



Legislation Text

File #: 240708, Version: 1

ORDINANCE NO. 240708

Sponsor: Mayor Quinton Lucas

Amending Chapter 50, Code of Ordinances, by repealing Section 50-276 relating to the prohibition on the possession, manufacture, transport, repair, and sale of certain weapons to remove the term bump stock from the definition of machine gun to conform with the U.S. Supreme Court decision in *Garland v. Cargill*.

WHEREAS, on August 10, 2023, the Council in Ordinance No. 230642 amended the Code of Ordinances by adding Section 50-276 that prohibits the possession, manufacture, transport, repair, and sale of certain weapons, including machine guns; and

WHEREAS, Code of Ordinances Section 50-276 includes in its definition of “machine gun” a firearm that is modified by a “bump stock.” This definition in Section 50-276 was reliant upon the definition of machine gun previously found in federal law, which included firearms modified by bump stocks in such definition; and

WHEREAS, on June 14, 2024, the U.S. Supreme Court in *Garland v. Cargill* struck down this portion of the federal law that defines a machine gun as a firearm with a bump stock; and

WHEREAS, to conform to the decision in *Garland v. Cargill* it is necessary to amend Code of Ordinances Section 50-276 to remove the term “bump stock” from the definition of “machine gun”; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That Chapter 50, Code of Ordinances of the City of Kansas City, Missouri, is hereby amended by repealing the following Section 50-276 relating to weapons:

Sec. 50-276. Possession; manufacture; transport; repair; sale of prohibited weapons.

(a) *Definitions.*

- (1) *Firearm silencer* means any instrument, attachment, or appliance that is designed or adapted to muffle the noise made by the firing of any firearm.
- (2) *Machine gun* means any firearm that is capable of firing more than one shot automatically, without manual reloading, by a single function of the trigger, regardless of whether the firearm was originally manufactured as a machine gun or was modified by a switch, Glock switch, auto sear, trigger crank or any other manufactured or homemade component. The word "machine gun" includes 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, 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.

(3) *Short barrel* means a barrel length of less than 16 inches for a rifle and 18 inches for a shotgun, both measured from the face of the bolt or standing breech, or an overall rifle or shotgun length of less than 26 inches.

(4) *Shotgun* means any firearm designed or adapted to be fired from the shoulder and to use the energy of the explosive in a fixed shotgun shell to fire a number of shots or a single projectile through a smooth bore barrel by a single function of the trigger.

(b) *Unlawful possession, manufacture, transport, repair, or sale of a prohibited weapon.* A person commits the unlawful possession, manufacture, transport, repair, or sale of a prohibited weapon if the person knowingly possesses, manufactures, transports, repairs, or sells a machine gun, firearm silencer, or short-barreled rifle or shotgun in violation of federal law.

(c) *Violation.* Any person violating any provision of this section shall be deemed guilty of an ordinance violation.

(d) *Penalty.* The punishment for violating any provision of this section shall be the same as the punishment for the ordinance violation of unlawful use of weapons, which is defined by sections 50-261 and 50-262.

(e) *Severability.* If any section, subsection, word, or phrase in this law is held unenforceable, invalid, or illegal, every other section, subsection, word, and phrase shall continue to have the full force and effect of law.

Approved as to form:

Andrew Bonkowski
Assistant City Attorney