

103D CONGRESS
1ST SESSION

S. 639

To make unlawful the possession of certain assault weapons, to establish a Federal penalty for drive-by shootings, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 23 (legislative day, MARCH 3), 1993

Mr. DECONCINI (for himself, Mr. SIMON, Mr. PRYOR, Mr. BUMPERS, Mr. KOHL, Mr. BRADLEY, Mr. CHAFEE, Mr. SARBANES, Mr. MOYNIHAN, and Mr. WARNER) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To make unlawful the possession of certain assault weapons, to establish a Federal penalty for drive-by shootings, 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 **TITLE I—ASSAULT WEAPONS**

4 **SECTION 101. SHORT TITLE.**

5 This title may be cited as the “Antidrug Assault
6 Weapons Limitation Act of 1993”.

1 **SEC. 102. DEFINITIONS.**

2 (a) IN GENERAL.—Section 921(a) of title 18, United
3 States Code, is amended by adding at the end the follow-
4 ing new paragraphs:

5 “(29) The term ‘assault weapon’ means any of the
6 firearms known as—

7 “(A) Norinco, Mitchell, and Poly Technologies
8 Avtomat Kalashnikovs (all models);

9 “(B) Action Arms Israeli Military Industries
10 UZI and Galil;

11 “(C) Beretta AR-70 (SC-70);

12 “(D) Colt AR-15 and CAR-15;

13 “(E) Fabrique Nationale FN/FAL, FN/LAR,
14 and FNC;

15 “(F) MAC 10 and MAC 11;

16 “(G) Steyr AUG;

17 “(H) INTRATEC TEC-9; and

18 “(I) Street Sweeper and Striker 12.

19 “(30) The term ‘form 4473’ means the form pre-
20 scribed by the Secretary in section 178.124 of the Code
21 of Regulations as of the date of enactment of this para-
22 graph, as that form or paragraph may be amended, or
23 a successor form or regulation, or the equivalent of such
24 a form.”.

25 (b) RECOMMENDATIONS OF THE SECRETARY.—

1 Chapter 44 of title 18, United States Code, is amend-
2 ed—

3 (1) by adding at the end the following new sec-
4 tion:

5 **“§931. Additional assault weapons**

6 “The Secretary, in consultation with the Attorney
7 General, may recommend to the Congress the addition or
8 deletion of firearms designated as assault weapons under
9 section 921(29).”; and

10 (2) in the chapter analysis by adding at the end
11 the following new item:

“931. Additional assault weapons.”.

12 **SEC. 103. UNLAWFUL ACTS.**

13 Section 922 of title 18, United States Code, is
14 amended by adding at the end the following new sub-
15 sections:

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

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

20 “(A) the transfer, importation, transportation,
21 shipping, and receipt to or by, or possession by or
22 under, authority of the United States or any depart-
23 ment or agency thereof or of any State or any de-
24 partment, agency, or political subdivision thereof, of
25 an assault weapon; or

1 “(B) a lawful transfer, transportation, shipping,
2 receipt, or possession of an assault weapon that was
3 lawfully possessed before the effective date of this
4 subsection.

5 “(t)(1) It shall be unlawful for a person to sell, ship,
6 or deliver an assault weapon to a person who does not
7 fill out a form 4473 in connection with the purchase of
8 the assault weapon.

9 “(2) It shall be unlawful for a person to purchase,
10 possess, or accept delivery of an assault weapon unless the
11 person has filled out a form 4473 in connection with the
12 purchase of the assault weapon.

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

17 “(4) An owner of an assault weapon on the effective
18 date of this subsection who requires retention of form
19 4473 under this subsection shall, within 90 days after
20 publication of regulations by the Secretary under para-
21 graph (5), request a copy of form 4473 from a licensed
22 dealer in accordance with those 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 form 4473 under paragraph
2 (4).”.

3 **SEC. 104. PENALTIES.**

4 Section 924 of title 18, United States Code, is
5 amended—

6 (1) in subsection (c) by inserting “and if the
7 firearm is an assault weapon, to imprisonment for
8 10 years,” after “sentenced to imprisonment for five
9 years,”; and

10 (2) by adding at the end the following new sub-
11 section:

12 “(i) A person who knowingly violates section 922(t)
13 shall be fined not more than \$1,000 (in accordance with
14 section 3571(e)), imprisoned not more than 6 months, or
15 both.”.

16 **SEC. 105. DISABILITY.**

17 Section 922(g)(1) of title 18, United States Code, is
18 amended by inserting “or a violation of section 922(t)”
19 before the semicolon at the end.

20 **SEC. 106. STUDY BY THE ATTORNEY GENERAL.**

21 (a) STUDY.—The Attorney General shall investigate
22 and study the effect of this Act and the amendments made
23 by this Act and in particular shall determine their impact,
24 if any, on violent and drug trafficking crime. The study

1 shall be conducted over a period of 18 months, commenc-
 2 ing 12 months after the date of enactment of this Act.

3 (b) REPORT.—Not later than 30 months after the
 4 date of enactment of this Act, the Attorney General shall
 5 prepare and submit to Congress a report setting forth in
 6 detail the findings and determinations made in the study
 7 under subsection (a).

8 **SEC. 107. EFFECTIVE DATE.**

9 This title and the amendments made by this title—

10 (1) shall become effective on the date that is 30
 11 days after the date of enactment of this Act; and

12 (2) are repealed effective as of the date that is
 13 3 years after the effective date.

14 **TITLE II—INDISCRIMINATE USE**
 15 **OF WEAPONS TO FURTHER**
 16 **DRUG CONSPIRACIES**

17 **SEC. 201. SHORT TITLE.**

18 This title may be cited as the “Drive-By Shooting
 19 Prevention Act of 1993”.

20 **SEC. 202. DRIVE-BY SHOOTING.**

21 (a) IN GENERAL.—Chapter 2 of title 18, United
 22 States Code, is amended by adding at the end the follow-
 23 ing new section:

24 **“§ 36. Drive-by shooting**

25 **“(a) OFFENSE AND PENALTIES.—**

1 “(1) Whoever, in furtherance or to escape de-
2 tection of a major drug offense listed in subsection
3 (b) and, with the intent to intimidate, harass, injure,
4 or maim, fires a weapon into a group of two or more
5 persons and who, in the course of such conduct,
6 causes grave risk to any human life shall be pun-
7 ished by a term of no more than 25 years, or by fine
8 as provided under this title, or both.

9 “(2) Whoever, in furtherance or to escape de-
10 tection of a major drug offense listed in subsection
11 (b) and, with the intent to intimidate, harass, injure,
12 or maim, fires a weapon into a group of two or more
13 persons and who, in the course of such conduct, kills
14 any person shall, if the killing—

15 “(A) is a first degree murder as defined in
16 section 1111(a) of this title, be punished by
17 death or imprisonment for any term of years or
18 for life, fined under this title, or both: or

19 “(B) is a murder other than a first degree
20 murder as defined in section 1111(a) of this
21 title, be fined under this title, imprisoned for
22 any term of years or for life, or both.

23 “(b) MAJOR DRUG OFFENSE DEFINED.—A major
24 drug offense within the meaning of subsection (a) is one
25 of the following:

1 “(1) a continuing criminal enterprise, punish-
2 able under section 403(c) of the Controlled Sub-
3 stances Act (21 U.S.C. 848(c));

4 “(2) a conspiracy to distribute controlled sub-
5 stances punishable under section 406 of the Con-
6 trolled Substances Act (21 U.S.C. 846) or punish-
7 able under section 1013 of the Controlled Sub-
8 stances Import and Export Control Act (21 U.S.C.
9 963); or

10 “(3) an offense involving major quantities of
11 drugs and punishable under section 401(b)(1)(A) of
12 the Controlled Substances Act (21 U.S.C.
13 841(b)(1)(A)) or section 1010(b)(1) of the Con-
14 trolled Substances Import and Export Act (21
15 U.S.C. 960(b)(1)).”.

16 (b) TECHNICAL AMENDMENT.—The chapter analysis
17 for chapter 2 of title 18, United States Code, is amended
18 by adding at the end the following new item:

“36. Drive-by shooting.”.

19 **TITLE III—MISCELLANEOUS**
20 **FIREARMS OFFENSES**

21 **SEC. 301. STEALING AND SMUGGLING OF FIREARMS.**

22 Section 924 of title 18, United States Code, is
23 amended by adding at the end the following new sub-
24 sections:

1 “(i) A person who steals a firearm that is moving as,
2 is a part of, or has moved in interstate or foreign com-
3 merce shall be imprisoned not less than 2 nor more than
4 10 years and may be fined under this title.

5 “(j) A person who, with the intent to engage in or
6 to promote conduct that—

7 “(1) is punishable under the Controlled Sub-
8 stances Act (21 U.S.C. 801 et seq.), the Controlled
9 Substances Import and Export Act (212 U.S.C. 951
10 et seq.), or the Maritime Drug Law Enforcement
11 Act (46 U.S.C. App. 1901 et seq.);

12 “(2) violates a State law relating to a controlled
13 substance (as defined in section 102 of the Con-
14 trolled Substances Act (21 U.S.C. 802)); or

15 “(3) constitutes a crime of violence (as defined
16 in subsection (c)(3));

17 smuggles or knowingly brings into the United States a
18 firearm, or attempts to do so, shall be imprisoned not
19 more than 10 years, fined under this title, or both.”.

20 **SEC. 302. MANDATORY REVOCATION OF SUPERVISED RE-**
21 **LEASE FOR POSSESSION OF A FIREARM.**

22 Section 3583 of title 18, United States Code, is
23 amended by adding at the end the following new sub-
24 section:

1 “(h) MANDATORY REVOCATION OF SUPERVISED RE-
2 LEASE FOR POSSESSION OF A FIREARM.—If the court has
3 provided, as a condition of supervised release, that the de-
4 fendant refrain from possessing a firearm (as defined in
5 section 921), and if the defendant is in actual possession
6 of such a firearm at any time prior to the expiration or
7 termination of a term of supervised release, the court,
8 after a hearing pursuant to the provisions of the Federal
9 Rules of Criminal Procedure that are applicable to proba-
10 tion revocation, shall—

11 “(1) revoke the term of supervised release; and

12 “(2) subject to subsection (e)(3), require the
13 defendant to serve in prison all or part of the term
14 of supervised release without credit for time pre-
15 viously served on postrelease supervision.”.

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