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COURAGE TO FIGHT GUN VIOLENCE

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To: Senate Committee on Judiciary
Fr: Jessie Ojeda, State & Local Policy Attorney, GIFFORDS Law Center
Re: S. 329 / H 606 (2026)
Date: April 17, 2026

Dear Chair Hashim and Members of the Committee,

As a State Policy Attorney with the **GIFFORDS Law Center**—the gun violence prevention organization founded and led by former Congresswoman Gabrielle Giffords—I submit this testimony in **strong support of S. 329 / H. 606.** My remarks are primarily concerned with Section 4 of the proposed bill, which addresses machine guns and related devices.

GIFFORDS strongly supports strengthening Vermont's laws addressing dangerous firearm devices, as it did in 2018 when Vermont acted to ban bump stocks following the deadliest mass shooting in modern U.S. history. We supported H. 606 as originally introduced because it addressed not just machine guns, but also the devices that allow semi-automatic firearms to effectively function like them.

As amended, the bill removes critical provisions addressing rapid-fire devices. In practical terms, that means the bill covers traditional machine guns but leaves out a growing category of devices that can achieve similar firing speeds. We strongly recommend restoring language to cover rapid-fire devices, while also adopting a clear, function-based definition modeled on Massachusetts law so that Vermont's statute remains effective as technology evolves.

Brief History of Rapid-Fire Weapons

Before turning to the specifics of this bill, it is helpful to understand how these kinds of rapid fire firearms and devices have historically been treated.

The precursor to the modern machine gun first emerged in the 1860s with the Gatling gun, developed during the Civil War era. It could fire roughly 150 to 200 rounds per minute—an extraordinary capability at the time. In the 1880s, Hiram Maxim built on that concept to create the first fully automatic machine gun, capable of sustained fire at rates of 500 to 600 rounds per minute.These weapons were heavily utilized in warfare efforts throughout the 20th century, including throughout both world wars. Modern machine guns are now capable of firing upwards of 1,300 rounds per minute with some experimental models now even reaching a 6,000 RPM.

The history is clear. These weapons were designed for one purpose: to increase battlefield lethality.

As similar capabilities began to appear outside military contexts in the early 20th century, including in organized crime during the Prohibition era, lawmakers responded. The National Firearms Act of 1934 imposed strict controls on machine guns, reflecting a broad bipartisan

consensus–including from major firearms industry stakeholders like the NRA–that weapons capable of sustained automatic fire posed unique risks and should be tightly regulated.

Modern rapid-fire devices operate on the same principle. They allow firearms to achieve rates of fire that approach those historically associated with machine guns. The difference is that today, this capability can be added to widely available, legal firearms through small, inexpensive, and largely unregulated attachments.

In effect, these devices replicate the function of prohibited weapons, while attempting to bypass the legal definitions that trigger those restrictions.

Definitions and Basic Framework

Federal law currently defines a machine gun as any weapon that can fire more than one shot automatically, without manual reloading, by a single function of the trigger. That definition also includes parts designed to convert a firearm into a machine gun, even if those parts are not yet installed. Section 4's incorporation of that definition is important and something we support.

But it is only part of the picture.

A standard semi-automatic firearm fires one round per trigger pull. Even in the hands of a skilled shooter, the rate of fire is limited by physical factors like trigger speed, recoil, and control. Rapid-fire devices are specifically designed to overcome those limits. They allow a shooter to fire faster, for longer, and with less effort—often reaching rates that approach automatic weapons.

These devices have expanded rapidly in recent years. They include bump stocks, forced-reset triggers, binary triggers, and similar technologies. While the mechanics differ, the function is the same. Trigger cranks and similar external devices repeatedly activate the trigger through manual input. Bump-stock-style devices harness recoil to accelerate repeated firing. Binary triggers fire on both the pull and release of the trigger, effectively doubling output. Forced-reset triggers go further by mechanically pushing the trigger forward after each shot, allowing continuous, rapid fire when pressure is maintained.

In each case, the practical result is sustained, high-speed firing that exceeds what a person can achieve unaided and, in some cases, closely approximates automatic fire. These devices are designed to replicate that capability without technically meeting the federal definition of a machine gun.

Vermont has already recognized the risks posed by this type of technology. In 2018, the Legislature acted to prohibit bump stocks after determining that devices that allow a firearm to mimic automatic fire pose an unacceptable danger. The devices at issue here operate on the same principle and produce the same outcome. This bill builds on that existing framework by

applying the same reasoning to newer technologies that did not exist—or were less widely available—at the time.

Why the Original Bill Got It Right

The original version of H.606 addressed this issue by focusing on how these devices function, not just what they are called.

That approach matters because technology is evolving rapidly. Manufacturers can and often do make small design adjustments to avoid narrow statutory definitions while preserving the same core capability—dramatically increasing the rate of fire.

This has already occurred. After bump stocks came under scrutiny, manufacturers shifted toward other devices, including forced-reset triggers, that achieve similar or greater firing speeds through different mechanisms.

Recent federal developments reinforce this concern. In 2025, the Department of Justice entered into a settlement with Rare Breed Triggers, agreeing not to treat certain forced-reset triggers as machine guns after earlier enforcement efforts. As a result, devices capable of firing hundreds of rounds per minute are again widely available under federal law.

A function-based definition addresses this problem directly.

Massachusetts provides a strong model. Its law defines a “rapid-fire trigger activator” to include devices or combinations of parts that are designed to increase—or substantially increase—the rate of fire of a semiautomatic firearm, rather than relying on a fixed list of specific products. That “substantially increase” standard is critical. It ensures the law targets devices that meaningfully change a firearm’s firing capability, while avoiding overreach. The statute also includes explicit limiting language to exclude ordinary modifications, such as adjusting trigger pull weight or replacing a magazine spring.

That approach closes existing gaps, prevents future loopholes, and avoids unintended consequences. It provides a durable framework that can adapt as technology continues to change.

Why State Action Is Needed Now

One of the primary arguments raised against Section 4 is that it duplicates federal law. While federal law does cover machine guns and conversion devices, it does not reliably cover rapid-fire devices, and recent developments have further narrowed that scope.

In 2024, the Supreme Court held in Garland v. Cargill that bump stocks are not machine guns under federal law because they require repeated trigger function. In response, many states acted to ensure those devices remained prohibited under state law. In 2025, the Department of

Justice's settlement regarding forced-reset triggers further limited federal enforcement. Together, these developments show that devices capable of near-automatic fire can—and increasingly do—fall outside federal regulation.

At the same time, federal enforcement is not consistent. It depends on shifting priorities, limited resources, and agency capacity. Investigations rely on agencies like ATF and U.S. Attorneys' Offices, which face staffing constraints. In Vermont, the absence of a permanent U.S. Attorney at key periods in recent years has further limited consistent enforcement.

And perhaps most critically, prosecutions generally occur only after serious, even deadly, harm has already occurred.

State law serves a different and necessary role. It provides consistency regardless of changes at the federal level. It allows earlier intervention, more reliable enforcement, and direct action by state and local authorities. It ensures that the law remains stable even as federal policy shifts. Vermont has already seen the benefits of creating this kind of certainty in state law. Thanks to the 2018 law banning bump stocks, there was absolutely no change in their legal status following the Cargill decision.

Firearms in Bars

I also want to briefly note GIFFORDS support for Senator Baruth's amendment prohibiting firearms in bars.

Guns and alcohol are an obviously dangerous combination. Alcohol impairs judgment, slows reaction time, and increases the likelihood of conflict escalation. The presence of a firearm in that environment significantly raises the risk of injury and death.

The Supreme Court has repeatedly made clear that states may prohibit firearms in sensitive places, and many states have long done so. In fact a majority of US states—29 as of this year—already regulate firearms in some manner in places that serve alcohol. This includes states with strong gun cultures like Vermont's—including Texas, Arkansas, Florida, Kentucky and others—which recognize that restricting firearms in bars is a common-sense safety measure.

This provision is consistent with that framework and reflects a widely accepted approach to reducing harm in high-risk settings.

Conclusion

This issue ultimately turns on a straightforward question: do we want the law to keep up with today's technology and align with Vermont's own past practice?

Devices that enable near-automatic rates of fire increase the risk of mass casualty events, reduce the ability to control the weapon, and magnify harm in seconds.

Vermont has already acted to address this risk by banning bump stocks. The devices left unaddressed here operate differently, but produce the same result. Technology has advanced, and federal policy has become less consistent. If Vermont law does not evolve alongside those realities, the gap will not remain theoretical—it will be used.

We ask that language be restored addressing rapid-fire devices, while specifically adopting a clear, function-based definition modeled on Massachusetts law which would close that gap and ensure the statute remains effective in practice.

We thank the committee for taking up this important bill and urge swift passage of this legislation in conformity with our suggested changes.

Respectfully Submitted,

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GIFFORDS Law Center to Prevent Violence

ABOUT GIFFORDS

Giffords is a nonprofit organization dedicated to saving lives from gun violence. Led by former Congresswoman Gabrielle Giffords, Giffords shifts culture, changes policies, and challenges injustice, inspiring Americans across the country to fight gun violence.