

104TH CONGRESS
2D SESSION

H. R. 3085

To control crime by increasing penalties for armed violent criminals and drug dealers.

IN THE HOUSE OF REPRESENTATIVES

MARCH 14, 1996

Mr. CHRISTENSEN (for himself, Mr. ENSIGN, Mr. CHRYSLER, Mr. ENGLISH of Pennsylvania, Mrs. SEASTRAND, and Mr. SAM JOHNSON of Texas) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To control crime by increasing penalties for armed violent criminals and drug dealers.

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 “Hard Time for Gun
5 Crimes Act of 1996”.

1 **SEC. 2. MANDATORY PRISON TERMS FOR POSSESSING,**
2 **BRANDISHING, OR DISCHARGING A FIREARM**
3 **OR DESTRUCTIVE DEVICE DURING A CRIME**
4 **THAT IS A SERIOUS VIOLENT FELONY OR SE-**
5 **RIOUS DRUG OFFENSE.**

6 Section 924(c) of title 18, United States Code, is
7 amended—

8 (1) by redesignating paragraphs (2) and (3) as
9 paragraphs (5) and (6), respectively; and

10 (2) by striking paragraph (1) and inserting the
11 following:

12 “(1) A person who, during and in relation to any
13 crime of violence or drug trafficking crime (including a
14 crime of violence or serious drug trafficking crime which
15 provides for an enhanced punishment if committed by the
16 use of a deadly or dangerous weapon or device) for which
17 the person may be prosecuted in a court of the United
18 States—

19 “(A) possesses a firearm, shall, in addition to
20 the sentence imposed for the crime of violence or
21 drug trafficking crime, be sentenced to imprison-
22 ment for 10 years;

23 “(B) brandishes a firearm, shall, in addition to
24 the sentence imposed for the crime of violence or
25 drug trafficking crime, be sentenced to imprison-
26 ment for 25 years; or

1 “(C) discharges a firearm with the intent to in-
2 jure another person, shall, in addition to the sen-
3 tence imposed for the crime of violence or drug traf-
4 ficking crime, be sentenced to imprisonment for 30
5 years;

6 except that if the firearm is a machinegun or destructive
7 device or is equipped with a firearm silencer or firearm
8 muffler, such additional sentence shall be imprisonment
9 for 30 years more than the term of imprisonment that
10 would otherwise be imposed under this paragraph.

11 “(2) Paragraph (1) shall not apply to the conduct of
12 a person in defense of person or property during the
13 course of a crime committed by another person (including
14 the arrest or attempted arrest of such other person during
15 or immediately after the commission of the crime), unless
16 the person engaged in or participated in criminal conduct
17 that gave rise to the criminal conduct of such other per-
18 son.

19 “(3) In the case of the second or subsequent convic-
20 tion of a person under this subsection—

21 “(A) if the person possessed a firearm during
22 and in relation to such second or subsequent crime
23 of violence or drug trafficking crime, the person
24 shall, in addition to the sentence imposed for such

1 second or subsequent offense, be sentenced to im-
2 prisonment for not less than 20 years;

3 “(B) if the person brandished a firearm during
4 and in relation to such second or subsequent crime
5 of violence or drug trafficking crime, the person
6 shall, in addition to the sentence imposed for such
7 second or subsequent offense, be sentenced to im-
8 prisonment for not less than 35 years; or

9 “(C) if the person discharged a firearm with
10 the intent to injure another person during and in re-
11 lation to such second or subsequent crime of violence
12 or drug trafficking crime, the person shall, in addi-
13 tion to the sentence imposed for such second or sub-
14 sequent offense, be sentenced to imprisonment for
15 not less than 50 years;

16 except that if the firearm is a machinegun or destructive
17 device or is equipped with a firearm silencer or firearm
18 muffler, the person shall, in addition to the sentence im-
19 posed for such second or subsequent offense, be sentenced
20 to life imprisonment.

21 “(4)(A) Notwithstanding any other provision of law,
22 the court shall not impose a probationary sentence on any
23 person convicted of a violation of this subsection, nor shall
24 a term of imprisonment imposed under this subsection run
25 concurrently with any other term of imprisonment includ-

1 ing that imposed for the crime of violence, drug trafficking
2 crime, serious violent felony, or serious drug offense in
3 which the firearm was used.

4 “(B) No person sentenced under this subsection shall
5 be released for any reason whatsoever during a term of
6 imprisonment imposed under this subsection.”.

7 **SEC. 3. MANDATORY PENALTIES FOR VIOLENT FELONS.**

8 Section 924(a)(2) of title 18, United States Code, is
9 amended by adding at the end the following: “The court
10 shall sentence a person convicted of an offense under sec-
11 tion 922(g)(1) to not less than 10 years in prison if the
12 person has a prior conviction for a serious violent felony
13 (as defined in section 3559(c)(2)(F)), and to not less than
14 30 years in prison if the person has 2 such prior convic-
15 tions.”.

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