STATE OF FLORIDA

JAMES UTHMEIER
ATTORNEY GENERAL

November 13, 2026

This opinion resolves the following question of law: whether the bump-fire stock prohibition in section 790.222, Florida Statutes, contravenes the Second Amendment to the United States Constitution. After careful consideration, I have determined that it does.

Section 790.222 imposes a categorical prohibition on an entire class of firearm components that can increase a semiautomatic weapon's rate of fire. But semiautomatic firearms with these and similar structural modifications are bearable arms covered by the Second Amendment's plain text. No identifiable historical tradition justifies prohibiting their possession and use by law-abiding citizens for sporting, defensive, or other lawful purposes.

BACKGROUND

Understanding how a bump stock works must begin with a review of basic trigger mechanics. In a conventional hammer-fired semiautomatic rifle, a trigger assembly—which includes the trigger—comprises a collection of internal components that controls the firing mechanism. Typical rifles do not function unless the firing mechanism is engaged through the trigger assembly. "The basic function of any trigger is to release the hammer."[1] The release of a hammer occurs "when the trigger is pulled back to the point that a 'trigger sear' releases the hammer from its retained position."[2]

Upon release, "the hammer pivots to contact the firing pin," and then "the firing pin . . . strikes a chambered ammunition cartridge or 'round,' causing gunpowder in the cartridge to combust."[3] This combustion "propels the cartridge's bullet out of the barrel of the firearm."[4] "Once fired, a standard semi-automatic trigger returns to its 'reset' state—ready-to-fire or 'set' position—[] allowing the firearm to function once

[1] *Nat'l Ass'n for Gun Rts., Inc. v. Garland*, 741 F. Supp. 3d 568, 580 (N.D. Tex. 2024).
[2] *Id.*
[3] *Id.*
[4] *Id.*

again due to starting the mechanism anew."[5] "In other words, the firearm only functions again upon the reset of the trigger to release the hammer."[6]

A "bump stock" "replaces a semiautomatic rifle's stock (the back part of the rifle that rests against the shooter's shoulder) with a plastic casing that allows every other part of the rifle to slide back and forth."[7] It "helps manage the back-and-forth motion required for bump firing."[8] A bump stock "also has a ledge to keep the shooter's trigger finger stationary" and "does not alter the basic mechanics of bump firing."[9] A rifle's stock is an integral component of the weapon itself.[10]

A firearm with a bump stock is not a machinegun. The National Firearms Act defines a "machinegun" as a weapon that fires "automatically more than one shot, without manual reloading, by a single function of the trigger."[11] It also defines a machinegun to include certain parts designed to convert "a weapon into a machinegun."[12] With a machinegun, a shooter may release multiple rounds with a single function of the trigger. Unlike a machinegun or conversion device, a bump stock allows a shooter's finger to repeatedly engage the trigger while multiple rounds are fired because of forward pressure on the firearm applied by the shooter.[13] The "forward pressure counteracts the recoil and causes the firearm (and thus the trigger) to move forward and 'bump' into the shooter's [stationary] trigger finger."[14] As the "rifle slides back and away from the shooter's stationary trigger finger, the trigger is released and reset for the next shot."[15] Each function of the trigger fires only one shot, so a semiautomatic rifle outfitted with a bump stock does not qualify as a machinegun.[16] In other words, a bump stock may theoretically increase a rifle's rate of fire, but the rifle nevertheless fires only one round per function of the trigger.

ANALYSIS

The Second Amendment protects "the right of the people to keep and bear Arms."[17] In particular, it "guarantee[s] the individual right to possess and carry

---

[5] *Id.*

[6] *Id.*; *see also Garland v. Cargill*, 602 U.S. 406, 417–20 (2024) (showing pictures that depict how the trigger assembly on an AR–15 style semiautomatic rifle works).

[7] *Cargill*, 602 U.S. at 411–12.

[8] *Id.* at 412.

[9] *Id.*

[10] *Mock v. Garland*, 75 F.4th 563, 568 (5th Cir. 2023).

[11] 26 U.S.C. § 5845(b).

[12] *Id.*

[13] *Cargill*, 602 U.S. at 412.

[14] *Id.* at 411.

[15] *Id.*

[16] *See id.* at 423.

[17] U.S. Const. amend. II.

weapons in case of confrontation."[18] It is "fully binding on the States" and "*limits* . . . their ability to devise solutions to social problems."[19]

The "process of historical analysis required in a Second Amendment case . . . involves two steps."[20] If "the Second Amendment's plain text covers an individual's conduct," then "the Constitution presumptively protects that conduct," and "[t]he government must then justify its regulation by demonstrating that it is consistent with the Nation's historical tradition of firearm regulation."[21] The government bears the burdens of proof and persuasion at this second step: it must "affirmatively prove that [the challenged] regulation is part of the historical tradition that delimits the outer bounds of the right to keep and bear arms."[22] The "central considerations" of the historical inquiry are "whether modern and historical regulations impose a comparable burden on the right of armed self-defense and whether that burden is comparably justified."[23]

Section 790.222 was passed in 2018 by the Florida Legislature and signed by Governor Rick Scott as part of the Marjory Stoneman Douglas High School Public Safety Act. Relevant here, the Act prohibited a broad swath of conduct related to "bump-fire stocks." The statute defines a "bump-fire stock" as "a conversion kit, a tool, an accessory, or a device" used to (1) "alter the rate of fire of a firearm to mimic automatic weapon fire" or (2) "increase the rate of fire to a faster rate than is possible for a person to fire such semiautomatic firearm unassisted by a kit, a tool, an accessory, or a device."[24] A person "may not import . . . transfer, distribute, sell, keep for sale, offer for sale, possess, or give to another person a bump-fire stock."[25] Violators "commit[ ] a felony of the third degree."[26]

---

[18] *Dist. of Columbia v. Heller*, 554 U.S. 570, 592 (2008).

[19] *McDonald v. City of Chicago*, 561 U.S. 742, 785 (2010) (emphasis in original).

[20] *Wolford v. Lopez*, 609 U.S. 185, 195 (2026).

[21] *N.Y. State Rifle & Pistol Ass'n v. Bruen*, 597 U.S. 1, 24 (2022); *see also Wolford*, 609 U.S. at 196 (explaining that "[i]f a challenged law falls within the plain text of the Second Amendment, it is presumptively unconstitutional").

[22] *Bruen*, 597 U.S. at 19.

[23] *Id.* at 29.

[24] § 790.222, Fla. Stat.

[25] *Id.*

[26] *Id.*

Dicta from *Heller* suggest that "dangerous and unusual weapons"—*i.e.*, firearms not "in common use" for lawful purposes—might fall outside the Second Amendment's protection.[27] But any argument defending section 790.222 based on this language fails, for reasons beyond the fact that dicta do not bind.[28] First, these components are not unusual. Bump stocks are designed for semiautomatic firearms, including the AR-15 platform, one of the most common rifle platforms in this country's history. The Bureau of Alcohol, Tobacco, Firearms and Explosives has estimated that over half a million bump-fire stock devices are in private circulation.[29] Just like trigger lightening kits, buffer weights and springs, and short or forced reset triggers, bump stocks are some of the widely available components that can be swapped in to improve a firearm's firing characteristics.

Second, the government cannot credibly show that bump stocks are so dangerous within the meaning of *Heller* that laws banning them escape constitutional scrutiny. A bump stock is not a conversion device that transforms a weapon into an automatic machinegun; a firearm equipped with a bump stock still fires only one shot per trigger function.[30] Nor do bump stocks make a semiautomatic rifle unreasonably dangerous in any other relevant way.[31] A bump stock, therefore, cannot be treated as a "dangerous and unusual" arm outside the scope of typical Second Amendment protection.

For these reasons, whether treated as a firearm component or an "accessory,"[32] a bump stock falls within the "Arms" protected by the plain text of the Second Amendment. Bump stocks are widely used for lawful purposes, including self-defense; indeed, their very creation was spurred to help disabled Americans.[33] In *United States*

---

[27] 554 U.S. at 627; *see also* Mark W. Smith, *Dangerous, but Not Unusual: Mistakes Commonly Made by Courts in Post-Bruen Litigation*, 22 Geo. J.L. & Pub. Pol'y 599, 620 (2024) ("Of course, if a weapon is 'in common use' it is by definition not 'unusual.'").

[28] *See United States v. Ayala*, 711 F. Supp. 3d 1333, 1349 (M.D. Fla. 2024) ("The traditional view is that a decision's holding consists of 'the rule that is logically entailed by the reasoning that was necessary to reach the outcome on the basis of the legally salient facts and the arguments of the parties.'" (quoting Lawrence B. Solum, *Originalist Theory and Precedent: A Public Meaning Approach*, 33 Const. Comment. 451, 459 (2018))).

[29] Bump-Stock-Type Devices, 83 Fed. Reg. 13442-01 (proposed Mar. 29, 2018) (to be codified at 27 C.F.R. pts. 447, 478, and 479).

[30] *See Staples v. United States*, 511 U.S. 600, 611–12 (1994) (listing some of the weapons that Congress regulated notwithstanding the Second Amendment, including machineguns and artillery); *United States v. Alkazahg*, 81 M.J. 764, 781 (N-M. Ct. Crim. App. 2021).

[31] *Cf. Snope v. Brown*, 145 S. Ct. 1534 (2025) (Thomas, J., dissenting from the denial of certiorari) ("To fend off the fantastical threat of Americans lobbing nuclear warheads at one another, the Fourth Circuit has allowed the very real threat of the government depriving Americans of the rifle that they most favor for protecting themselves and their families.").

[32] *See Prescott v. Slide Fire Sols., LP*, 341 F. Supp. 3d 1175, 1189 (D. Nev. 2018) ("For the reasons discussed below, the Court finds that bump stocks are component parts of firearms and are, accordingly, qualified products under the PLCAA.").

[33] *See Once an obscure device, 'bump stocks' are in the spotlight*, Associated Press (Oct. 4, 2017), https://www.10tv.com/article/news/once-obscure-device-bump-stocks-are-spotlight/530-

v. Miller, the U.S. Supreme Court recognized that the Second Amendment protects not just operable weapons but also the supplementary equipment carried on the person that is useful for a firearm's operation.[34] Moreover, "the Second Amendment extends, prima facie, to all bearable arms, even those not in existence at the time of the founding."[35] "[T]he general definition covers modern instruments that facilitate armed self-defense."[36] A bump stock falls squarely within this definition, as one may "wear, bear, or carry [it] . . . upon the person."[37]

When signing the Act into law, Governor Scott reportedly remarked that "[a]ll have to give a little and make a compromise."[38] The Constitution, however, brooks little compromise when it comes to citizens' fundamental rights.

Because the plain text of the Second Amendment covers bump stocks, the burden shifts to the government to identify a historical tradition of banning components that merely accelerate a semiautomatic firearm's reset speed or trigger operation. Even heeding the U.S. Supreme Court's admonition that the government need not identify a "historical *twin*" but only a "well-established and representative historical *analogue*,"[39] I am unable to find such a tradition. Repeating and quick-firing arms are not a modern innovation. In the nineteenth century, lever-action and revolving arms enabled higher rates of fire than did the muzzle-loaded arms that preceded them.[40] And laws that regulate firearms, dangerous conduct, or firearm carriage in sensitive places do not establish a tradition of prohibiting possession of firearms accessories or components.[41]

8b2cce23-cbd4-4f54-90cb-3ff67ce63c11 ("The device was originally created with the idea to make it easier for people with disabilities to shoot a gun.").

[34] *United States v. Miller*, 307 U.S. 174, 181–82 (1939); *see also Jackson v. City & Cnty. of San Francisco*, 746 F.3d 953, 968 (9th Cir. 2014) (concluding that a sales ban on hollow point ammunition implicates the Second Amendment).

[35] *Heller*, 554 U.S. at 582; *see also Caetano v. Massachusetts*, 577 U.S. 411 (2016).

[36] *Bruen*, 597 U.S. at 28; *see also Ass'n of N.J. Rifle & Pistol Clubs v. Att'y Gen.*, 183 F.4th 211, 248 (3d Cir. 2026) ("But the text of the Second Amendment does not limit 'Arms' to the minimum equipment necessary to operate a weapon. And nowhere in *Heller* or *Bruen's* textual analyses did the Supreme Court suggest that the availability of alternative equipment changes the definition of an arm under the Second Amendment.").

[37] *Bruen*, 597 U.S. at 32 (quoting *Heller*, 554 U.S. at 584).

[38] Gary Detman, *Gov. Scott signs Marjory Stoneman Douglas High School Public Safety Act*, CBS12 News (Mar. 9, 2018), https://cbs12.com/news/local/suspected-school-gunman-in-court-for-bond-hearin.

[39] *See Bruen*, 597 U.S. at 30 (Our Nation's regulatory tradition of firearms does not need a "historical *twin*," but only a "well-established and representative historical *analogue*." (emphasis in original)).

[40] *See* David B. Kopel & Joseph G.S. Greenlee, *The History of Bans on Types of Arms Before 1900*, 50 J. Legis. 223, 285 (2024) ("The Founders were well aware that what had been impossible or unimaginable to one generation could become commonplace in the next. With the federal armories advanced research and development program that began in the Madison administration, the government did its best to make the impossible possible."); *see also id.* at 262–88 (detailing the history of firearms improvements).

[41] *See* Oliver Krawczyk, *Dangerous and Unusual: How an Expanding National Firearms Act Will Spell Its Own Demise*, 127 Dick. L. Rev. 273, 301 (2022) ("The Trump administration ATF proposed

It is also significant that, until 1986, federal law permitted the lawful transfer of regulated *automatic* firearms to civilians who complied with the registration, fingerprinting, and transfer requirements in the National Firearms Act.[42] Automatic firearms manufactured and registered before May 1986 may be lawfully possessed and transferred by civilians to this day. Congress has since restricted devices that enable automatic fire. But it did not restrict components that merely improve the reset speed of an otherwise semiautomatic mechanism.

While I remain skeptical of restrictions and bans on firearms, none of this means that the government could never regulate devices that truly convert semiautomatic firearms into machineguns. But that is not what bump stocks and similar components do. Again, "a semiautomatic rifle equipped with a bump stock is not a 'machinegun' because it does not fire more than one shot 'by a single function of the trigger.'"[43]

CONCLUSION

In short, I find no historical tradition of banning accessories that merely change how quickly a trigger can reset. To the contrary, section 790.222 appears to have imposed a "new and significant burden" on the exercise of Second Amendment rights.[44] Section 790.222 therefore violates the Second Amendment and cannot be lawfully enforced by Executive Branch officials in Florida. This Office will not defend a conviction under section 790.222.

James Uthmeier
ATTORNEY GENERAL

---

the bump stock rule in response to the October 1, 2017 Las Vegas-Mandalay Bay mass shooting tragedy . . .."); Stephen P. Halbrook, *New York's Not So "Safe" Act: The Second Amendment in an Alice-in-Wonderland World Where Words Have No Meaning*, 78 Alb. L. Rev. 789, 801 (2015) ("The use of a particular profile of firearm in one or more heinous crimes may influence legislators to support a ban on guns that 'look like that' . . . Yet there is no credible evidence that the horrible result would have been any different had a firearm with a different profile been used.").

[42] *See* 26 U.S.C. ch. 53.

[43] *Cargill*, 602 U.S. at 423.

[44] *Wolford*, 609 U.S. at 202 (striking down Hawaii statute requiring a private property owner's consent to carry a firearm before stepping foot on that private property).