

104TH CONGRESS  
1ST SESSION

# S. 890

To amend title 18, United States Code, with respect to gun free schools,  
and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

JUNE 7 (legislative day, JUNE 5), 1995

Mr. KOHL (for himself, Mr. SPECTER, Mr. SIMON, Mrs. FEINSTEIN, Mr. BRADLEY, Mr. LAUTENBERG, Mr. CHAFEE, and Mr. KERREY) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## A BILL

To amend title 18, United States Code, with respect to  
gun free schools, 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 “Gun-Free School Zones  
5       Act of 1995”.

6       **SEC. 2. PROHIBITION.**

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

9       “(q)(1) The Congress finds and declares that—

1           “(A) crime, particularly crime involving drugs  
2           and guns, is a pervasive, nationwide problem;

3           “(B) crime at the local level is exacerbated by  
4           the interstate movement of drugs, guns, and criminal  
5           gangs;

6           “(C) firearms and ammunition move easily in  
7           interstate commerce and have been found in increasing  
8           numbers in and around schools, as documented  
9           in numerous hearings in both the Judiciary Committee  
10          of the House of Representatives and the Judiciary  
11          Committee of the Senate;

12          “(D) in fact, even before the sale of a firearm,  
13          the gun, its component parts, ammunition, and the  
14          raw materials from which they are made have considerably  
15          moved in interstate commerce;

16          “(E) while criminals freely move from State to  
17          State, ordinary citizens and foreign visitors may fear  
18          to travel to or through certain parts of the country  
19          due to concern about violent crime and gun violence,  
20          and parents may decline to send their children to  
21          school for the same reason;

22          “(F) the occurrence of violent crime in school  
23          zones has resulted in a decline in the quality of education  
24          in our country;

1           “(G) this decline in the quality of education has  
2           an adverse impact on interstate commerce and the  
3           foreign commerce of the United States;

4           “(H) States, localities, and school systems find  
5           it almost impossible to handle gun-related crime by  
6           themselves; even States, localities, and school sys-  
7           tems that have made strong efforts to prevent, de-  
8           tect, and punish gun-related crime find their efforts  
9           unavailing due in part to the failure or inability of  
10          other States or localities to take strong measures;  
11          and

12          “(I) Congress has power, under the interstate  
13          commerce clause and other provisions of the Con-  
14          stitution, to enact measures to ensure the integrity  
15          and safety of the Nation’s schools by enactment of  
16          this subsection.

17          “(2)(A) It shall be unlawful for any individual know-  
18          ingly to possess a firearm that has moved in or that other-  
19          wise affects interstate or foreign commerce at a place that  
20          the individual knows, or has reasonable cause to believe,  
21          is a school zone.

22          “(B) Subparagraph (A) shall not apply to the posses-  
23          sion of a firearm—

24                  “(i) on private property not part of school  
25                  grounds;

1           “(ii) if the individual possessing the firearm is  
2           licensed to do so by the State in which the school  
3           zone is located or a political subdivision of the State,  
4           and the law of the State or political subdivision re-  
5           quires that, before an individual obtains such a li-  
6           cense, the law enforcement authorities of the State  
7           or political subdivision verify that the individual is  
8           qualified under law to receive the license;

9           “(iii) which is—

10                 “(I) not loaded; and

11                 “(II) in a locked container, or a locked  
12                 firearms rack which is on a motor vehicle;

13           “(iv) by an individual for use in a program ap-  
14           proved by a school in the school zone;

15           “(v) by an individual in accordance with a con-  
16           tract entered into between a school in the school  
17           zone and the individual or an employer of the indi-  
18           vidual;

19           “(vi) by a law enforcement officer acting in his  
20           or her official capacity; or

21           “(vii) that is unloaded and is possessed by an  
22           individual while traversing school premises for the  
23           purpose of gaining access to public or private lands  
24           open to hunting, if the entry on school premises is  
25           authorized by school authorities.

1       “(3)(A) Except as provided in subparagraph (B), it  
2 shall be unlawful for any person, knowingly or with reck-  
3 less disregard for the safety of another, to discharge or  
4 attempt to discharge a firearm that has moved in or that  
5 otherwise affects interstate or foreign commerce at a place  
6 that the person knows is a school zone.

7       “(B) Subparagraph (A) shall not apply to the dis-  
8 charge of a firearm—

9               “(i) on private property not part of school  
10 grounds;

11              “(ii) as part of a program approved by a school  
12 in the school zone, by an individual who is partici-  
13 pating in the program;

14              “(iii) by an individual in accordance with a con-  
15 tract entered into between a school in a school zone  
16 and the individual or an employer of the individual;  
17 or

18              “(iv) by a law enforcement officer acting in his  
19 or her official capacity.

20       “(4) Nothing in this subsection shall be construed as  
21 preempting or preventing a State or local government  
22 from enacting a statute establishing gun free school zones  
23 as provided in this subsection.”.

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