

FIREARMS



FIREARMS

I have included the legislative text from the House Judiciary Committee's crime bill (including assault weapons and ammunition feeding devices) and the conferece report (Brady and other provisons) as well as the Senate assault weapons provision.

1 violation of the fifth or fourteenth articles of amendment
2 to the Constitution of the United States.

3 **TITLE V—FIREARMS**
4 **Subtitle A—Brady Handgun**
5 **Violence Prevention Act**

Brady

6 SEC. 501. FEDERAL FIREARMS LICENSEE REQUIRED TO
7 CONDUCT CRIMINAL BACKGROUND CHECK
8 BEFORE TRANSFER OF FIREARM TO
9 NONLICENSEE.

10 (a) INTERIM PROVISION.—

11 (1) IN GENERAL.—Section 922 of title 18,
12 United States Code, is amended by adding at the
13 end the following:

14 “(s)(1) Beginning on the date that is 90 days after
15 the date of enactment of this subsection and ending on
16 the day before the date that the Attorney General certifies
17 under section 512(d)(1) of the Violent Crime Control and
18 Law Enforcement Act of 1991 that the national instant
19 criminal background check system is established (except
20 as provided in paragraphs (2) and (3) of such section),
21 it shall be unlawful for any licensed importer, licensed
22 manufacturer, or licensed dealer to sell, deliver, or transfer
23 a handgun to an individual who is not licensed under sec-
24 tion 923, unless—

1 “(A) after the most recent proposal of such
2 transfer by the transferee—

3 “(i) the transferor has—

4 “(I) received from the transferee a
5 statement of the transferee containing the
6 information described in paragraph (3);

7 “(II) verified the identity of the trans-
8 feree by examining the identification docu-
9 ment presented;

10 “(III) within 1 day after the transfer-
11 ee furnishes the statement, provided notice
12 of the contents of the statement to the
13 chief law enforcement officer of the place
14 of residence of the transferee; and

15 “(IV) within 1 day after the transfer-
16 ee furnishes the statement, transmitted a
17 copy of the statement to the chief law en-
18 forcement officer of the place of residence
19 of the transferee; and

20 “(ii)(I) 5 business days (as defined by days
21 in which State offices are open) have elapsed
22 from the date the transferor furnished notice of
23 the contents of the statement to the chief law
24 enforcement officer, during which period the
25 transferor has not received information from

1 the chief law enforcement officer that receipt or
2 possession of the handgun by the transferee
3 would be in violation of Federal, State, or local
4 law; or

5 “(II) the transferor has received notice
6 from the chief law enforcement officer that the
7 officer has no information indicating that re-
8 ceipt or possession of the handgun by the trans-
9 feree would violate Federal, State, or local law;

10 “(B) the transferee has presented to the trans-
11 feror a written statement, issued by the chief law en-
12 forcement officer of the place of residence of the
13 transferee during the 10-day period ending on the
14 date of the most recent proposal of such transfer by
15 the transferee, stating that the transferee requires
16 access to a handgun because of a threat to the life
17 of the transferee or of any member of the household
18 of the transferee;

19 “(C)(i) the transferee has presented to the
20 transferor a permit that—

21 “(I) allows the transferee to possess a
22 handgun; and

23 “(II) was issued not more than 5 years
24 earlier by the State in which the transfer is to
25 take place; and

1 “(ii) the law of the State provides that such a
2 permit is to be issued only after an authorized gov-
3 ernment official has verified that the information
4 available to such official does not indicate that pos-
5 session of a handgun by the transferee would be in
6 violation of law;

7 “(D) the law of the State requires that, before
8 any licensed importer, licensed manufacturer, or li-
9 censed dealer completes the transfer of a handgun to
10 an individual who is not licensed under section 923,
11 an authorized government official verify that the in-
12 formation available to such official does not indicate
13 that possession of a handgun by the transferee
14 would be in violation of law, except that this sub-
15 paragraph shall not apply to a State that, on the
16 date of certification pursuant to section 502(d) of
17 the Violent Crime Control and Law Enforcement
18 Act of 1991, is not in compliance with the timetable
19 established pursuant to section 502(c) of such Act;

20 “(E) the Secretary has approved the transfer
21 under section 5812 of the Internal Revenue Code of
22 1986; or

23 “(F) on application of the transferor, the Secre-
24 tary has certified that compliance with subparagraph
25 (A)(i)(III) is impracticable because—

1 “(i) the ratio of the number of law enforce-
2 ment officers of the State in which the transfer
3 is to occur to the number of square miles of
4 land area of the State does not exceed 0.0025;

5 “(ii) the business premises of the transfer-
6 or at which the transfer is to occur are ex-
7 tremely remote in relation to the chief law en-
8 forcement officer; and

9 “(iii) there is an absence of telecommuni-
10 cations facilities in the geographical area in
11 which the business premises are located.

12 “(2) A chief law enforcement officer to whom a trans-
13 feror has provided notice pursuant to paragraph
14 (1)(A)(i)(III) shall make a reasonable effort to ascertain
15 within 5 business days whether the transferee has a crimi-
16 nal record or whether there is any other legal impediment
17 to the transferee's receiving a handgun, including research
18 in whatever State and local recordkeeping systems are
19 available and in a national system designated by the Attor-
20 ney General.

21 “(3) The statement referred to in paragraph
22 (1)(A)(i)(I) shall contain only—

23 “(A) the name, address, and date of birth ap-
24 pearing on a valid identification document (as de-
25 fined in section 1028(d)(1)) of the transferee con-

1 taining a photograph of the transferee and a de-
2 scription of the identification used;

3 “(B) a statement that transferee—

4 “(i) is not under indictment for, and has
5 not been convicted in any court of, a crime pun-
6 ishable by imprisonment for a term exceeding 1
7 year;

8 “(ii) is not a fugitive from justice;

9 “(iii) is not an unlawful user of or addicted
10 to any controlled substance (as defined in sec-
11 tion 102 of the Controlled Substances Act);

12 “(iv) has not been adjudicated as a mental
13 defective or been committed to a mental institu-
14 tion;

15 “(v) is not an alien who is illegally or un-
16 lawfully in the United States;

17 “(vi) has not been discharged from the
18 Armed Forces under dishonorable conditions;
19 and

20 “(vii) is not a person who, having been a
21 citizen of the United States, has renounced
22 such citizenship;

23 “(C) the date the statement is made; and

24 “(D) notice that the transferee intends to ob-
25 tain a handgun from the transferor.

1 “(4) Any transferor of a handgun who, after such
2 transfer, receives a report from a chief law enforcement
3 officer containing information that receipt or possession
4 of the handgun by the transferee violates Federal, State,
5 or local law shall immediately communicate all information
6 the transferor has about the transfer and the transferee
7 to—

8 “(A) the chief law enforcement officer of the
9 place of business of the transferor; and

10 “(B) the chief law enforcement officer of the
11 place of residence of the transferee.

12 “(5) Any transferor who receives information, not
13 otherwise available to the public, in a report under this
14 subsection shall not disclose such information except to
15 the transferee, to law enforcement authorities, or pursuant
16 to the direction of a court of law.

17 “(6)(A) Any transferor who sells, delivers, or other-
18 wise transfers a handgun to a transferee shall retain the
19 copy of the statement of the transferee with respect to
20 the handgun transaction, and shall retain evidence that
21 the transferor has complied with subclauses (III) and (IV)
22 of paragraph (1)(A)(i) with respect to the statement.

23 “(B) Unless the chief law enforcement officer to
24 whom a statement is transmitted under paragraph

1 (1)(A)(i)(IV) determines that a transaction would violate
2 Federal, State, or local law—

3 “(i) the officer shall, within 20 business days
4 after the date the transferee made the statement on
5 the basis of which the notice was provided, destroy
6 the statement and any record containing information
7 derived from the statement;

8 “(ii) the information contained in the statement
9 shall not be conveyed to any person except a person
10 who has a need to know in order to carry out this
11 subsection; and

12 “(iii) the information contained in the state-
13 ment shall not be used for any purpose other than
14 to carry out this subsection.

15 “(7) A chief law enforcement officer or other person
16 responsible for providing criminal history background in-
17 formation pursuant to this subsection shall not be liable
18 in an action at law for damages—

19 “(A) for failure to prevent the sale or transfer
20 of a handgun to a person whose receipt or posses-
21 sion of the handgun is unlawful under this section;
22 or

23 “(B) for preventing such a sale or transfer to
24 a person who may lawfully receive or possess a
25 handgun.

1 “(8) For purposes of this subsection, the term ‘chief
2 law enforcement officer’ means the chief of police, the
3 sheriff, or an equivalent officer or the designee of any such
4 individual.

5 “(9) The Secretary shall take necessary actions to en-
6 sure that the provisions of this subsection are published
7 and disseminated to licensed dealers, law enforcement offi-
8 cials, and the public.”.

9 (2) HANDGUN DEFINED.—Section 921(a) of
10 such title is amended by adding at the end the fol-
11 lowing:

12 “(29) The term ‘handgun’ means—

13 “(A) a firearm which has a short stock and is
14 designed to be held and fired by the use of a single
15 hand; and

16 “(B) any combination of parts from which a
17 firearm described in subparagraph (A) can be as-
18 sembled.”.

19 (b) PERMANENT PROVISION.—Section 922 of title
20 18, United States Code, as amended by subsection (a)(1)
21 of this section, is amended by adding at the end the follow-
22 ing:

23 “(t)(1) Beginning on the date that the Attorney Gen-
24 eral certifies under section 502(d)(1) of the Violent Crime
25 Control and Law Enforcement Act of 1991 that the na-

1 tional instant criminal background check system is estab-
2 lished (except as provided in paragraphs (2) and (3) of
3 such section), a licensed importer, licensed manufacturer,
4 or licensed dealer shall not transfer a firearm to any other
5 person who is not such a licensee, unless—

6 “(A) before the completion of the transfer, the
7 licensee contacts the national instant criminal back-
8 ground check system established under section 503
9 of such Act;

10 “(B) the system notifies the licensee that the
11 system has not located any record that demonstrates
12 that the receipt of a firearm by such other person
13 would violate subsection (g) or (n) of this section or
14 any State or local law; and

15 “(C) the transferor has verified the identity of
16 the transferee by examining a valid identification
17 document (as defined in section 1028(d)(1) of this
18 title) of the transferee containing a photograph of
19 the transferee.

20 “(2) Paragraph (1) shall not apply to a firearm
21 transfer between a licensee and another person if—

22 “(A)(i) such other person has presented to the
23 licensee a permit that—

24 “(I) allows such other person to possess a
25 firearm; and

1 “(II) was issued not more than 5 years
2 earlier by the State in which the transfer is to
3 take place; and

4 “(ii) the law of the State provides that such a
5 permit is to be issued only after an authorized gov-
6 ernment official has verified that the information
7 available to such official does not indicate that pos-
8 session of a firearm by such other person would be
9 in violation of law;

10 “(B) the Secretary has approved the transfer
11 under section 5812 of the Internal Revenue Code of
12 1986; or

13 “(C) on application of the transferor, the Secre-
14 tary has certified that compliance with paragraph
15 (1)(A) is impracticable because—

16 “(i) the ratio of the number of law enforce-
17 ment officers of the State in which the transfer
18 is to occur to the number of square miles of
19 land area of the State does not exceed 0.0025;

20 “(ii) the business premises of the licensee
21 at which the transfer is to occur are extremely
22 remote in relation to the chief law enforcement
23 officer (as defined in subsection (u)(8)); and

1 “(iii) there is an absence of telecommuni-
2 cations facilities in the geographical area in
3 which the business premises are located.

4 “(3) If the national instant criminal background
5 check system notifies the licensee that the information
6 available to the system does not demonstrate that the re-
7 ceipt of a firearm by such other person would violate sub-
8 section (g) or (n), and the licensee transfers a firearm to
9 such other person, the licensee shall include in the record
10 of the transfer the unique identification number provided
11 by the system with respect to the transfer.

12 “(4) In addition to the authority provided under sec-
13 tion 923(e), if the licensee knowingly transfers a firearm
14 to such other person and knowingly fails to comply with
15 paragraph (1) of this subsection with respect to the trans-
16 fer and, at the time such other person most recently pro-
17 posed the transfer, the national instant criminal back-
18 ground check system was operating and information was
19 available to the system demonstrating that receipt of a
20 firearm by such other person would violate subsection (g)
21 or (n) of this section, the Secretary may, after notice and
22 opportunity for a hearing, suspend for not more than 6
23 months or revoke any license issued to the licensee under
24 section 923, and may impose on the licensee a civil fine
25 of not more than \$5,000.

1 “(5) Neither a local government nor an employee of
2 the Federal Government or of any State or local govern-
3 ment, responsible for providing information to the national
4 instant criminal background check system shall be liable
5 in an action at law for damages—

6 “(A) for failure to prevent the sale or transfer
7 of a handgun to a person whose receipt or posses-
8 sion of the handgun is unlawful under this section;
9 or

10 “(B) for preventing such a sale or transfer to
11 a person who may lawfully receive or possess a
12 handgun.”.

13 (c) PENALTY.—Section 924(a) of title 18, United
14 States Code, is amended—

15 (1) in paragraph (1), by striking “paragraph
16 (2) or (3) of”; and

17 (2) by adding at the end the following:

18 “(5) Whoever knowingly violates subsection (s) or (t)
19 of section 924 shall be fined not more than \$1,000, impris-
20 oned for not more than 1 year, or both.”.

21 **SEC. 502. NATIONAL INSTANT CRIMINAL BACKGROUND**

22 **CHECK SYSTEM.**

23 (a) ESTABLISHMENT OF SYSTEM.—The Attorney
24 General of the United States shall establish a national in-
25 stant criminal background check system that any licensee

1 may contact for information on whether receipt of a fire-
2 arm by a prospective transferee thereof would violate sub-
3 section (g) or (n) of section 922 of title 18, United States
4 Code, or any State or local law.

5 (b) EXPEDITED ACTION BY THE ATTORNEY GENER-
6 AL.—The Attorney General shall expedite—

7 (1) the upgrading and indexing of State crimi-
8 nal history records in the Federal criminal records
9 system maintained by the Federal Bureau of Investi-
10 gation;

11 (2) the development of hardware and software
12 systems to link State criminal history check systems
13 into the national instant criminal background check
14 system established by the Attorney General pursuant
15 to this section; and

16 (3) the current revitalization initiatives by the
17 Federal Bureau of Investigation for technologically
18 advanced fingerprint and criminal records identifica-
19 tion.

20 (c) PROVISION OF STATE CRIMINAL RECORDS TO
21 THE NATIONAL INSTANT CRIMINAL BACKGROUND CHECK
22 SYSTEM.—(1) Not later than 6 months after the date of
23 enactment of this Act, the Attorney General shall—

24 (A) determine the type of computer hardware
25 and software that will be used to operate the nation-

1 al instant criminal background check system and the
2 means by which State criminal records systems will
3 communicate with the national system;

4 (B) investigate the criminal records system of
5 each State and determine for each State a timetable
6 by which the State should be able to provide criminal
7 records on an on line capacity basis to the national
8 system;

9 (C) notify each State of the determinations
10 made pursuant to subparagraphs (A) and (B).

11 (2) The Attorney General shall require as a part of
12 the State timetable that the State achieve, by the end of
13 5 years after the date of enactment of this Act, at least
14 80 percent currency of case dispositions in computerized
15 criminal history files for all cases in which there has been
16 an event of activity within the last 5 years and continue
17 to maintain such a system.

18 (d) NATIONAL SYSTEM CERTIFICATION.—(1) On the
19 date that is 30 months after the date of enactment of this
20 Act, and at any time thereafter, the Attorney General shall
21 determine whether—

22 (A) the national system has achieved at least
23 80 percent currency of case dispositions in computerized
24 criminal history files for all cases in which

1 there has been an event of activity within the last
2 5 years on a national average basis; and

3 (B) the States are in compliance with the time-
4 table established pursuant to subsection (c),
5 and, if so, shall certify that the national system is estab-
6 lished.

7 (2) If, on the date of certification in paragraph (1)
8 of this subsection, a State is not in compliance with the
9 timetable established pursuant to subsection (c) of this
10 section, section 922(s) of title 18, United States Code,
11 shall remain in effect in such State and section 922(t) of
12 such title shall not apply to the State. The Attorney Gen-
13 eral shall certify if a State subject to the provisions of
14 section 922(s) under the preceding sentence achieves com-
15 pliance with its timetable after the date of certification
16 in paragraph (1) of this subsection, and section 922(s) of
17 title 18, United States Code, shall not apply to such State
18 and section 922(t) of such title shall apply to the State.

19 (3) Six years after the date of enactment of this Act,
20 the Attorney General shall certify whether or not a State
21 is in compliance with subsection (c)(2) of this section and
22 if the State is not in compliance, section 922(s) of title
23 18, United States Code, shall apply to the State and sec-
24 tion 922(t) of such title shall not apply to the State. The
25 Attorney General shall certify if a State subject to the pro-

1 visions of section 922(s) under the preceding sentence
2 achieves compliance with the standards in subsection
3 (c)(2) of this section, and section 922(s) of title 18, United
4 States Code, shall not apply to the State and section
5 922(t) of such title shall apply to the State.

6 (e) NOTIFICATION OF LICENSEES.—On establish-
7 ment of the system under this section, the Attorney Gener-
8 al shall notify each licensee and the chief law enforcement
9 officer of each State of the existence and purpose of the
10 system and the means to be used to contact the system.

11 (f) ADMINISTRATIVE PROVISIONS.—

12 (1) AUTHORITY TO OBTAIN OFFICIAL INFORMA-
13 TION.—Notwithstanding any other law, the Attorney
14 General may secure directly from any department or
15 agency of the United States such information on
16 persons for whom receipt of a firearm would violate
17 subsection (g) or (n) of section 922 of title 18, Unit-
18 ed States Code, or any State or local law, as is nec-
19 essary to enable the system to operate in accordance
20 with this section. On request of the Attorney Gener-
21 al, the head of such department or agency shall fur-
22 nish such information to the system.

23 (2) OTHER AUTHORITY.—The Attorney General
24 shall develop such computer software, design and ob-
25 tain such telecommunications and computer hard-

1 ware, and employ such personnel, as are necessary
2 to establish and operate the system in accordance
3 with this section.

4 (g) CORRECTION OF ERRONEOUS SYSTEM INFORMA-
5 TION.—If the system established under this section in-
6 forms an individual contacting the system that receipt of
7 a firearm by a prospective transferee would violate subsec-
8 tion (g) or (n) of section 922 of title 18, United States
9 Code, or any State or local law, the prospective transferee
10 may request the Attorney General to provide the prospec-
11 tive transferee with the reasons therefor. Upon receipt of
12 such a request, the Attorney General shall immediately
13 comply with the request. The prospective transferee may
14 submit to the Attorney General information that to cor-
15 rect, clarify, or supplement records of the system with re-
16 spect to the prospective transferee. After receipt of such
17 information, the Attorney General shall immediately con-
18 sider the information, investigate the matter further, and
19 correct all erroneous Federal records relating to the pro-
20 spective transferee and give notice of the error to any Fed-
21 eral department or agency or any State that was the
22 source of such erroneous records.

23 (h) REGULATIONS.—After 90 days notice to the pub-
24 lic and an opportunity for hearing by interested parties,
25 the Attorney General shall prescribe regulations to ensure

1 the privacy and security of the information of the system
2 established under this section.

3 (i) PROHIBITIONS RELATING TO ESTABLISHMENT OF
4 REGISTRATION SYSTEMS WITH RESPECT TO FIREARMS.—

5 No department, agency, officer, or employee of the United
6 States may—

7 (1) require that any record or portion thereof
8 maintained by the system established under this sec-
9 tion be recorded at or transferred to a facility
10 owned, managed, or controlled by the United States
11 or any State or political subdivision thereof; or

12 (2) use the system established under this sec-
13 tion to establish any system for the registration of
14 firearms, firearm owners, or firearm transactions or
15 dispositions, except with respect to persons prohibit-
16 ed by section 922(g) or (n) of title 18, United States
17 Code, from receiving a firearm.

18 (j) DEFINITIONS.—As used in this section:

19 (1) LICENSEE.—The term “licensee” means a
20 licensed importer, licensed manufacturer, or licensed
21 dealer under section 923 of title 18, United States
22 Code.

23 (2) OTHER TERMS.—The terms “firearm”, “li-
24 censed importer”, “licensed manufacturer”, and “li-
25 censed dealer” have the meanings stated in section

1 921(a) (3), (9), (10), and (11), respectively, of title
2 18, United States Code.

3 **SEC. 503. FUNDING FOR IMPROVEMENT OF CRIMINAL**
4 **RECORDS.**

5 (a) IMPROVEMENTS IN STATE RECORDS.—

6 (1) USE OF FORMULA GRANTS.—Section 509(b)
7 of title I of the Omnibus Crime Control and Safe
8 Streets Act of 1968 (42 U.S.C. 3759(b)) is
9 amended—

10 (A) in paragraph (2) by striking “and”
11 after the semicolon;

12 (B) in paragraph (3) by striking the period
13 and inserting “; and”; and

14 (C) by adding at the end the following new
15 paragraph:

16 “(4) the improvement of State record systems
17 and the sharing with the Attorney General of all of
18 the records described in paragraphs (1), (2), and (3)
19 of this subsection and the records required by the
20 Attorney General under section 502 of the Violent
21 Crime Control and Law Enforcement Act of 1991,
22 for the purpose of implementing such Act.”.

23 (2) ADDITIONAL FUNDING.—

24 (A) GRANTS FOR THE IMPROVEMENT OF
25 CRIMINAL RECORDS.—The Attorney General,

1 through the Bureau of Justice Statistics, shall,
2 subject to appropriations and with preference to
3 States that as of the date of enactment of this
4 Act have the lowest percent currency of case
5 dispositions in computerized criminal history
6 files, make a grant to each State to be used—

7 (i) for the creation of a computerized
8 criminal history record system or improve-
9 ment of an existing system;

10 (ii) to improve accessibility to the na-
11 tional instant criminal background system;
12 and

13 (iii) upon establishment of the nation-
14 al system, to assist the State in the trans-
15 mittal of criminal records to the national
16 system.

17 (B) AUTHORIZATION OF APPROPRIA-
18 TIONS.—There are authorized to be appropri-
19 ated for grants under subparagraph (A) a total
20 of \$100,000,000 for fiscal year 1992 and all
21 fiscal years thereafter.

22 (b) WITHHOLDING STATE FUNDS.—Effective on the
23 date of enactment of this Act the Attorney General may
24 reduce by up to 50 percent the allocation to a State for
25 a fiscal year under title I of the Omnibus Crime Control

1 and Safe Streets Act of 1968 of a State that is not in
2 compliance with the timetable established for such State
3 under section 502(c) of this Act.

4 (c) WITHHOLDING OF DEPARTMENT OF JUSTICE
5 FUNDS.—If the Attorney General does not certify the na-
6 tional instant criminal background check system pursuant
7 to section 502(d)(1) by—

8 (1) 30 months after the date of enactment of
9 this Act the general administrative funds appropri-
10 ated to the Department of Justice for the fiscal year
11 beginning in the calendar year in which the date
12 that is 30 months after the date of enactment of
13 this Act falls shall be reduced by 5 percent on a
14 monthly basis; and

15 (2) 42 months after the date of enactment of
16 this Act the general administrative funds appropri-
17 ated to the Department of Justice for the fiscal year
18 beginning in the calendar year in which the date
19 that is 42 months after the date of enactment of
20 this Act falls shall be reduced by 10 percent on a
21 monthly basis.

1 **Subtitle B—Gun Crime Penalties**

2 **SEC. 511. ENHANCED PENALTY FOR USE OF A SEMIAUTO-** 3 **MATIC FIREARM DURING A CRIME OF VIO-** 4 **LENCE OR A DRUG TRAFFICKING CRIME.**

5 (a) IN GENERAL.—Section 924(c)(1) of title 18,
6 United States Code, is amended by striking “and if the
7 firearm is a short-barreled rifle, short-barreled shotgun”
8 and inserting “if the firearm is a semiautomatic firearm,
9 a short-barreled rifle, or a short-barreled shotgun,”.

10 (b) SEMIAUTOMATIC FIREARM.—Section 921(a) of
11 such title is amended by adding after the paragraph added
12 by section 501(a)(2) of this Act the following:

13 “(30) The term ‘semiautomatic firearm’ means any
14 repeating firearm which utilizes a portion of the energy
15 of a firing cartridge to extract the fired cartridge case and
16 chamber the next round, and which requires a separate
17 pull of the trigger to fire each cartridge.”.

18 **SEC. 512. INCREASED PENALTY FOR SECOND OFFENSE OF** 19 **USING AN EXPLOSIVE TO COMMIT A FELONY.**

20 Section 844(h) of title 18, United States Code, is
21 amended by striking “ten” and inserting “twenty”.

22 **SEC. 513. SMUGGLING FIREARMS IN AID OF DRUG TRAF-** 23 **FICKING.**

24 Section 924 of title 18, United States Code, is
25 amended by adding at the end the following:

1 “(i) Whoever, with the intent to engage in or to pro-
2 mote conduct which—

3 “(1) is punishable under the Controlled Sub-
4 stances Act (21 U.S.C. 801 et seq.), the Controlled
5 Substances Import and Export Act (21 U.S.C. 951
6 et seq.), or the Maritime Drug Law Enforcement
7 Act (46 U.S.C. App. 1901 et seq.);

8 “(2) violates any law of a State relating to any
9 controlled substance (as defined in section 102 of
10 the Controlled Substances Act, 21 U.S.C. 802); or

11 “(3) constitutes a crime of violence (as defined
12 in subsection (c)(3),

13 smuggles or knowingly brings into the United States a
14 firearm, or attempts to do so, shall be imprisoned for not
15 more than ten years, fined under this title, or both.”.

16 **SEC. 514. THEFT OF FIREARMS AND EXPLOSIVES.**

17 (a) **FIREARMS.**—Section 924 of title 18, United
18 States Code, is amended by adding after the subsection
19 added by section 513 of this Act the following:

20 “(j) Whoever steals any firearm which is moving as,
21 or is a part of, or which has moved in, interstate or foreign
22 commerce shall be imprisoned for not less than 2 nor more
23 than 10 years, and may be fined under this title, or both.”.

1 (b) EXPLOSIVES.—Section 844 of title 18, United
2 States Code, is amended by adding at the end the follow-
3 ing:

4 “(k) Whoever steals any explosives materials which
5 are moving as, or are a part of, or which have moved in,
6 interstate or foreign commerce shall be imprisoned for not
7 less than 2 or more than 10 years, or fined under this
8 title, or both.”.

9 **SEC. 515. CONFORMING AMENDMENT PROVIDING MANDA-**
10 **TORY REVOCATION OF SUPERVISED RE-**
11 **LEASE FOR POSSESSION OF A FIREARM.**

12 Section 3583 of title 18, United States Code is
13 amended by adding at the end the following:

14 “(h) MANDATORY REVOCATION FOR POSSESSION OF
15 A FIREARM.—If the court has provided, as a condition of
16 supervised release, that the defendant refrain from pos-
17 sessing a firearm, and if the defendant is in actual posses-
18 sion of a firearm, as that term is defined in section 921
19 of this title, at any time prior to the expiration or termina-
20 tion of the term of supervised release, the court shall, after
21 a hearing pursuant to the provisions of the Federal Rules
22 of Criminal Procedure that are applicable to probation
23 revocation, revoke the term of supervised release and, sub-
24 ject to the limitations of paragraph (e)(3) of this section,
25 require the defendant to serve in prison all or part of the

1 term of supervised release without credit for time previ-
2 ously served on postrelease supervision.”

3 **SEC. 516. REVOCATION OF PROBATION.**

4 (a) Section 3565(a) of title 18, United States Code,
5 is amended—

6 (1) in paragraph (2), by striking “impose any
7 other sentence that was available under subchapter
8 A at the time of the initial sentencing” and inserting
9 “resentence the defendant under subchapter A”; and
10 (2) by striking the last sentence.

11 (b) Section 3565(b) of title 18, United States Code,
12 is amended to read as follows:

13 “(b) MANDATORY REVOCATION FOR POSSESSION OF
14 CONTROLLED SUBSTANCE OR FIREARM.—If the
15 defendant—

16 “(1) possesses a controlled substance in viola-
17 tion of the condition set forth in section 3563(a)(3);
18 or

19 “(2) possesses a firearm, as such term is de-
20 fined in section 921 of this title, in violation of Fed-
21 eral law, or otherwise violates a condition of proba-
22 tion prohibiting the defendant from possessing a
23 firearm,

1 the court shall revoke the sentence of probation and
2 resentence the defendant under subchapter A to a sen-
3 tence that includes a term of imprisonment.”.

4 **SEC. 517. INCREASED PENALTY FOR KNOWINGLY MAKING**
5 **FALSE, MATERIAL STATEMENT IN CONNEC-**
6 **TION WITH THE ACQUISITION OF A FIREARM**
7 **FROM A LICENSED DEALER.**

8 Section 924(a) of title 18, United States Code, is
9 amended—

10 (1) in paragraph (a)(1)(B), by striking out

11 “(a)(6),”; and

12 (2) in subsection (a)(2), by inserting “(a)(6),”
13 after “subsections”.

14 **SEC. 518. POSSESSION OF EXPLOSIVES BY FELONS AND**
15 **OTHERS.**

16 Section 842(i) of title 18, United States Code, is
17 amended by inserting “or possess” after “to receive”.

18 **SEC. 519. SUMMARY DESTRUCTION OF EXPLOSIVES SUB-**
19 **JECT TO FORFEITURE.**

20 Section 844(c) of title 18, United States Code, is
21 amended by redesignating subsection (c) as subsection
22 (c)(1) and by adding paragraphs (2) and (3) as follows:

23 “(2) Notwithstanding the provisions of paragraph
24 (1), in the case of the seizure of any explosive materials
25 for any offense for which the materials would be subject

1 to forfeiture where it is impracticable or unsafe to remove
2 the materials to a place of storage, or where it is unsafe
3 to store them, the seizing officer is authorized to destroy
4 the explosive materials forthwith. Any destruction under
5 this paragraph shall be in the presence of at least one
6 credible witness. The seizing officer shall make a report
7 of the seizure and take samples as the Secretary may by
8 regulation prescribe.

9 “(3) Within sixty days after any destruction made
10 pursuant to paragraph (2), the owner of, including any
11 person having an interest in, the property so destroyed
12 may make application to the Secretary for reimbursement
13 of the value of the property. If the claimant establishes
14 to the satisfaction of the Secretary that—

15 “(A) the property has not been used or involved
16 in a violation of law; or

17 “(B) any unlawful involvement or use of the
18 property was without the claimant's knowledge, con-
19 sent, or willful blindness,

20 the Secretary shall make an allowance to the claimant not
21 exceeding the value of the property destroyed.”.

22 **SEC. 520. ELIMINATION OF OUTMODED LANGUAGE RELAT-**
23 **ING TO PAROLE.**

24 (a) Section 924(e)(1) of title 18, United States Code,
25 is amended by striking “, and such person shall not be

1 eligible for parole with respect to the sentence imposed
2 under this subsection".

3 (b) Section 924(c)(1) of title 18, United States Code,
4 is amended by striking "No person sentenced under this
5 subsection shall be eligible for parole during the term of
6 imprisonment imposed herein."

7 **SEC. 521. PROHIBITION AGAINST TRANSACTIONS INVOLV-**
8 **ING STOLEN FIREARMS WHICH HAVE MOVED**
9 **IN INTERSTATE OR FOREIGN COMMERCE.**

10 Section 922(j) of title 18, United States Code, is
11 amended to read as follows:

12 "(j) It shall be unlawful for any person to receive,
13 possess, conceal, store, barter, sell, or dispose of any stolen
14 firearm or stolen ammunition, or pledge or accept as secu-
15 rity for a loan any stolen firearm or stolen ammunition,
16 which is moving as, which is a part of, which constitutes,
17 or which has been shipped or transported in, interstate
18 or foreign commerce, either before or after it was stolen,
19 knowing or having reasonable cause to believe that the
20 firearm or ammunition was stolen."

21 **SEC. 522. USING A FIREARM IN THE COMMISSION OF COUN-**
22 **TERFEITING OR FORGERY.**

23 Section 924(c)(1) of title 18, United States Code, is
24 amended by inserting "or during and in relation to any
25 felony punishable under chapter 25 (relating to counter-

1 feiting and forgery) of this title” after “for which he may
2 be prosecuted in a court of the United States.”.

3 **SEC. 523. MANDATORY PENALTIES FOR FIREARMS POSSES-**
4 **SION BY VIOLENT FELONS AND SERIOUS**
5 **DRUG OFFENDERS.**

6 (a) 1 **PRIOR CONVICTION.**—Section 924(a)(2) of title
7 18, United States Code, is amended by inserting “, and
8 if the violation is of section 922(g)(1) by a person who
9 has a previous conviction for a violent felony or a serious
10 drug offense (as defined in subsections (e)(2) (A) and (B)
11 of this section), a sentence imposed under this paragraph
12 shall include a term of imprisonment of not less than five
13 years” before the period.

14 (b) 2 **PRIOR CONVICTIONS.**—Section 924 of such title
15 is amended by adding after the subsections added by sec-
16 tions 513 and 514(a) of this Act the following:

17 “(k)(1) Notwithstanding subsection (a)(2) of this sec-
18 tion, any person who violates section 922(g) and has 2
19 previous convictions by any court referred to in section
20 922(g)(1) for a violent felony (as defined in subsection
21 (e)(2)(B) of this section) or a serious drug offense (as de-
22 fined in subsection (e)(2)(A) of this section) committed
23 on occasions different from one another shall be fined as
24 provided in this title, imprisoned not less than 10 years
25 and not more than 20 years, or both.

1 “(2) Notwithstanding any other provision of law, the
2 court shall not suspend the sentence of, or grant a proba-
3 tionary sentence to, such person with respect to the convic-
4 tion under section 922(g).”.

5 **SEC. 524. RECEIPT OF FIREARMS BY NONRESIDENT.**

6 Section 922(a) of title 18, United States Code, is
7 amended—

8 (1) in paragraph (7), by striking “and” at the
9 end;

10 (2) in paragraph (8), by striking the period at
11 the end and inserting “; and”; and

12 (3) by adding at the end the following:

13 “(9) for any person, other than a licensed im-
14 porter, licensed manufacturer, licensed dealer, or li-
15 censed collector, who does not reside in any State to
16 receive any firearms unless such receipt is for lawful
17 sporting purposes.”.

18 **SEC. 525. FIREARMS AND EXPLOSIVES CONSPIRACY.**

19 (a) **FIREARMS.**—Section 924 of title 18, United
20 States Code, is amended by adding after the subsections
21 added by sections 513, 514(a), and 523(b) of this Act the
22 following:

23 “(1) Whoever conspires to commit any offense defined
24 in this chapter shall be subject to the same penalties as

1 those prescribed for the offense the commission of which
2 was the object of the conspiracy.”.

3 (b) EXPLOSIVES.—Section 844 of title 18, United
4 States Code, is amended by adding after the subsection
5 added by section 514(b) of this Act the following:

6 “(1) Whoever conspires to commit any offense defined
7 in this chapter shall be subject to the same penalties as
8 those prescribed for the offense the commission of which
9 was the object of the conspiracy.”.

10 **SEC. 526. STUDY OF INCENDIARY AMMUNITION; REPORT TO**
11 **CONGRESS.**

12 (a) STUDY.—The Secretary of the Treasury shall
13 conduct a study of the incendiary ammunition offered for
14 sale under the brand name “Dragon’s Breath” and also
15 known as the “Three Second Flame Thrower”, and all in-
16 cendiary ammunition of similar function or effect, for the
17 purpose of determining whether there is a reasonable
18 sporting use for such ammunition and whether there is
19 a reasonable use for such ammunition in law enforcement.

20 (b) REPORT TO THE CONGRESS.—Within 1 year after
21 the date of the enactment of this Act, the Secretary of
22 the Treasury shall submit to the Committee on the Judici-
23 ary of the House of Representatives a report containing
24 the results of the study required by subsection (a) and
25 recommendations for such legislative or administrative ac-

1 tion, with respect to the ammunition referred to in subsec-
2 tion (a), as the Secretary deems appropriate.

3 **SEC. 527. THEFT OF FIREARMS OR EXPLOSIVES FROM LI-**
4 **CENSEE.**

5 (a) FIREARMS.—Section 924 of title 18, United
6 States Code, is amended by adding after the subsections
7 added by sections 513, 514(a), 523(b), and 525(a) of this
8 Act the following:

9 “(m) Whoever steals any firearm from a licensed im-
10 porter, licensed manufacturer, licensed dealer or licensed
11 collector shall be fined in accordance with this title, im-
12 prisoned not more than ten years, or both.”.

13 (b) EXPLOSIVES.—Section 844 of title 18, United
14 States Code, is amended by adding after the subsections
15 added by sections 514(b) and 525(b) of this Act the fol-
16 lowing:

17 “(m) Whoever steals any explosive material from a
18 licensed importer, licensed manufacturer or licensed deal-
19 er, or from any permittee shall be fined in accordance with
20 this title, imprisoned not more than ten years, or both.”.

21 **SEC. 528. DISPOSING OF EXPLOSIVES TO PROHIBITED PER-**
22 **SONS.**

23 Section 842(d) of title 18, United States Code, is
24 amended by striking “licensee” and inserting “person”.

1 **SEC. 529. CLARIFICATION OF "BURGLARY" UNDER THE**
2 **ARMED CAREER CRIMINAL STATUTE.**

3 Section 924(e)(2) of title 18, United States Code, is
4 amended—

5 (1) in subparagraph (B)(ii), by striking "and "
6 at the end;

7 (2) in subparagraph (C), by striking the period
8 and inserting "; and"; and

9 (3) by adding at the end the following:

10 "(D) the term 'burglary' means any crime pun-
11 ishable by a term of imprisonment exceeding one
12 year and consisting of entering or remaining surrep-
13 titiously within a building that is the property of an-
14 other with intent to engage in conduct constituting
15 a Federal or State offense."

16 **SEC. 530. INCREASED PENALTY FOR INTERSTATE GUN**
17 **TRAFFICKING.**

18 Section 924 of title 18, United States Code, is
19 amended by adding after the subsections added by sections
20 513, 514(a), 523(b), 525(a), and 527(a) of this Act the
21 following:

22 "(n) Whoever, with the intent to engage in conduct
23 which constitutes a violation of section 922(a)(1)(A), trav-
24 els from any State or foreign country into any other State
25 and acquires, or attempts to acquire, a firearm in such

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1 report containing the results of the study conducted under
2 subsection (a), together with any recommendations the
3 Institute may have on establishing a clearinghouse described
4 in such subsection.

5 (c) DEFINITION.--For purposes of this section, the term
6 ``State'' includes the District of Columbia and any territory
7 or possession of the United States.

8 SEC. 1959. RIGHT OF THE VICTIM TO AN IMPARTIAL JURY.

9 Rule 24(b) of the Federal Rules of Criminal Procedure is
10 amended by striking ``the Government is entitled to 6
11 preemptory challenges and the defendant or defendants jointly
12 to 10 preemptory challenges'' and inserting ``each side is
13 entitled to 6 preemptory challenges''.

14 TITLE XX--FIREARMS AND RELATED AMENDMENTS

15 Subtitle A--Firearms and Related Amendments

16 SEC. 2001. ENHANCED PENALTY FOR USE OF A SEMIAUTOMATIC

17 FIREARM DURING A CRIME OF VIOLENCE OR A DRUG
18 TRAFFICKING CRIME.

19 (a) IN GENERAL.--Section 924(c)(1) of title 18, United
20 States Code, is amended by striking ``and if the firearm is a
21 short-barreled rifle, short-barreled shotgun'' and inserting
22 ``if the firearm is a semiautomatic firearm, a short-barreled
23 rifle, or a short-barreled shotgun,''.
24

25 (b) SEMIAUTOMATIC FIREARM.--Section 921(a) of such title
26 is amended by adding at the end the following:

27 `` (29) The term `semiautomatic firearm' means any
repeating firearm which utilizes a portion of the energy of a

Attacker
Amendments
denies

1 firing cartridge to extract the fired cartridge case and
2 chamber the next round, and which requires a separate pull of
3 the trigger to fire each cartridge.''.
4

5 **SEC. 2002. INCREASED PENALTY FOR SECOND OFFENSE OF USING AN**
6 **EXPLOSIVE TO COMMIT A FELONY.**

7 Section 844(h) of title 18, United States Code, is
8 amended by striking ``ten`` and inserting ``twenty``.

9 **SEC. 2003. SMUGGLING FIREARMS IN AID OF DRUG TRAFFICKING.**

10 Section 924 of title 18, United States Code, is amended
11 by adding at the end the following:

12 `` (i) Whoever, with the intent to engage in or to promote
13 conduct which--

14 `` (1) is punishable under the Controlled Substances
15 Act (21 U.S.C. 801 et seq.), the Controlled Substances
16 Import and Export Act (21 U.S.C. 951 et seq.), or the
17 Maritime Drug Law Enforcement Act (46 U.S.C. App. 1901 et
18 seq.);

19 `` (2) violates any law of a State relating to any
20 controlled substance (as defined in section 102 of the
21 Controlled Substances Act (21 U.S.C. 802)); or

22 `` (3) constitutes a crime of violence (as defined in
23 subsection (c)(3) of this section);

24 smuggles or knowingly brings into the United States a
25 firearm, or attempts to do so, shall be imprisoned not more
26 than ten years, fined under this title, or both.''.
27

28 **SEC. 2004. PROHIBITION AGAINST THEFT OF FIREARMS OR**
29 **EXPLOSIVES.**

1 (a) FIREARMS.--Section 924 of title 18, United States
2 Code, is amended by adding after the subsection added by
3 section 2003 of this Act the following:

4 `` (j) Whoever steals any firearm which is moving as, or
5 is a part of, or which has moved in, interstate or foreign
6 commerce shall be imprisoned not less than two nor more than
7 ten years, fined in accordance with this title, or both.``.

8 (b) EXPLOSIVES.--Section 844 of such title is amended by
9 adding at the end the following:

10 `` (k) Whoever steals any explosive materials which are
11 moving as, or are a part of, or which have moved in,
12 interstate or foreign commerce shall be imprisoned not less
13 than two nor more than ten years, fined in accordance with
14 this title, or both.``.

15 **SEC. 2005. INCREASED PENALTY FOR KNOWINGLY FALSE, MATERIAL**
16 **STATEMENT IN CONNECTION WITH THE ACQUISITION OF**
17 **A FIREARM FROM A LICENSED DEALER.**

18 Section 924(a) of title 18, United States Code, is
19 amended--

20 (1) in paragraph (1)(B), by striking `` (a)(6),``; and
21 (2) in paragraph (2), by inserting `` (a)(6),`` after
22 ``subsection``.

23 **SEC. 2006. EXTENSION OF STATUTE OF LIMITATIONS FOR NATIONAL**
24 **FIREARMS ACT OFFENSES.**

25 (a) IN GENERAL.--Section 6531 of the Internal Revenue
26 Code of 1986 (relating to periods of limitation of criminal
27 prosecutions) is amended in the matter preceding paragraph

1 (1) by inserting ``5 years for offenses described in section
2 5861 (relating to firearms), and'' before ``6 years''.

3 (b) EFFECTIVE DATE.--The amendment made by this section
4 shall apply to offenses committed after the date of the
5 enactment of this Act.

6 **SEC. 2007. SUMMARY DESTRUCTION OF EXPLOSIVES SUBJECT TO**
7 **FORFEITURE.**

8 Section 844(c) of title 18, United States Code, is
9 amended by redesignating subsection (c) as subsection (c)(1)
10 and by inserting after and below the end the following:

11 `` (2) Notwithstanding paragraph (1), in the case of the
12 seizure of any explosive materials for any offense for which
13 the materials would be subject to forfeiture where it is
14 impracticable or unsafe to remove the materials to a place of
15 storage, or where it is unsafe to store them, the seizing
16 officer may destroy the explosive materials forthwith. Any
17 destruction under this paragraph shall be in the presence of
18 at least one credible witness. The seizing officer shall make
19 a report of the seizure and take samples as the Secretary may
20 by regulation prescribe.

21 `` (3) Within sixty days after any destruction made
22 pursuant to paragraph (2), the owner of, including any person
23 having an interest in, the property so destroyed may make
24 application to the Secretary for reimbursement of the value
25 of the property. If the claimant establishes to the
26 satisfaction of the Secretary that--

27 `` (A) the property has not been used or involved in a

1 violation of law; or

2 `` (B) any unlawful involvement or use of the property
3 was without the claimant's knowledge, consent, or willful
4 blindness,

5 the Secretary shall make an allowance to the claimant not
6 exceeding the value of the property destroyed.'`.

7 **SEC. 2008. SUMMARY FORFEITURE OF UNREGISTERED NATIONAL**
8 **FIREARMS ACT WEAPONS.**

9 (a) **IN GENERAL.**--Subsection (a) of section 5872 of the
10 Internal Revenue Code of 1986 (relating to forfeitures) is
11 amended by adding at the end the following new paragraph:

12 `` (2) **SUMMARY FORFEITURE OF UNREGISTERED FIREARMS.**--

13 `` (A) **IN GENERAL.**--Notwithstanding paragraph (1),
14 the provisions of sections 7323 and 7325 shall not
15 apply to any firearm which is not registered in the
16 National Firearms Registration and Transfer Record
17 pursuant to section 5841. No property rights shall
18 exist in any such unregistered firearm and it shall
19 be summarily forfeited to the United States.

20 `` (B) **RIGHTS OF INNOCENT OWNERS.**--Within 1 year
21 after any summary forfeiture made pursuant to
22 subparagraph (A), the owner of the property seized
23 (including any person having an interest in the
24 property) may make application to the Secretary for
25 reimbursement of the value of the property. The
26 Secretary shall make an allowance to the claimant not
27 exceeding the value of the property so forfeited, if

1 the claimant establishes to the satisfaction of the
2 Secretary that--

3 `` (i) the property has not been involved or
4 used in a violation of law, or

5 `` (ii) any unlawful involvement or use of the
6 property had been without the claimant's consent,
7 knowledge, or willful blindness.``

8 (b) CLERICAL AMENDMENT.--Subsection (a) of section 5872
9 of such Code is amended--

10 (1) by inserting `` (1) [N GENERAL.--`` after the
11 subsection caption, and

12 (2) by indenting paragraph (1) of such subsection in
13 the same manner as paragraph (2) of such subsection.

14 (c) EFFECTIVE DATE.--The amendments made by this section
15 shall apply to unregistered firearms after the date of the
16 enactment of this Act.

17 **SEC. 2009. ELIMINATION OF OUTMODED LANGUAGE RELATING TO**
18 **PAROLE.**

19 Section 924 of title 18, United States Code, is amended--

20 (1) in subsection (c)(1), by striking ``No person
21 sentenced under this subsection shall be eligible for
22 parole during the term of imprisonment imposed herein.``;
23 and

24 (2) in subsection (e)(1), by striking ``, and such
25 person shall not be eligible for parole with respect to
26 the sentence imposed under this subsection``.

27 **SEC. 2010. ENHANCED PENALTIES FOR USE OF A FIREARM IN THE**

1 **COMMISSION OF COUNTERFEITING OR FORGERY.**

2 Section 924(c)(1) of title 18, United States Code, is
3 amended by inserting ``or during and in relation to any
4 felony punishable under chapter 25`` after ``United
5 States,``.

6 **SEC. 2011. MANDATORY PENALTIES FOR FIREARMS POSSESSION BY**
7 **VIOLENT FELONS AND SERIOUS DRUG OFFENDERS.**

8 (a) 1 **PRIOR CONVICTION.**--Section 924(a)(2) of title 18,
9 United States Code, is amended by inserting `` , and if the
10 violation is of section 922(g)(1) by a person who has a
11 previous conviction for a violent felony or a serious drug
12 offense (as defined in subsections (e)(2)(A) and (B) of this
13 section), a sentence imposed under this paragraph shall
14 include a term of imprisonment of not less than five years``
15 before the period.

16 (b) 2 **PRIOR CONVICTIONS.**--Section 924 of such title is
17 amended by adding after the subsections added by sections
18 2003 and 2004(a) of this Act the following:

19 ``(k)(1) Notwithstanding subsection (a)(2) of this
20 section, any person who violates section 922(g) and has 2
21 previous convictions by any court referred to in section
22 922(g)(1) for a violent felony (as defined in subsection
23 (e)(2)(B) of this section) or a serious drug offense (as
24 defined in subsection (e)(2)(A) of this section) committed on
25 occasions different from one another shall be fined as
26 provided in this title, imprisoned not less than 10 years and
27 not more than 20 years, or both.

1 ``(2) Notwithstanding any other provision of law, the
2 court shall not suspend the sentence of, or grant a
3 probationary sentence to, such person with respect to the
4 conviction under section 922(g)``.

5 **SEC. 2012. REPORTING OF MULTIPLE FIREARMS SALES.**

6 Section 923(g)(3) of title 18, United States Code, is
7 amended--

8 (1) by striking ``five consecutive business`` and
9 inserting ``thirty consecutive``; and

10 (2) by adding at the end the following: ``Each
11 licensee shall forward a copy of the report to the chief
12 law enforcement officer of the place of residence of the
13 unlicensed person not later than the close of business on
14 the date that the multiple sale or disposition occurs``.

15 **SEC. 2013. RECEIPT OF FIREARMS BY NONRESIDENT.**

16 Section 922(a) of title 18, United States Code, is
17 amended--

18 (1) in paragraph (7)(C), by striking ``and``;

19 (2) in paragraph (8)(C), by striking the period and
20 inserting ``; and``; and

21 (3) by adding at the end the following:

22 ``(9) for any person, other than a licensed importer,
23 licensed manufacturer, licensed dealer, or licensed
24 collector, who does not reside in any State to receive
25 any firearms``.

26 **SEC. 2014. PROHIBITION AGAINST CONSPIRACY TO VIOLATE FEDERAL**
27 **FIREARMS OR EXPLOSIVES LAWS.**

1 (a) FIREARMS.--Section 924 of title 18, United States
2 Code, is amended by adding after the subsections added by
3 sections 2003, 2004(a), and 2011(b) of this Act the
4 following:

5 `` (1) Whoever conspires to commit any offense punishable
6 under this chapter shall be subject to the same penalties as
7 those prescribed for the offense the commission of which was
8 the object of the conspiracy.``.

9 (b) EXPLOSIVES.--Section 844 of such title is amended by
10 adding after the subsection added by section 2004(b) of this
11 Act the following:

12 `` (1) Whoever conspires to commit any offense punishable
13 under this chapter shall be subject to the same penalties as
14 those prescribed for the offense the commission of which was
15 the object of the conspiracy.``.

16 **SEC. 2015. PROHIBITION AGAINST THEFT OF FIREARMS OR**
17 **EXPLOSIVES FROM LICENSEE.**

18 (a) FIREARMS.--Section 924 of title 18, United States
19 Code, is amended by adding after the subsections added by
20 sections 2003, 2004(a), 2011(b), and 2014(a) of this Act the
21 following:

22 `` (m) Whoever steals any firearm from a licensed
23 importer, licensed manufacturer, licensed dealer, or licensed
24 collector shall be fined in accordance with this title,
25 imprisoned not more than ten years, or both.``.

26 (b) EXPLOSIVES.--Section 844 of such title is amended by
27 adding after the subsections added by sections 2004(b) and

1 2014(b) of this Act the following:

2 ``(m) Whoever steals any explosive material from a
3 licensed importer, licensed manufacturer, licensed dealer, or
4 permittee shall be fined in accordance with this title,
5 imprisoned not more than ten years, or both.''.
6

6 **SEC. 2016. PROHIBITION AGAINST DISPOSING OF EXPLOSIVES TO**
7 **PROHIBITED PERSONS.**

8 Section 842(d) of title 18, United States Code, is
9 amended by striking ``licensee`` and inserting ``person``.

10 **SEC. 2017. COMPLIANCE WITH STATE AND LOCAL FIREARMS LICENSING**
11 **LAWS REQUIRED BEFORE ISSUANCE OF FEDERAL**
12 **LICENSE TO DEAL IN FIREARMS.**

13 (a) **IN GENERAL.**--Section 923(d)(1) of title 18, United
14 States Code, is amended--

15 (1) by striking ``and`` at the end of subparagraph
16 (D);

17 (2) by striking the period at the end of subparagraph
18 (E) and inserting ``; and``; and

19 (3) by adding at the end the following:

20 ``(F) in the case of an application for a license to
21 engage in the business of dealing in firearms--

22 ``(i) the applicant has complied with all
23 requirements imposed on persons desiring to engage in
24 such a business by the State and political
25 subdivision thereof in which the applicant conducts
26 or intends to conduct such business; and

27 ``(ii) the application includes a written

1 statement which--

2 ``(I) is signed by the chief of police of the
3 locality, or the sheriff of the county, in which
4 the applicant conducts or intends to conduct such
5 business, the head of the State police of such
6 State, or any official designated by the
7 Secretary; and

8 ``(II) certifies that the information
9 available to the signer of the statement does not
10 indicate that the applicant is ineligible to
11 obtain such a license under the law of such State
12 and locality.''.

13 (b) **EFFECTIVE DATE.**--The amendment made by subsection (a)
14 shall apply to applications for a license that is issued on
15 or after the date of the enactment of this Act.

16 **SEC. 2018. INCREASED PENALTY FOR INTERSTATE GUN TRAFFICKING.**

17 Section 924 of title 18, United States Code, is amended
18 by adding after the subsections added by sections 2003,
19 2004(a), 2011(b), 2014(a), and 2015(a) of this Act the
20 following:

21 ``(n) Whoever, with the intent to engage in conduct which
22 constitutes a violation of section 922(a)(1)(A), travels from
23 any State or foreign country into any other State and
24 acquires, or attempts to acquire, a firearm in such other
25 State in furtherance of such purpose shall be imprisoned for
26 not more than 10 years.''.

27 **SEC. 2019. PROHIBITION AGAINST TRANSACTIONS INVOLVING STOLEN**

**FIREARMS WHICH HAVE MOVED IN INTERSTATE OR
FOREIGN COMMERCE.**

Section 922(j) of title 18, United States Code, is amended to read as follows:

“(j) It shall be unlawful for any person to receive, possess, conceal, store, barter, sell, or dispose of any stolen firearm or stolen ammunition, or pledge or accept as security for a loan any stolen firearm or stolen ammunition, which is moving as, which is a part of, which constitutes, or which has been shipped or transported in, interstate or foreign commerce, either before or after it was stolen, knowing or having reasonable cause to believe that the firearm or ammunition was stolen.”.

SEC. 2020. POSSESSION OF EXPLOSIVES BY FELONS AND OTHERS.

Section 842(i) of title 18, United States Code, is amended by inserting “or possess” after “to receive”.

Subtitle B--Assault Weapons

**SEC. 2021. PROHIBITION AGAINST POSSESSION AND TRANSFER OF
ASSAULT WEAPONS.**

(a) PROHIBITION.--Section 922 of title 18, United States Code, is amended by adding at the end the following:

“(s)(1) It shall be unlawful for any person to possess an assault weapon, unless--

“(A) the weapon was lawfully and continuously possessed by the person since before the date the weapon is included in the list set forth in section 921(a)(30);
or

1 ``(B) the weapon was lawfully transferred to the
2 person after the effective date of this subsection.

3 ``(2) It shall be unlawful for any person to transfer an
4 assault weapon, unless--

5 ``(A) the weapon was lawfully and continuously
6 possessed by the person since before the date the weapon
7 is included in the list set forth in section 921(a)(30);
8 and

9 ``(B) the transfer is in accordance with regulations
10 prescribed by the Secretary.''.
11

12 (b) ASSAULT WEAPON DEFINED.--Section 921(a) of such title
13 is amended by adding after the paragraph added by section
14 2001(b) of this Act the following:

15 ``(30)(A) The term 'assault weapon' means any of the
16 following weapons, or a copy thereof:

17 ``(i) Action Arms Israeli Military Industries UZI and
18 Galil.

19 ``(ii) Auto Ordnance 27A1 Thompson, 27A5 Thompson,
20 and M1 Thompson.

21 ``(iii) Beretta AR-70 (SC-70).

22 ``(iv) Colt AR-15 and CAR-15.

23 ``(v) Fabrique Nationale FN/FAL, FN/LAR, and FNC.

24 ``(vi) INTRATEC TEC-9.

25 ``(vii) MAC 10 and 11.

26 ``(viii) Norinco, Mitchell, and Poly Technologies
27 Avtomat Kalashnikovs.

28 ``(ix) Springfield BM59, SAR48, and G3SA.

1 ``(x) Steyr AUG.

2 ``(xi) Street Sweeper and Striker 12.

3 ``(xii) All Ruger Mini-14 models with folding stocks.

4 ``(xiii) Armscorp FAL.

5 ``(B) The term 'copy' means, with respect to a weapon
6 specified in subparagraph (A), a weapon, by whatever name
7 known, which embodies the same basic configuration as the
8 weapon so specified.''.
9

10 (c) AUTHORITY OF THE SECRETARY OF THE TREASURY TO
RECOMMEND MODIFICATIONS TO THE LIST OF ASSAULT WEAPONS.--

11 (1) IN GENERAL.--Chapter 44 of title 18, United
12 States Code, is amended by adding at the end the
13 following:

14 ``§931. Recommendation of modifications to the list of
15 assault weapons

16 ``From time to time, the Secretary, in consultation with
17 the Attorney General, may recommend to the Congress that
18 certain weapons be added to, or removed from, the list set
19 forth in section 921(a)(30).''.

20 (2) CLERICAL AMENDMENT.--The table of sections at the
21 beginning of chapter 44 of such title is amended by
22 adding at the end the following:

 ``931. Recommendation of modifications to the list of assault
 weapons.''.
23

24 (d) PENALTIES.--

25 (1) UNLAWFUL POSSESSION OR TRANSFER OF ASSAULT
WEAPON.--Section 924(a)(1)(B) of such title is amended by

1 striking ``or (q)'' and inserting ``(r), or (s)''.

2 (2) ENHANCED PENALTY FOR POSSESSION OR USE OF ASSAULT
3 WEAPON DURING CRIME OF VIOLENCE OR DRUG TRAFFICKING
4 CRIME.--Section 924(c)(1) of such title, as amended by
5 section 2001(a) of this Act, is amended by inserting ``an
6 assault weapon,'' after ``semiautomatic firearm,''.
7

8 (e) REGULATIONS GOVERNING TRANSFER OF ASSAULT WEAPONS.--

9 (1) REGULATIONS.--Section 926 of such title is
10 amended by adding at the end the following:

11 `` (d) Within 60 days after the date of the enactment of
12 this subsection, the Secretary shall prescribe regulations
13 governing the transfer of assault weapons, which shall allow
14 such a transfer to proceed within 30 days after the Secretary
15 receives such documentation as the Secretary may require to
16 be submitted with respect to the transfer, and shall include
17 provisions for determining whether the transferee is a person
18 described in section 922(g).''.

19 (2) PENALTY FOR VIOLATION OF REGULATIONS.--Section
20 924(a) of such title is amended--

21 (A) in paragraph (1), by striking ``paragraph (2)
22 or (3) of''; and

23 (B) by adding at the end the following:

24 `` (5) Whoever, in violation of a regulation issued under
25 section 926(d), transfers an assault weapon that has been
26 lawfully and continuously possessed by the person since
27 before the date the weapon is included in the list set forth
in section 921(a)(30) shall be fined not more than \$500.''.
28

1 Subtitle C--Large Capacity Ammunition Feeding Devices

2 SEC. 2031. PROHIBITION AGAINST POSSESSION OR TRANSFER OF

3 LARGE CAPACITY AMMUNITION FEEDING DEVICES.

4 (a) PROHIBITION.--Section 922 of title 18, United States
5 Code, is amended by adding after the subsection added by
6 section 2021(a) of this Act the following:

7 `` (t)(1) It shall be unlawful for any person to possess
8 or transfer any large capacity ammunition feeding device.

9 `` (2) Paragraph (1) shall not apply to any otherwise
10 lawful possession or otherwise lawful transfer of a large
11 capacity ammunition feeding device that was lawfully
12 possessed before the date of the enactment of this
13 subsection.``.

14 (b) LARGE CAPACITY AMMUNITION FEEDING DEVICE

15 DEFINED.--Section 921(a) of such title is amended by adding
16 after the paragraphs added by sections 2001(b) and 2021(b) of
17 this Act the following:

18 `` (31)(A) Except as provided in subparagraph (B), the
19 term 'large capacity ammunition feeding device' means--

20 `` (i) a detachable magazine, belt, drum, feed strip,
21 or similar device which has, or which can be readily
22 restored or converted to have, a capacity of more than 7
23 rounds of ammunition; and

24 `` (ii) any part or combination of parts, designed or
25 intended to convert a detachable magazine, belt, drum,
26 feed strip, or similar device into a device described in
27 clause (i).

1 ``(B) The term `large capacity ammunition feeding device'
2 does not include any attached tubular device designed to
3 accept and capable of operating with only .22 rimfire caliber
4 ammunition.'`.

5 (c) PENALTY.--Section 924(a)(1)(B) of such title, as
6 amended by section 2021(d)(1) of this Act, is amended by
7 striking ``or (s)'' and inserting ``(s), or (t)''.

8 (d) REGULATIONS.--Section 926 of such title is amended by
9 adding after the subsection added by section 2021(e)(1) of
10 this Act the following:

11 ``(e) The Secretary shall promulgate regulations
12 requiring manufacturers of large capacity ammunition feeding
13 devices to stamp each such device manufactured after the date
14 of the enactment of this subsection with a permanent
15 distinguishing mark selected in accordance with
16 regulations.'`.

17 TITLE XXI--SPORTS GAMBLING

18 SEC. 2101. SHORT TITLE.

19 This title may be referred to as the ``Professional and
20 Amateur Sports Protection Act''.

21 SEC. 2102. PROFESSIONAL AND AMATEUR SPORTS PROTECTION.

22 (a) IN GENERAL.--Part VI of title 28 of the United States
23 Code is amended by adding at the end the following:

24 ``CHAPTER 177--PROFESSIONAL AND AMATEUR SPORTS PROTECTION

- ``Sec.
- ``3401. Definitions.
- ``3402. Unlawful sports gambling.
- ``3403. Injunctions.
- ``3404. Applicability.

may apply in other contexts, they do not apply to the claims of race bias described above.

This section does not, of course, preclude petitioners from raising race claims under other appropriate provisions of law.

Section 1959. NIJ Study

The section directs the National Institute of Justice (NIJ) to study the feasibility of establishing a clearinghouse to assist state prison inmates who seek transfers to other states in order to be closer to their families.

Under current law, inmates incarcerated in States which belong to the Interstate Corrections Compact can already obtain transfer to other State prison systems, subject to the availability of space and the approval of the appropriate correctional authorities.

A clearinghouse would provide inmates who seek transfers to be closer to their families with a central source of information on the availability of space in other State prison systems, and would facilitate voluntary inmate transfers between State correctional systems when space is available.

These transfers are intended to help keep the families of inmates together by allowing the inmates to serve their sentences at correctional facilities closer to their homes. Studies show that inmates who receive visits from their families are much less likely to return to prison than inmates who do not receive visits. Moreover, keeping the families of inmates together reduces the social and economic costs of incarceration.

Section 1960. Right of Victim to Impartial Jury

This section amends Rule 24(b) of the Federal Rules of Criminal Procedure by evening the number of peremptory challenges available to the prosecution and defense in a criminal trial to six each. The present rule gave the government 6 and the defendant or defendants jointly 10.

TITLE XX—FIREARMS AND RELATED AMENDMENTS

SUBTITLE A—FIREARMS AND RELATED AMENDMENTS

PURPOSE

The purpose of this subtitle is to provide certain and severe punishment for Federal firearms and explosives violations. It includes several provisions that create or increase Federal penalties for violations of Federal firearms laws by felons and other violent criminals.

BACKGROUND

Many of the provisions in this subtitle, along with other firearms provisions, were the subject of a hearing held by the Subcommittee on Crime and Criminal Justice on May 23, 1991. That hearing was held to examine the firearms provisions on H.R. 1400, the President's crime bill introduced by Rep. Robert Michel on March 12, 1991. Witnesses at that hearing included Robert S. Mueller, Assistant Attorney General for the Criminal Division, United States Department of Justice; and Richard Cook, Chief of the Firearms Divi-

sion of the Bureau of Alcohol, Tobacco and Firearms of the Department of the Treasury.

Testimony at the hearing underscored the need to attack gun-related violence, especially by repeat and career offenders. A BATF study found that 90 percent of the prison inmates surveyed used or carried firearms in committing their offenses. It also showed that approximately 6 percent of all criminals are responsible for up to 70 percent of the country's serious crimes.

The provisions in this subtitle respond to the need for tough penalties or firearms offenses. For example, a provision in this subtitle increases the mandatory penalty from five to ten years for use of a semi-automatic firearm during the course of a drug trafficking or violent felony. Another provision creates a mandatory five-year penalty for possession of a firearm by persons with a previous conviction for a violent felony or a serious drug offense. Another provision creates a mandatory ten-year penalty for possession of a firearm by anyone with two previous convictions for violent felonies or serious drug offenses. This provision was offered as an amendment at Committee markup by Rep. Steven Schiff (R-NM). Other provisions streamline certain proceedings involving forfeiture of firearms and explosives.

Previous hearings on many of these provisions had been held by the Subcommittee on Crime in the 101st Congress. Some of them were included in H.R. 5269, the House version of the Crime Control Act of 1990. Most of these provisions were included in subtitle A of Title X of the subcommittee print marked up by the Subcommittee on Crime and Criminal Justice on July 31, 1991, which was reported by a vote of 13-0.

SECTION-BY-SECTION ANALYSIS

Section 2001. Enhanced Penalty for Use of Semi-Automatics

Section 2001 amends section 924(c)(1) by including a “semiautomatic firearm” in the category of firearms the use of which, during the commission of a crime of violence or drug trafficking crime, subjects the user to a mandatory penalty of 10 years imprisonment. This is double the present penalty. This enhanced penalty is warranted by the vastly increased danger presented by the use of such firearms during violent or drug trafficking crimes.

This section amends section 921(a) to define a "semiautomatic firearm" as any repeating firearm which utilizes a portion of the energy of a firing cartridge to extract the fired cartridge case and chamber the next round and which requires a separate pull of the trigger to fire each cartridge.

Section 2002. Increased Penalty for Second Explosive Offense

Section 2002 amends section 844(h) to increase the mandatory penalty from 10 years imprisonment to 20 years imprisonment for a second conviction for using fire or an explosive to commit a felony or carry an explosive during the commission of a felony.

Section 2003. Smuggling Firearms in Aid of Drug Trafficking

Section 2003 amends section 924 by creating a new offense, punishable by imprisonment of up to 10 years, a fine or both, for indi-

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of violence.

Section 2004. Proh

This section would require a minimum two-foot clearance from explosive materials. Making it unlawful to have moved in, or a penalty for this offense, fine, or both.

Section 2005. Pena

Section 2005 ar
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Section 2006. Statu

Section 2066 would involve firearms involving various explosive such as possession serial numbers on national offenses involving warrant statutes of limitation section shall apply ment of this act.

Section 2007. Summary

This section provides information on explosives used in violation of section 844 of title 18, United States Code, subsection (c) as subsection (c) of this section applies to explosive materials with this section to explosives where the investigating officer is also a sample in accordance with the Treasury.

This section also covers property so destroyed by construction to the value of the property. The claimant can satisfy the requirement if the property was used or involved in the construction or use of the property without the consent, or willful

viduals who smuggle, or knowingly bring, or attempt to bring into the United States a firearm with the intent of committing or promoting the commission of a controlled substance offense or a crime of violence.

Section 2004. Prohibition Against Theft of Firearms or Explosives

This section would create new offenses, punishable by a mandatory minimum two-year prison term, for stealing a firearm or explosive materials. Section 2004 amends sections 924 and 844 by making it unlawful to steal firearms or explosive materials which have moved in, or as a part of, interstate or foreign commerce. The penalty for this offense includes imprisonment of 2 to 10 years, a fine, or both.

Section 2005. Penalty for False Statement

Section 2005 amends section 924(a) by increasing the penalty from five years imprisonment to 10 years imprisonment, a fine, or both, for the making of knowingly false, material statements in connection with the acquisition of a firearm from a licensed dealer.

Section 2006. Statute of Limitations for Firearms Offenses

Section 2006 would extend the statute of limitations for offenses involving firearms such as machineguns, sawed off shotguns and various explosive devices from three to five years. These offenses such as possession of an unregistered machinegun or obliterating serial numbers on weapons, though within the tax code, are criminal offenses involving considerable danger to public safety and warrant statutes of limitations of five years rather than three. This section shall apply to offenses committed after the date of enactment of this act.

Section 2007. Summary Destruction of Explosives Subject to Forfeiture

This section would allow for the summary destruction of explosives used in violation of chapter 40 title 18. Section 2007 amends section 844 of title 18, United States Code, by redesignating subsection (c) as subsection (c)(1), and by authorizing the seizing officer of explosive materials forfeited to the United States in accordance with this section to destroy, in the presence of a witness, such materials where their storage or removal may prove unsafe. The seizing officer is also required to make a report of the seizure and take samples in accordance with regulations set forth by the Secretary of the Treasury.

This section also amends section 844 by enabling the owner of property so destroyed to make application within 60 days of the destruction to the Secretary for reimbursement not exceeding the value of the property. Reimbursement shall be made provided the claimant can satisfactorily establish that the property has not been used or involved in a violation of law; or that any lawful involvement or use of the property was without the claimant's knowledge, consent, or willful blindness.

Section 2008. Summary Forfeiture of Certain Firearms

This section eliminates the need for forfeiture proceedings for certain unregistered weapons seized by law enforcement. Section 2008 amends section 5872 of the Internal Revenue Code of 1986 by providing for summary forfeiture to the United States of certain firearms such as machineguns, sawed-off shotguns, silencers and certain destructive devices which are not registered as required by section 5841 in the National Firearms Registration and Transfer Record. Summary forfeiture, such as exists for controlled substances that cannot be legally possessed by anyone, avoids the need for expensive and time-consuming judicial and administrative forfeiture proceedings.

This section further provides that the owner or any interested party of property so forfeited may, within one year after forfeiture, make application to the Secretary for reimbursement of the value of the property. Reimbursement not exceeding the property's value shall be made if it is satisfactorily established that the property has not been involved or used in a violation of law; or that any unlawful involvement or use of the property had been without the claimant's consent, knowledge, or willful blindness.

This section also makes two technical amendments to the Internal Revenue Code of 1986.

Section 2009. Elimination of Outmoded Language

Section 2009 makes technical amendments to section 924 of Title 18, United States Code, by eliminating outmoded references to parole made obsolete by the elimination of parole in the Comprehensive Crime Control Act of 1984.

Section 2010. Enhanced Penalties for Use of Firearms

This section amends 18 U.S.C. 924(c)(1) to make it an offense to use or carry a firearm during and in relation to counterfeiting and related offenses such as forgery and altering or removing motor vehicle identification numbers set out in Chapter 25 of Title 18. Section 924(c) now is limited to using or carrying a firearm during and in relation to a Federal drug trafficking felony or any Federal felony crime of violence. The offenses covered by this section, although not "crimes of violence" are often committed by persons with firearms.

Section 2011. Mandatory Penalties for Firearms Possession by Violent Felons

Section 2011(a) amends section 924(a)(2) by imposing a mandatory minimum sentence of five years' imprisonment for firearms possession by a person who has a previous conviction for a violent felony or a serious drug offense and is thus disqualified from possession of a firearm under 922(g)(1).

Section 2011(b) amends section 924 by imposing a mandatory minimum sentence of ten years' imprisonment (and up to 20 years) for firearms possession (in violation of Section 922(g)) by a person who has two prior convictions for a violent felony or a serious drug offense.

Section 2012. Repeal of Certain Provisions

Under current law, certain provisions of the Internal Revenue Code of 1986 relating to the taxation of tobacco and firearms are repealed. The same provisions are also repealed by section 923(g)(3) by expiring consecutive business days of two or more consecutive business days necessitates a repeal.

Section 2012 further provides that each licensee for the sale of firearms by close of business occurs thus to local law enforcement.

Section 2013. Repeal of Certain Provisions

This section repeals certain provisions of the Internal Revenue Code of 1986 relating to the taxation of aliens who are licensed in any State and are licensed by use of a person to transfer or reside in the State. It amends section 924(c) arms by any person that person is a dealer, or licensee.

Section 2014. Consolidation of Penalties

Section 2014 consolidates the same penalties for the same firearms or explosives commission of the same offense.

Section 2015. The Repeal of Certain Provisions

This section repeals certain provisions of the Internal Revenue Code of 1986 relating to the taxation of explosive materials authorizing importation, stealing of any firearm, importer, licensed importer, permittee.

Section 2016. Disposition of Certain Provisions

This section repeals certain provisions of the Internal Revenue Code of 1986 relating to the taxation of persons. It amends section 924(c) parties to manufacturing materials to this section.

Section 2012. Reporting of Multiple Firearms Sales

Under current law licensed firearms dealers, collectors, manufacturers and importers are required to report multiple sales or dispositions of handguns to unlicensed persons to the Bureau of Alcohol, Tobacco and Firearms. It requires licensees to notify BATF every time the same person buys two or more pistols or revolvers within five consecutive business days. Section 2012 amends section 923(g)(3) by expanding from five consecutive business days to 30 consecutive business days the period of time during which the sale of two or more pistols or revolvers to an unlicensed individual necessitates a report pursuant to this section by the licensed seller.

Section 2012 further amends section 923(g)(3) by mandating that each licensee forward a copy of the report to the chief law enforcement officer of the place of residence of the unlicensed purchaser by close of business on the date that the multiple sale or disposition occurs thus making the multiple sale information of more use to local law enforcement.

Section 2013. Receipt of Firearms by Non-Resident

This section deals with the problem posed by persons such as aliens who are legally in the United States but who do not reside in any State and who acquire firearms from Federal firearms licensees by use of intermediaries. It is generally unlawful for any person to transfer a firearm to any other person who does not reside in the State in which the transferor resides. Section 2013 amends section 922(a) by making unlawful the receipt of any firearms by any person who is not the resident of any State, unless that person is a licensed importer, licensed manufacturer, licensed dealer, or licensed collector.

Section 2014. Conspiracy to Violate Firearms Laws

Section 2014 amends sections 924 and 844 by mandating that the same penalties be imposed for a person conspiring to violate Federal firearms or explosives laws as would be imposed for the actual commission of the crimes contemplated by the conspiracy.

Section 2015. Theft of Firearms from Licensee

This section would create new offenses for stealing firearms or explosive materials. Section 2015 amends sections 924 and 844 by authorizing imprisonment of up to 10 years, a fine, or both for the stealing of any firearm or explosive material from a licensed importer, licensed manufacturer, licensed dealer, licensed collector or permittee.

Section 2016. Disposing of Explosives

This section makes it unlawful for any person to sell or otherwise dispose of explosive materials to felons or other prohibited persons. It amends section 842(d) by expanding the category of covered parties to make it unlawful for any person to distribute explosive materials to an individual meeting the criteria enumerated in this section.

Section 2017. Firearms Licensing Laws

This section requires that any application for a Federal license to engage in the business of dealing in firearms under 18 U.S.C. 923 (a) and (b) complies with all the requirements imposed on persons desiring to engage in such business by the State and political subdivision thereof in which the applicant conducts or intends to conduct business. The application must include a signed statement from the chief of police or other comparable person certifying that the applicant is not ineligible to obtain such a license under State and local laws.

Section 2018. Interstate Gun Trafficking

This section amends section 924 and authorizes a penalty of up to ten years imprisonment for anyone who travels from State to State or from a foreign country into a State and acquires or attempts to acquire a firearm for the purpose of engaging in unlawful firearms trafficking under section 922(a)(1)(A).

Section 2019. Transactions Involving Stolen Firearms

This section makes two changes to the prohibitions against transactions involving stolen firearms which have moved in interstate commerce that are contained in Section 922(j). It adds knowing possession of any such stolen firearms or ammunition and expands the reach of the prohibition to include such firearms or ammunition either before or after they were stolen.

Section 2020. Possession of Explosives by Felons

This section prohibits the possession of any explosive shipped or transported in interstate commerce by any convicted felon, anyone under indictment for a felony, any fugitive from justice and any drug addict or any mental incompetent. Current law under 18 U.S.C. 842(i) prohibits such persons from shipping, transporting or receiving explosives. Adding the prohibition on possession removes certain problems associated with the need to provide receipt of explosives by such disqualified persons.

SUBTITLE B—ASSAULT WEAPONS

PURPOSE

The purpose of this subtitle is to create criminal penalties for the unlawful possession and transfer of certain listed assault weapons. The threat posed by criminals and mentally deranged individuals armed with semi-automatic assault weapons has been tragically widespread. This subtitle is intended to prevent incidents like the ones that occurred in Stockton, California and Louisville, Kentucky from recurring. It is far better to prevent a criminal from buying an AK-47 than it is to simply put him in jail after he uses it to kill someone. No anti-crime proposal can be considered comprehensive unless it includes preventative restrictions on the proliferation of these assault weapons.

The carnage mentally deranged assault weapons law enforcement support legislative hands of crime deal every day criminals in the impact of the play in crime. weapons in the the more than ed for nearly t crime, gun tra the first quart assault weapons 3,505 were lin of all gun crim in as many as enforcement offic AK-47 and AR street gangs an

In the spring level of violence temporary ban types of semi-a the Department Firearms. Follo announced a pe semi-automatic assault weapons. 925(d)(3) of Title "generally reco poses," which weapons from in

The import b imported assault import restrictio estimates that American made. ment whether th factured. At pre with almost no can walk into a minutes walk ou munition. In 19 future sale of a More than 30 cit lar action.

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BACKGROUND

The carnage inflicted on the American public by criminals and mentally deranged people armed with Rambo-style, semi-automatic assault weapons has been overwhelming and continuing. Police and law enforcement groups all over the nation have joined together to support legislation that would help keep these weapons out of the hands of criminals. Police officers all across the country have to deal every day with the fact that they are routinely outgunned by criminals in possession of these powerful weapons. The devastating impact of these weapons can be seen in the prominent role they play in crime. Although the approximately one million assault-type weapons in the country account for only one-half of one percent of the more than 200 million privately owned firearms, they accounted for nearly thirty percent of all the firearms traced to organized crime, gun trafficking and terrorist crimes during all of 1988 and the first quarter of 1989, for example. From 1986 to 1990, 1,088 assault weapons were traced to murders in the United States and 3,505 were linked to drug traffickers. Since only about 10 percent of all gun crimes result in traces, assault weapons have been used in as many as ten times more crimes. Federal and State law enforcement officials know all too well that assault weapons like the AK-47 and AR-15 have become the weapons of choice for criminal street gangs and are used routinely in drive-by shootings.

In the spring of 1989, the Administration responded to the rising level of violence precipitated with these weapons by imposing a temporary ban on the importation of approximately 50 different types of semi-automatic rifles pending a comprehensive review of the Department of the Treasury's Bureau of Alcohol, Tobacco and Firearms. Following that three-month comprehensive study, BATF announced a permanent ban on the importation of 43 foreign made semi-automatic rifles which were classified as semi-automatic assault weapons. BATF based its authority for the ban on section 925(d)(3) of Title 18 which limits importation of firearms which are "generally recognized as or readily adaptable to sporting purposes," which standard, BATF concluded, barred the identified weapons from importation.

The import ban has proven effective in lowering the number of imported assault weapons linked to crime. It is clear, however, that import restrictions are not enough to deal with the problem. BATF estimates that 75% of assault weapons in the United States are American made. It does not matter to the victim or to law enforcement whether these weapons were imported or domestically manufactured. At present, these weapons are legally sold and possessed with almost no restrictions. In most jurisdictions, any 18-year-old can walk into a gun store, sign a form which no one checks, and in minutes walk out with AR-15 assault rifle and an arsenal of ammunition. In 1989, California became the first state to ban the future sale of assault weapons and New Jersey followed in 1990. More than 30 cities and counties across the nation have taken similar action.

The American people overwhelmingly favor Federal legislation banning the manufacture, sale and possession of semi-automatic assault weapons like the AK-47 by 72 percent to 22 percent accord-

ing to a Gallup poll taken in September of 1990. Every major law enforcement organization supports a ban on assault weapons including the International Association of Chiefs of Police, the National Sheriff's Association and the 203,000-member Fraternal Order of Police. This support is shared by groups like the AFL-CIO, AFSCME, ABA, American Jewish Congress, NEA, AARP, American Academy of Pediatrics and the U.S. Conference of Mayors.

In the 101st Congress, after extensive hearings by the Subcommittee on Crime, the Committee on the Judiciary ordered reported a bill (H.R. 4225) that would have utilized the same standard as used by BATF to prohibit the possession, transfer and certain export of these assault weapons. The bill was not acted upon by the House. Further information on action on this bill can be found in the Report accompanying the Restricted Weapons Act of 1990 (H. Rept. 101-621).

Subtitle B of this bill does not adopt the same approach as H.R. 4225. It more closely resembles the approach taken by Senator DeConcini that has been adopted by the Senate both in its 1991 crime bill (S. 1241) as well as in its crime bill in the 101st Congress. Subtitle B:

1. Prohibits the possession and transfer of 13 enumerated types of new semi-automatic assault weapons. These weapons are specifically named and listed in the bill. It include the AK-47, Uzi, AR-15 and Street Sweeper but not the M-1.

2. Applies the prohibition to copies of the listed assault weapons so that manufacturers cannot evade the law simply by renaming the listed weapons or making minor or cosmetic changes.

3. Grandfathers presently owned weapons so that weapons so that weapons owned before the effective date of the act can still be possessed, transferred, transported, bought and sold.

4. Allows the Secretary of the Treasury to recommend to Congress that firearms be added to or removed from the list but does not give the Secretary the authority to do that himself.

5. Doubles the penalty for the use of assault weapons during the commission of a violent or drug trafficking crime from 5 to 10 years in prison.

6. Agencies of Federal, State and local governments, such as the military and the police, are exempt from the Act.

This subtitle was the result of two hearings held by the Subcommittee on Crime and Criminal Justice. Witnesses at the first hearing, held on June 12, 1991, included Catherine Varner of Winslow, Arizona; Roger Guthrie, and agent with the Bureau of Alcohol, Tobacco and Firearms; and police officers from Dayton, Ohio and Philadelphia, Pennsylvania. The Subcommittee also heard from Richard Cook, Chief of BATF's Firearms Division; Edward Owen, Chief of the Firearms Technology Branch at BATF and Hamilton Bobb, a BATF Group Supervisor. Also testifying were Paul McNulty of the United States Department of Justice; Dewey Stokes, President of the Fraternal Order of Police; Gary Hankins, Chairman of the Washington Metropolitan Police Department's Labor Committee and Inspector Phillip O'Donnell of Washington MPD's Rapid Deployment Unit.

A second hearing witnesses department and gun Control, witnesses testified, Vice President, Counsel, Colonel Krieger Barron Gun Owners Movement; association.

Section 2021

Section 10: making unlawful person unless prior to enactment effective date Secretary of any assault weapon by the person regulations. To require the before the effective transfer is up

Section (b) following weapons

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- (13) Al

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A second hearing was held on July 25th and included the following witnesses: Chief Cornelius Behan, Baltimore County Police Department and Phillip McGuire, Law Enforcement Adviser to Handgun Control, Inc. At the request of the minority, the following witnesses testified: Jackie Miller of Louisville, Kentucky; Mike Saporito, Vice President, RSR Wholesale Guns; Patrick Squire, General Counsel, Colt Manufacturing Co., Inc.; John Krieger, President, Krieger Barrels, Inc.; Craig Markva, Director of Legislative Affairs, Gun Owners of America; Jim Fendry, Director, Wisconsin Pro-Gun Movement; and Joseph Phillips, Federal Liaison, National Rifle Association.

SECTION-BY-SECTION ANALYSIS

Section 2021

Section 1021 amends Title 18 of the United States Code by making unlawful the possession of an assault weapon by any person unless the weapon was lawfully possessed by the person prior to enactment of this act or was lawfully transferred after the effective date pursuant to regulations to be promulgated by the Secretary of the Treasury. It also renders unlawful the transfer of any assault weapon unless that weapon was also lawfully possessed by the person and the transfer is in accordance with the Treasury regulations. The phrase "or continuously possessed" is not intended to require that the person be in continual actual possession since before the effective date. The penalty for unlawful possession or transfer is up to 5 years in prison, a fine of up to \$5,000, or both.

Section (b) specifically defines assault weapons as any of the following weapons, or a copy thereof:

- (1) Action Arms Israeli Military Industries UZI and Galil.
- (2) Auto Ordnance 27A1 Thompson, 27A5 Thompson, and M1 Thompson.
- (3) Beretta AR-70 (SC-70).
- (4) Colt AR-15 and CAR-15.
- (5) Fabrique Nationale FN/FAL, FN/LAR/ and FNC.
- (6) INTRATEC TEC-9.
- (7) MAC 10 AND 11.
- (8) Norinco, Mitchell, and Poly Technologies Avtomat Kalashnikovs.
- (9) Springfield BM59, SAR48, and G3SA.
- (10) Steyr AUG.
- (11) Street Sweeper and Striker 12.
- (12) All Ruger Mini-14 models with folding stocks.
- (13) ARMSCORP FAL.

The term "copy" is defined as "a weapon, by whatever name known, which embodies the same basic configuration as the weapon so specified." This language is intended to ensure that a producer of the same basic weapon cannot evade the Act by marketing the weapon under a different name. The Committee intends to be very clear about the weapons affected. In the case of assault rifles, the basic "configuration" has already been outlined in the *Report and Recommendation of the ATF Working Group on the Importability of Certain Semi-Automatic Rifles* as semi-automatic rifles which are comprised of some combination of the following

thereof, which were lawfully possessed before the effective date of the act. The effect of the assault weapon prohibition should be to freeze the number of assault weapons available to the general population as of the effective date. Those assault weapons legally possessed on the effective date may continue to be possessed and transferred in accordance with regulations promulgated by the Secretary of the Treasury, unless such possession and transfer is barred by some other subsection of section 922 of Title 18.

SUBTITLE C—LARGE CAPACITY AMMUNITION FEEDING DEVICES

PURPOSE AND BACKGROUND

This subtitle is designed to place severe restrictions on certain ammunition clips and other ammunition feeding devices that are frequently used with assault weapons that enable them to fire a large number of rounds without reloading. The purpose and background of this subtitle is similar to that of subtitles A and B above. Restrictions on large capacity feeding devices were the subject of the hearings in both the 101st and 102d Congresses regarding firearms issues discussed above. The Assistant Attorney General for the Criminal Division, U.S. Department of Justice, testified before the Subcommittee on Crime on March 6, 1990, and the Subcommittee on Crime and Criminal Justice on May 23, 1991, in support of the policy considerations underlying these provisions.

Section 2031

Section 2031 amends section 922 by making unlawful the possession or transfer of any large capacity ammunition feeding device, unless such device was lawfully possessed by virtue of its possession prior to the effective date of this Title.

This section also amends section 921(a) by defining a "large capacity ammunition feeding device" as a detachable magazine, belt, drum, feed strip, or similar device, which has, or which can be readily restored or converted to have, a capacity of more than seven rounds of ammunition; and which has any part or combination of parts, designed or intended to convert the aforementioned devices into a device holding this capacity of ammunition. This definition specifically excludes any attached tubular device designed to accept and capable of operating with only .22 rimfire caliber ammunition. This exclusion does not mean that such devices are the only ones that do not qualify under the definition.

Subsection (c) amends section 924(a)(1)(B) to provide a penalty of up to 5 years' imprisonment, a fine of up to \$5,000 or both for violation of this section.

This section also amends section 926 by requiring the Secretary to promulgate regulations requiring manufacturers of large capacity ammunition feeding devices to stamp each device manufactured after the effective date of this subtitle with a permanent distinguishing mark selected in accordance with regulations.

1 841(b)(1)(A)) or section 1010(b)(1) of the Con-
 2 trolled Substances Import and Export Act (21
 3 U.S.C. 960(b)(1)).”.

4 (b) TABLE OF SECTIONS.—The table of sections for
 5 chapter 2 of title 18, United States Code, is amended by
 6 adding at the end thereof the following:

“36. Drive-by shooting.”.

7 TITLE VII—ASSAULT WEAPONS

8 SEC. 701. SHORT TITLE.

9 This title may be cited as the “Antidrug, Assault
 10 Weapons Limitation Act of 1991”.

11 SEC. 702. UNLAWFUL ACTS.

12 Section 922 of title 18, United States Code, is
 13 amended by adding at the end thereof the following:

14 “(s)(1) Except as provided in paragraph (2), it shall
 15 be unlawful for any person to transfer, import, transport,
 16 ship, receive, or possess any assault weapon.

17 “(2) This subsection does not apply with respect to—

18 “(A) transferring, importing, transporting,
 19 shipping, and receiving to or by, or possession by or
 20 under, authority of the United States or any depart-
 21 ment or agency thereof, or of any State or any de-
 22 partment, agency, or political subdivision thereof, of
 23 such an assault weapon, or

24 “(B) any lawful transferring, transporting,
 25 shipping, receiving, or possession of such a weapon

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1 that was lawfully possessed before the effective date
2 of this subsection.

3 “(t)(1) It shall be unlawful for any person to sell,
4 ship, or deliver an assault weapon to any person who does
5 not fill out a form 4473 (pursuant to 27 CFR 178.124),
6 or equivalent, in the purchase of such assault weapon.

7 “(2) It shall be unlawful for any person to purchase,
8 possess, or accept delivery of an assault weapon unless
9 such person has filled out such a form 4473, or equivalent,
10 in the purchase of such assault weapon.

11 “(3) If a person purchases an assault weapon from
12 anyone other than a licensed dealer, both the purchaser
13 and the seller shall maintain a record of the sale on the
14 seller's original copy of such form 4473, or equivalent.

15 “(4) Any current owner of an assault weapon that
16 requires retention of form 4473, or equivalent, pursuant
17 to the provisions of this subsection who, prior to the effec-
18 tive date of this subsection purchased such a weapon,
19 shall, within 90 days after the issuing of regulations by
20 the Secretary pursuant to paragraph (5), request a copy
21 of such form from any licensed dealer, as defined in this
22 title, in accordance with such regulations.

23 “(5) The Secretary shall, within 90 days after the
24 date of enactment of this subsection, prescribe regulations

1 for the request and delivery of such form 4473, or equiva-
2 lent.”.

3 SEC. 703. DEFINITIONS.

4 Section 921(a) of title 18, United States Code, is
5 amended by adding at the end thereof the following:

6 “(29) The term ‘assault weapon’ means any
7 firearm designated as an assault weapon in this
8 paragraph, including:

9 “(A) Norinco, Mitchell, and Poly Technol-
10 ogies Avtomat Kalashnikovs (all models),

11 “(B) Action Arms Israeli Military Indus-
12 tries UZI and Galil,

13 “(C) Beretta AR-70 (SC-70),

14 “(D) Colt AR-15 and CAR-15,

15 “(E) Fabrique Nationale FN/FAL, FN/
16 LAR, and FNC,

17 “(F) MAC 10 and MAC 11,

18 “(G) Steyr AUG,

19 “(H) INTRATEC TEC-9, and

20 “(I) Street Sweeper and Striker 12.”.

21 SEC. 704. SECRETARY TO RECOMMEND DESIGNATION AS
22 ASSAULT WEAPON.

23 Chapter 44 of title 18, United States Code, is
24 amended—

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1 (1) by adding at the end thereof the following
2 new section:

3 **"§ 931. Additional assault weapons**

4 "The Secretary, in consultation with the Attorney
5 General, may, when appropriate, recommend to the Con-
6 gress the addition or deletion of firearms to be designated
7 as assault weapons."; and

8 (2) in the table of sections by adding at the end
9 thereof the following new item:

"931. Additional assault weapons."

10 **SEC. 705. ENHANCED PENALTIES.**

11 Section 924(c) of title 18, United States Code, is
12 amended by inserting "and if the firearm is an assault
13 weapon, to imprisonment for 10 years," after "sentenced
14 to imprisonment for five years,".

15 **SEC. 706. DISABILITY.**

16 Section 922(g)(1) of title 18, United States Code, is
17 amended by inserting before the semicolon at the end
18 thereof the following: "or a violation of section 924(i) of
19 this chapter".

20 **SEC. 707. STUDY BY ATTORNEY GENERAL.**

21 (a) IN GENERAL.—The Attorney General is author-
22 ized and directed to investigate and study the effect of
23 the provisions of this title and the amendments made by
24 this title and any impact therefrom on violent and drug
25 trafficking crime. Such study shall be done over a period

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1 of 18 months, commencing 12 months after the date of
2 enactment of this title.

3 (b) REPORT.—No later than 30 months after the
4 date of enactment of this title, the Attorney General shall
5 prepare and submit to the Senate of the United States,
6 a report setting forth in detail the findings and determina-
7 tions made pursuant to subsection (a).

8 **SEC. 708. PENALTIES FOR IMPROPER TRANSFER, STEALING**
9 **FIREARMS, OR SMUGGLING AN ASSAULT**
10 **WEAPON IN DRUG-RELATED OFFENSE.**

11 Section 924 of title 18, United States Code, is
12 amended by adding at the end thereof the following:

13 “(i) Whoever knowingly fails to acquire form 4473,
14 or equivalent (pursuant to 27 CFR 178.124), with respect
15 to the lawful transferring, transporting, shipping, receiv-
16 ing, or possessing of any assault weapon, as required by
17 the provisions of this chapter, shall be fined not more than
18 \$1,000 (in accordance with section 3571(e) of this title),
19 imprisoned for not more than 6 months, or both.”.

20 **SEC. 709. SUNSET PROVISION.**

21 Unless otherwise provided, this title and the amend-
22 ments made by this title shall become effective 30 days
23 after the date of enactment of this title. This title, except
24 for section (707) shall be effective for a period of 3 years.

25 At the end of such 3-year period this title and the amend-

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1 ments made by this title, except for section 707, shall be
2 repealed.

3 **TITLE VIII—POLICE CORPS AND**
4 **LAW ENFORCEMENT**
5 **TRAINING AND EDUCATION**
6 **ACT**

7 **SEC. 801. SHORT TITLE.**

8 This title may be cited as the "Police Corps and Law
9 Enforcement Training and Education Act".

10 **SEC. 802. PURPOSES.**

11 The purposes of this title are to—

12 (1) address violent crime by increasing the
13 number of police with advanced education and train-
14 ing on community patrol;

15 (2) provide educational assistance to law en-
16 forcement personnel and to students who possess a
17 sincere interest in public service in the form of law
18 enforcement; and

19 (3) assist State and local law enforcement ef-
20 forts to enhance the educational status of law en-
21 forcement personnel both through increasing the
22 educational level of existing officers and by recruit-
23 ing more highly educated officers.

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