

## Machine Guns

Machine guns are a class of firearms that are fully automatic, i.e., the guns continue to fire bullets as long as the trigger is depressed and ammunition is available.

The National Firearms Act of 1934 (NFA) imposes an excise tax on the manufacture and transfer of machine guns. [26 U.S.C. § 5801 et seq.](#) The NFA, at [26 U.S.C. § 5845\(b\)](#), defines a machine gun as:

[A]ny weapon which shoots, is designed to shoot, or can be readily restored to shoot, automatically more than one shot, without manually reloading, by a single function of the trigger. The term shall also include 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.

The NFA also requires that the manufacture and transfer of machine guns be recorded in the National Firearms Registration and Transfer Record. [26 U.S.C. § 5841](#).

In 1986, Congress banned the transfer and possession of machine guns, except those transferred to or in the possession of the United States or any department or agency thereof. [18 U.S.C. § 922\(o\)](#). Congress did not, however, prohibit the *continued* transfer or possession of machine guns that were lawfully possessed prior to the law's effective date.

Pursuant to [18 U.S.C. § 922\(b\)\(4\)](#), it is unlawful for any licensed importer, manufacturer, dealer or collector to sell or deliver any machine gun except as specifically authorized by the U.S. Attorney General "consistent with public safety and necessity."

According to the Bureau of Alcohol, Tobacco, Firearms and Explosives, in 2000 there were a total of 278,958 registered machine guns nationwide. Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, *Firearms Commerce in the United States: 2001/2002*, Exhibit 9 (April 2002). The four states with the greatest number of machine guns were Texas (19,415), Connecticut (17,289), Florida (15,285), and California (14,916); those with the fewest were Delaware (146), Hawaii (246), Rhode Island (416) and North Dakota (1,019). *Id.*

(Last updated: March 1, 2004.)