rep. Carlos Carbelo, a Florida Republican, to sponsor a bill that would ban bump-stocks in the United States. The National Rifle Association (NRA) was opposed to this new legislation in the U.S. Senate and the House that would ban the production and sale of bump-fire stocks. The main argument was that such a ban is an infringement of the Second Amendment rights (Fox, 2017). It is plausible to assume that the NRA will continue to oppose the ban on bump-stocks. Therefore no votes on a bump-stock ban have come up for a vote in the United States Congress.

Our examination of bump-fire stocks has certainly illuminated the need to ban a device that can spray bullets and perhaps kill 400 people in a minute. The streets of this country are not the war-torn and ravaged areas that are found in some other countries. As citizens, we have a reasonable expectation that when we go to a concert, to school, to church, to the mall, or the movies, we can be safe from a useless, but dangerous device like a bump-stock. Certainly, the Second Amendment was not created to protect the use of bump-stocks, and as such, there is every expectation that no individual constitutionally deserves the right to bear such an inherently deadly weapon in this country.

Life is destiny; the NBNA was in the same space in Las Vegas only months before. Colleagues, after Las Vegas, we must rise up to prevent such mass killings from ever happening again. We must call on our Representatives and Senators and tell them we want laws that protect our citizens from the lawlessness and machine guns of the 1920s. Banning automatic weapons and yet allowing a way to get around this ban seems illogical to us. However, it is logical that if a bump-stock can do as much damage as a machine gun, then it is certainly time to ban bump-stocks as well. We want our Congress to ban bump-stocks now.

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