

COMMENTARY FOR MACHINEGUN CONVERSION DEVICE MODEL LEGISLATION

January 10, 2025

Devices, commonly referred to as “switches” or “drop-in auto sears” are examples of machinegun conversion devices and convert semiautomatic firearms into fully automatic firearms in a matter of seconds, allowing “semiautomatic firearms, including easily concealable handguns, to match or exceed the rate of fire of many military machineguns with a single engagement of the trigger — up to 20 bullets in one second and 1,200 rounds in one minute.” See [Executive Order on Combating Emerging Firearms Threats and Improving School-Based Active-Shooter Drills](#) (September 25, 2024). It is generally illegal, under federal law, for individuals to possess these devices as the devices are considered “machineguns” under the Section 5845(b) of the National Firearms Act (26 U.S.C. 5845(b)), which defines the term “machinegun” to include “any parts designed or intended solely and exclusively, or combination of parts designed and intended, for use in converting a weapon into a machinegun.” This model legislation provides a framework for states to consider as they determine whether and how to craft similar state law restrictions.

To date, at least 23 states and the District of Columbia have enacted laws banning the possession of machinegun conversion devices, providing state and local law enforcement an additional tool in targeting gun violence. At least seven states (Alabama^[i]; California^[ii]; Delaware^[iii]; Hawaii^[iv]; Indiana^[v]; Louisiana^[vi]; Wisconsin^[vii]) and the District of Columbia^[viii] have enacted laws that, in relevant part, mirror the federal definition of a machinegun. At least five states (Illinois^[ix]; North Carolina^[x]; Rhode Island^[xi]; South Carolina^[xii]; Connecticut^[xiii]) have adopted a broader definition of machinegun, defining it to include “any part or combination of parts designed or intended for use” in converting a weapon into a machinegun, even if not “solely and exclusively” designed or intended for this purpose, an important element of the federal definition of “machinegun.” And at least 11 states (Maryland^[xiv]; Massachusetts^[xv]; Michigan^[xvi]; Minnesota^[xvii]; Mississippi^[xviii]; Nevada^[xix]; New York^[xx]; Virginia^[xxi]; Washington^[xxii]; Colorado^[xxiii]; Iowa^[xxiv]) have not included machinegun conversion devices in their definition of machinegun but have enacted separate prohibitions against the possession of these devices. The model legislation below employs the first approach and includes language that, if enacted, would amend a state’s definition of “machinegun” to mirror the relevant portions of the federal definition.

The Department is not endorsing any particular formulation of a machinegun conversion device statute. Rather, this model statute draws from federal and state laws already in existence and identifies an option for states to consider as they legislate in this area. In drafting its own legislation, each state must account for its own policy, legal, administrative, and operational considerations and requirements.

- [\[i\]](#) AL ST § 13A-6-260(6)
- [\[ii\]](#) Cal. Penal Code § 16880(b)
- [\[iii\]](#) Del. Code tit. 11, § 1444(c)(1)(b)
- [\[iv\]](#) Haw. Rev. Stat. § 134-1
- [\[v\]](#) Ind. Code § 35-31.5-2-190(a)
- [\[vi\]](#) La. Rev. Stat. § 40:1751
- [\[vii\]](#) Wis. Stat. § 941.25(1)(b)
- [\[viii\]](#) D.C. Code § 7-2501.01(10)
- [\[ix\]](#) 720 Ill. Comp. Stat. 5/24-1.9(a)(1)(l)
- [\[x\]](#) N.C. Gen. Stat. § 14-409(a)
- [\[xi\]](#) R.I. Gen. Laws § 11-47-2(10)
- [\[xii\]](#) S.C. Code § 23-31-310(a)
- [\[xiii\]](#) Conn. Gen. Stat. § 53-202(a)(1)
- [\[xiv\]](#) Md. Code Ann., Crim. Law § 4-301(m)-(n)
- [\[xv\]](#) An Act Modernizing Firearm Laws, 2024 Mass. Acts 135, Sections 26, 115
- [\[xvi\]](#) Mich. Comp. Laws § 750.224e(1-2)
- [\[xvii\]](#) Minn Stat. § 609.67, subd. 1, 2
- [\[xviii\]](#) Ms. Code. § 97-37-39
- [\[xix\]](#) Nev. Rev. Stat. § 202.274(1)(a)
- [\[xx\]](#) N.Y. Penal Law § 265.00(26), (30)
- [\[xxi\]](#) Va. Code Ann. § 18.2-308.5:1
- [\[xxii\]](#) Wash. Rev. Code § 9.41.190(1)(b)
- [\[xxiii\]](#) Colo. Rev. Stat. § 18-12-101(g.2)
- [\[xxiv\]](#) Iowa Code § 724.1(1)(e)

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[Insert name of state statute defining the term “machinegun” or “automatic weapon”] is amended by inserting the following [insert location in state statute]:

This term shall also include any part designed and intended solely and exclusively, or combination of parts designed and intended, for use in converting a weapon into a machinegun.