

103^D CONGRESS
1ST SESSION

H. R. 3482

To establish a system for regulating the possession and transfer of handguns and handgun ammunition, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 9, 1993

Mr. RUSH (for himself, Mr. CLAY, Mr. LIPINSKI, Mr. FOGLIETTA, Ms. NORTON, and Mr. RANGEL) introduced the following bill; which was referred jointly to the Committees on the Judiciary and Energy and Commerce

A BILL

To establish a system for regulating the possession and transfer of handguns and handgun ammunition, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Public Safety and
5 Protection Act of 1993”.

1 **SEC. 2. SYSTEM FOR REGULATION OF HANDGUNS AND**
2 **HANDGUN AMMUNITION.**

3 (a) DEFINITIONS.—Section 921(a) of title 18, United
4 States Code, is amended by adding at the end the follow-
5 ing:

6 “(29) The term ‘handgun’ means any firearm, includ-
7 ing a pistol or revolver, that is designed to be fired by
8 the use of a single hand, and any combination of parts
9 from which such a firearm can be assembled.

10 “(30) The term ‘handgun ammunition’ means ammu-
11 nition that is designed for use primarily in a handgun.

12 “(31) The term ‘handgun club’ means a club that is
13 organized and is operated for target shooting with hand-
14 guns, and the term ‘licensed handgun club’ means a hand-
15 gun club licensed under section 923(l).

16 “(32) The term ‘authorized security guard service’
17 means a private entity that is authorized under State and
18 local law to conduct a business of providing security
19 services.”.

20 (b) PROHIBITIONS.—Section 922 of such title is
21 amended by adding at the end the following:

22 “(s)(1) It shall be unlawful for any person to possess
23 or transfer a handgun or handgun ammunition, except as
24 provided in this subsection.

1 “(2) Any of the following persons may transfer a
2 handgun or handgun ammunition to any other of the fol-
3 lowing persons:

4 “(A) A member of a licensed handgun club.

5 “(B) An authorized security guard service.

6 “(C) A person licensed under section 923.

7 “(3)(A) A member of a licensed handgun club may
8 possess a handgun or handgun ammunition on the prem-
9 ises of the club.

10 “(B) An individual authorized by a State to provide
11 security services and employed as a security guard may
12 possess a handgun or handgun ammunition within the
13 scope of such employment.

14 “(C) An individual certified or commissioned as a po-
15 lice officer under the laws of the United States or of any
16 State or political subdivision thereof may possess a hand-
17 gun or handgun ammunition at any location within the
18 scope of the certification or commission.

19 “(D) A person described in paragraph (2) of this sub-
20 section may possess a handgun or handgun ammunition
21 owned by a person licensed under section 923 at the loca-
22 tion specified on the license.

23 “(E) A person licensed under section 923 may trans-
24 port a handgun or handgun ammunition, title to which
25 has been lawfully transferred under paragraph (2) of this

1 subsection, directly to a location where the transferee may
2 lawfully possess the handgun or handgun ammunition, but
3 only in accordance with regulations prescribed by the
4 Secretary.

5 “(4) Paragraph (1) shall not apply to the United
6 States or any department or agency thereof, or any State
7 or any department, agency, or political subdivision there-
8 of.”.

9 (c) LICENSING OF HANDGUN CLUBS.—Section 923
10 of such title is amended by adding at the end the follow-
11 ing:

12 “(l)(1) Any person desiring to be licensed as a hand-
13 gun club may file an application for the license with the
14 Secretary.

15 “(2) The application shall be in such form and con-
16 tain only such information as the Secretary shall by regu-
17 lation prescribe.

18 “(3) The Secretary shall approve an application for
19 a license under this subsection if—

20 “(A) the applicant is a handgun club that—

21 “(i) has not willfully failed to disclose any
22 material information required in, and has not
23 made any false statement as to any material
24 fact in connection with, the application;

1 “(ii) has been founded and operates for
2 bona fide target shooting;

3 “(iii) has premises from which it operates;

4 “(iv) maintains possession and control of
5 the handguns used by its members at all times
6 when they are not in the possession of club
7 members;

8 “(v) has procedures and facilities on its
9 premises for keeping handguns in a secure
10 place, under the control of a designated officer
11 of the club at all times when they are not being
12 used for target shooting; and

13 “(vi) meets all requirements that the Sec-
14 retary may prescribe by regulation; and

15 “(B) no member of the club—

16 “(i) is a person whose membership and
17 participation in the club is in violation of State
18 or local law;

19 “(ii) is prohibited from transporting, ship-
20 ping, or receiving firearms or ammunition in
21 interstate or foreign commerce under subsection
22 (g) or (h) of section 922; or

23 “(iii) has willfully violated this chapter or
24 any regulation issued under this chapter.

1 “(4) If the Secretary approves an application for a
2 license under this subsection, then, upon payment by the
3 applicant of a \$100 fee, the Secretary shall issue to the
4 applicant a license entitling the applicant to operate as
5 a licensed handgun club.

6 “(5) A license issued under this subsection shall ex-
7 pire 1 year after the date of issuance.

8 “(6) The Secretary may, after notice and opportunity
9 for a hearing, revoke any license issued under this sub-
10 section if the holder of the license fails to continue to meet
11 the requirements of paragraph (3).”.

12 (d) RECORDKEEPING; INSPECTIONS.—Section 923 of
13 such title, as amended by subsection (c) of this section,
14 is amended by adding at the end the following:

15 “(m) Any person who transfers a handgun or hand-
16 gun ammunition shall—

17 “(1) maintain a record of the transfer in such
18 form as the Secretary may by regulation provide;
19 and

20 “(2) permit the Secretary to enter the premises
21 of the person (and, if the person is a member of a
22 licensed handgun club, the premises of the club) at
23 reasonable times for the purpose of inspecting the
24 record.”.

1 (e) REPORT OF LOSS OR THEFT.—Section 923 of
2 such title, as amended by subsections (c) and (d) of this
3 section, is amended by adding at the end the following:

4 “(n) Not later than 30 days after a person discovers
5 the loss by the person or the theft from the person of a
6 handgun, handgun ammunition, or a record required to
7 be maintained under this chapter, the person shall report
8 the loss or theft to the Secretary.”.

9 (f) PENALTIES.—Section 924(a) of such title is
10 amended—

11 (1) in paragraph (1)—

12 (A) in the matter before subparagraph (A),
13 by striking “paragraph (2) or (3) of”; and

14 (B) in subparagraph (B), by striking “or
15 (q)” and inserting “(r), or (s)”; and

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

17 “(5)(A) A person who violates section 923(n) shall
18 pay to the Secretary a civil penalty in an amount deter-
19 mined by the Secretary, of not less than \$2,000 nor more
20 than \$5,000.

21 “(B) A person shall pay to the Secretary a civil pen-
22 alty in an amount determined by the Secretary, of not less
23 than \$1,000 nor more than \$5,000, if the person—

24 “(i) violates section 922(s)(3)(E) or 923(m); or

1 “(ii) makes a false statement or representation
2 with respect to any matter covered by subsection (l)
3 or (m) of section 923.

4 “(C) Any handgun or handgun ammunition involved
5 or used in, or intended to be used in, a violation of this
6 chapter or any regulation issued under this chapter, or
7 any violation of any other criminal law of any State or
8 the United States, shall be subject to seizure and
9 forfeiture.”.

10 (g) RULE OF CONSTRUCTION.—The amendments
11 made by this section shall not be construed as modifying
12 or affecting any provision of—

13 (1) the National Firearms Act (chapter 53 of
14 the Internal Revenue Code of 1956);

15 (2) section 414 of the Mutual Security Act of
16 1954 (22 U.S.C. 1934), relating to munitions con-
17 trol; or

18 (3) section 1715 of title 18, United States
19 Code, relating to nonmailable firearms.

20 (h) EFFECTIVE DATE.—The amendments made by
21 this section shall apply to conduct engaged in after the
22 180-day period that begins with the date of the enactment
23 of this Act.

1 **SEC. 3. REPEAL OF PROHIBITIONS AGAINST RECORDING**
2 **FIREARMS RECORDS AT, OR TRANSFERRING**
3 **SUCH RECORDS TO, A PUBLIC FACILITY, AND**
4 **ESTABLISHING A SYSTEM FOR REGISTRA-**
5 **TION OF FIREARMS, FIREARMS OWNERS, OR**
6 **FIREARMS DISPOSITIONS.**

7 Section 926(a) of title 18, United States Code, is
8 amended by striking the 2nd and 3rd sentences.

9 **SEC. 4. RESTORATION OF RECORDKEEPING REQUIRE-**
10 **MENTS FOR DEALERS SELLING FIREARMS**
11 **FROM PERSONAL COLLECTIONS.**

12 Section 923 of title 18, United States Code, is
13 amended—

14 (1) in subsection (a), by striking “only that in-
15 formation necessary to determine eligibility for li-
16 censing” and inserting “such information”;

17 (2) in subsection (b), by striking “only that in-
18 formation necessary to determine eligibility” and in-
19 sserting “such information”; and

20 (3) in subsection (c), by striking “: *Provided,*
21 That no other recordkeeping shall be required” and
22 inserting “, and any other recordkeeping as may be
23 prescribed by the Secretary”.

1 **SEC. 5. STANDARD OF PROOF FOR REVOCATION OF FIRE-**
2 **ARMS LICENSES.**

3 Section 923(e) of title 18, United States Code, is
4 amended by striking “willfully” each place such term
5 appears.

6 **SEC. 6. INCREASE IN LICENSE FEES; MORE FREQUENT EX-**
7 **PIRATION OF CERTAIN LICENSES.**

8 (a) INCREASE IN LICENSE FEE.—Section 923(a) of
9 title 18, United States Code, is amended—

10 (1) by striking “\$1,000” each place such term
11 appears and inserting “\$5,000”;

12 (2) by striking “\$50” each place such term ap-
13 pears and inserting “\$3,500”;

14 (3) by striking “\$25” and inserting “\$500”;
15 and

16 (4) by striking “\$10” each place such term ap-
17 pears and inserting “\$3,000”.

18 (b) ANNUAL EXPIRATION OF DEALERS’ LICENSES.—
19 Section 923(c) of such title is amended by inserting after
20 the 1st sentence the following: “If the qualified applicant
21 is a dealer described in subsection (a)(3)(C), the period
22 stated in the license shall be 1 year.”.

1 **SEC. 7. STATE AND LOCAL FIREARMS LICENSES REQUIRED**
2 **AS A CONDITION OF FEDERAL LICENSE TO**
3 **DEAL IN FIREARMS.**

4 (a) LICENSE APPLICANTS.—Section 923(d)(1) of
5 title 18, United States Code, is amended—

6 (1) by striking “and” at the end of subpara-
7 graph (D);

8 (2) by striking the period at the end of sub-
9 paragraph (E) and inserting “; and”;

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

11 “(F) in the case of an application to engage in
12 the business of dealing in firearms, the applicant has
13 obtained any license, permit, or other document re-
14 quired under State or local law to engage in such a
15 business.”.

16 (b) LICENSE HOLDERS.—Section 923(e) of such title
17 is amended by inserting “or of State or local law relating
18 to firearms,” before “or any rule”.

19 **SEC. 8. PROHIBITION AGAINST DEALING IN FIREARMS**
20 **FROM A PRIVATE RESIDENCE.**

21 Section 923(d)(1)(E)(i) of title 18, United States
22 Code, is amended by inserting “, and which do not contain
23 living quarters unless such business is conducted or is in-
24 tended to be conducted in a part of the premises that is
25 (and the customer entrance to such part is) wholly sepa-
26 rate from such living quarters” before the comma.

1 **SEC. 9. REGULATIONS GOVERNING SECURE STORAGE OF**
2 **FIREARMS.**

3 Section 926 of title 18, United States Code, is
4 amended by adding at the end the following:

5 “(d) The Secretary shall prescribe regulations requir-
6 ing the secure storage of firearms by licensed dealers.”.

7 **SEC. 10. REGULATION BY THE CONSUMER PRODUCT SAFE-**
8 **TY COMMISSION.**

9 Section 3(a)(1) of the Consumer Product Safety Act
10 (15 U.S.C. 2052(a)(1)) is amended—

11 (1) by striking subparagraph (E), and

12 (2) by striking “described in subparagraph (E)
13 of this paragraph or”.

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