

103<sup>D</sup> CONGRESS  
1<sup>ST</sup> SESSION

# S. 1630

To require the withholding of Federal highway funds for States that do not require the immediate revocation of the drivers license of an individual who is found in possession of a handgun on the premises of an elementary or secondary school located in the State, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

NOVEMBER 5 (legislative day, NOVEMBER 2), 1993

Mr. BINGAMAN (for himself, Mr. PRYOR, and Mr. DODD) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

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## A BILL

To require the withholding of Federal highway funds for States that do not require the immediate revocation of the drivers license of an individual who is found in possession of a handgun on the premises of an elementary or secondary school located in the State, 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,*

1 **SECTION 1. HANDGUNS IN SCHOOLS LIMITATIONS.**

2 (a) ESTABLISHMENT.—Chapter 1 of title 23, United  
3 States Code, is amended by adding at the end the follow-  
4 ing new section:

5 **“§ 161. Handguns in Schools Limitations**

6 “(a) WITHHOLDING OF FUNDS FOR NONCOMPLI-  
7 ANCE.—

8 “(1) GENERAL RULE.—Beginning with fiscal  
9 year 1995 (or a later date determined pursuant to  
10 paragraph (2)(A)), the Secretary shall withhold the  
11 applicable percentage specified in paragraph (2) of  
12 the amount required to be apportioned to a State  
13 under paragraphs (1), (2), (5), and (6) of section  
14 104(b) for the fiscal year, if, for any period during  
15 the immediately preceding fiscal year, the State does  
16 not have in effect a State law that meets the re-  
17 quirements of subsection (c).

18 “(2) APPLICABLE PERCENTAGES.—

19 “(A) FIRST FISCAL YEAR.—For fiscal year  
20 1995, or the fiscal year immediately following  
21 the expiration of the first regular legislative ses-  
22 sion following the date of enactment of this sec-  
23 tion, whichever is later, the applicable percent-  
24 age shall be 5 percent.

25 “(B) SUBSEQUENT FISCAL YEARS.—For  
26 fiscal year 1996, and each subsequent fiscal

1           year, or for the second fiscal year after the ex-  
2           piration of the first regular legislative session  
3           following the date of enactment of this section,  
4           whichever is later, and for each subsequent fis-  
5           cal year, the applicable percentage shall be 10  
6           percent.

7           “(b) PERIOD OF AVAILABILITY; EFFECT OF COMPLI-  
8 ANCE AND NONCOMPLIANCE.—

9           “(1) PERIOD OF AVAILABILITY.—Any funds  
10          withheld under this section that would otherwise  
11          have been apportioned to a State shall remain avail-  
12          able for apportionment to the State until the end of  
13          the fourth fiscal year following the fiscal year for  
14          which the funds were made available.

15          “(2) APPORTIONMENT OF WITHHELD FUNDS  
16 AFTER COMPLIANCE.—If, before the last day of the  
17          period for which funds withheld under this section  
18          from apportionment are to remain available for ap-  
19          portionment to a State under paragraph (1), the  
20          State makes effective a State law that meets the re-  
21          quirements of subsection (c), as soon as practicable  
22          after the effective date of the law, the Secretary  
23          shall apportion to the State the withheld funds re-  
24          maining available for apportionment to the State  
25          pursuant to paragraph (1).

1           “(3) EFFECT OF NONCOMPLIANCE.—If, on the  
2 termination of the period for which funds withheld  
3 under this section from apportionment are available  
4 for apportionment to a State under paragraph (1),  
5 the State does not have in effect a State law that  
6 meets the requirements of subsection (c), the sums  
7 not obligated shall lapse, or, in the case of funds  
8 withheld from apportionment under section  
9 104(b)(5), the funds shall lapse and be made avail-  
10 able by the Secretary for projects in accordance with  
11 section 118(b).

12           “(c) REQUIREMENTS FOR STATE LAW.—

13           “(1) IN GENERAL.—The Secretary shall con-  
14 sider a State law as meeting the requirements of  
15 this subsection if the State law includes—

16                   “(A) the requirements for first offenses  
17 and subsequent offenses pursuant to para-  
18 graphs (2) and (3); and

19                   “(B) the exemptions described in para-  
20 graph (4).

21           “(2) FIRST OFFENSES.—A State law that  
22 meets the requirements of this subsection shall  
23 specify—

24                   “(A) that on receipt of notification of the  
25 principal (or equivalent official) of an elemen-

1            tary school or a secondary school located in the  
2            State that an individual was found in posses-  
3            sion of a handgun on the premises of the school  
4            who is not subject to an exemption described in  
5            paragraph (4), the head of the State entity re-  
6            sponsible for issuing drivers licenses for the op-  
7            eration of motor vehicles shall, pursuant to such  
8            procedures as the head (or appropriate State  
9            entity) establishes—

10            “(i) in the case of an individual who  
11            holds a drivers license issued by the State,  
12            revoke the drivers license of the individual;  
13            or

14            “(ii) in the case of an individual who  
15            does not hold a drivers license issued by  
16            the State (including any individual who  
17            has not attained the age required under  
18            State law to hold a drivers license), take  
19            such action as is necessary to ensure that  
20            the individual is subject to the restrictions  
21            referred to in subparagraph (B)(ii);

22            “(B)(i) a revocation period of 5 years ap-  
23            plicable to an individual referred to in subpara-  
24            graph (A)(i) beginning on the date on which the  
25            head of a State entity referred to in subpara-

1 graph (A) revokes the drivers license of the in-  
2 dividual; and

3 “(ii) a withholding period—

4 “(I) of 5 years, in the case of an indi-  
5 vidual referred to in subparagraph (A)(ii)  
6 who has attained the age required under  
7 the law of the State to hold a drivers li-  
8 cense; and

9 “(II) in the case of an individual re-  
10 ferred to in subparagraph (A)(ii) who has  
11 not attained the age required under the  
12 law of the State to hold a drivers license,  
13 that begins on the date on which the head  
14 of a State entity referred to in such sub-  
15 paragraph takes action pursuant to such  
16 subparagraph and ends on the later of—

17 “(aa) the date on which the indi-  
18 vidual attains the age of 18; or

19 “(bb) the date that is 5 years  
20 after the head takes the action; and

21 “(C) that during a withholding period or  
22 revocation period described in subparagraph  
23 (B), the State may not issue or reissue a driv-  
24 ers license to the individual who is subject to  
25 the withholding or revocation.

1           “(3) SUBSEQUENT OFFENSES.—A State law  
2 that meets the requirements of this subsection shall  
3 specify that if, during the 5-year period beginning  
4 on the date on which the head of a State entity re-  
5 ferred to in paragraph (2)(A) revokes a drivers li-  
6 cense of an individual pursuant to paragraph  
7 (2)(A)(i), or in the case of an individual who does  
8 not hold a drivers license, takes an action pursuant  
9 to paragraph (2)(A)(ii), the head receives a notifica-  
10 tion with respect to the individual by a principal (or  
11 equivalent official) pursuant to paragraph (2)(A),  
12 the head shall, pursuant to such procedures as the  
13 head (or appropriate State entity) shall establish—

14           “(A)(i) in the case of an individual who  
15 holds a drivers license issued by the State, re-  
16 voke the drivers license for a 10-year period  
17 (beginning on the date on which the head re-  
18 ceives the notification) during which the State  
19 may not reissue a drivers license to the individ-  
20 ual; or

21           “(ii) in the case of an individual who does  
22 not hold a drivers license issued by the State,  
23 take such action as may be necessary to ensure  
24 that the individual may not be issued a drivers  
25 license by the State during a period (beginning

1 on the date the head receives the notification)  
2 equal to—

3 “(I) 10 years; plus

4 “(II) the untolled amount of a revoca-  
5 tion or withholding period applicable to the  
6 individual that has been established pursu-  
7 ant to paragraph (2)(B) (if any), as of the  
8 date the head takes an action under this  
9 subsection; and

10 “(B) ensure that during an applicable pe-  
11 riod specified in subparagraph (A), no individ-  
12 ual subject to a revocation or withholding of a  
13 drivers license may be issued a drivers license  
14 by the State.

15 “(4) EXEMPTIONS.—A State law that meets the  
16 requirements of this subsection shall specify that the  
17 requirements of paragraphs (2) and (3) shall not  
18 apply to the possession of a handgun—

19 “(A) on private property that is not part  
20 of the premises of a school;

21 “(B) if—

22 “(i) the individual possessing the  
23 handgun is licensed to possess the hand-  
24 gun by the State in which the elementary



1 school or secondary school is located or by  
2 a political subdivision of the State; and

3 “(ii) the State or political subdivision  
4 of the State required that, as a condition  
5 of the issuance of the license, an appro-  
6 priate law enforcement authority of the  
7 State or political subdivision of the State  
8 verified that the individual is qualified pur-  
9 suant to applicable laws to hold the license;

10 “(C) that is—

11 “(i) not loaded; and

12 “(ii) in a locked container, or a locked  
13 firearms rack that is on a motor vehicle;

14 “(D) by an individual for use in a program  
15 approved by the appropriate official of an ele-  
16 mentary school or secondary school (or entity of  
17 the State or political subdivision of the State  
18 responsible for the administration of the ele-  
19 mentary school or secondary school);

20 “(E) by an individual in accordance with a  
21 contract that the appropriate official of the ele-  
22 mentary school or secondary school (or entity of  
23 the State or political subdivision of the State  
24 responsible for the administration of the ele-  
25 mentary school or secondary school) has en-

1           tered into with the individual or employer of the  
2           individual;

3           “(F) by a law enforcement officer acting in  
4           an official capacity; or

5           “(G) that is unloaded and possessed by an  
6           individual while traversing the premises of the  
7           elementary or secondary school for the purpose  
8           of gaining access to public or private lands open  
9           to hunting, if the entry on the premises of the  
10          elementary school or secondary school is au-  
11          thorized by the appropriate official of the school  
12          (or entity of the State or political subdivision of  
13          the State responsible for the administration of  
14          the elementary school or secondary school).

15          “(d) DEFINITIONS.—As used in this section:

16           “(1) ELEMENTARY SCHOOL.—The term ‘ele-  
17           mentary school’ has the meaning provided the term  
18           in 1471(8) of the Elementary and Secondary Edu-  
19           cation Act of 1965 (20 U.S.C. 2891(8)).

20           “(2) HANDGUN.—The term ‘handgun’ means—

21           “(A) a firearm that has a short stock and  
22           is designed to be held and fired by the use of  
23           a single hand; or

1           “(B) any combination of parts from which  
2           a firearm described in subparagraph (A) can be  
3           assembled.

4           “(3) PREMISES.—With respect to an elemen-  
5           tary school or secondary school, the term ‘premises’  
6           includes the school building and the grounds of the  
7           school.

8           “(4) SECONDARY SCHOOL.—The term ‘second-  
9           ary school’ has the meaning provided the term in  
10          section 1471(21) of the Elementary and Secondary  
11          Education Act of 1965 (20 U.S.C. 2891(21)).”.

12          (b) CONFORMING AMENDMENT.—The analysis for  
13          chapter 1 of title 23, United States Code, is amended by  
14          adding at the end the following new item:

          “161. Handguns in schools limitations.”.

15          (c) STATUTORY CONSTRUCTION.—Nothing in this  
16          section or the amendments made by this section is in-  
17          tended to limit the authority of the government of a State  
18          or political subdivision of a State to enact and enforce a  
19          law that imposes a penalty that exceeds or supplements  
20          the penalties specified in section 161 of title 23, United  
21          States Code (as added by subsection (a)).

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