

105TH CONGRESS
2^D SESSION

H. R. 4233

To amend title 18, United States Code, to require the reporting of information to the chief law enforcement officer of the buyer's residence and a minimum 72-hour waiting period before the purchase of a handgun.

IN THE HOUSE OF REPRESENTATIVES

JULY 15, 1998

Mr. SCHUMER introduced the following bill; which was referred to the
Committee on the Judiciary

A BILL

To amend title 18, United States Code, to require the reporting of information to the chief law enforcement officer of the buyer's residence and a minimum 72-hour waiting period before the purchase of a handgun.

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 “Brady Waiting Period
5 Extension Act of 1998”.

1 **SEC. 2. MINIMUM 72-HOUR HANDGUN PURCHASE WAITING**
2 **PERIOD ESTABLISHED.**

3 Section 922(t) of title 18, United States Code, is
4 amended—

5 (1) in paragraph (1)—

6 (A) in subparagraph (A)—

7 (i) by striking “before the completion
8 of the transfer, the licensee” and inserting
9 “after the most recent proposal of the
10 transfer by the transferee, the licensee, as
11 expeditiously as is feasible,”; and

12 (ii) by inserting “and the chief law en-
13 forcement officer of the place of residence
14 of the transferee” after “Act”;

15 (B) in subparagraph (B)(ii)—

16 (i) by striking “3” and inserting “5”;
17 and

18 (ii) by striking “and” after the semi-
19 colon;

20 (C) in subparagraph (C), by striking the
21 period and inserting “; and”; and

22 (D) by adding at the end the following:

23 “(D) if the firearm is a handgun—

24 “(i) at least 72 hours have elapsed since
25 the licensee contacted the system;

1 “(ii) the transferee has presented to the
2 transferor a written statement, issued by the
3 chief law enforcement officer of the place of res-
4 idence of the transferee during the 10-day pe-
5 riod ending on the date of the most recent pro-
6 posal of such transfer by the transferee, stating
7 that the transferee requires access to a hand-
8 gun because of a threat to the life of the trans-
9 feree or of any member of the household of the
10 transferee; or

11 “(iii) the law of the State requires that,
12 before any licensed importer, licensed manufac-
13 turer, or licensed dealer completes the transfer
14 of a handgun to an individual who is not li-
15 censed under section 923, an authorized State
16 or local government official verify that the in-
17 formation available to such official does not in-
18 dicate that possession of a handgun by the
19 transferee would be in violation of law.”; and

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

21 “(7) For purposes of this subsection, the term ‘chief
22 law enforcement officer’ means the chief of police, the
23 sheriff, or an equivalent officer or the designee of any such
24 individual.

1 “(8) Any chief law enforcement officer who accepts
2 a statement transmitted under paragraph (1)(A) shall,
3 within 20 business days after the date the transferee made
4 the statement, destroy the statement and any record con-
5 taining information derived from the statement, unless the
6 chief law enforcement officer determines that the trans-
7 action would violate Federal, State, or local law.

8 “(9) The Attorney General shall promulgate regula-
9 tions regarding the manner in which information shall be
10 transmitted by licensees to the national instant criminal
11 background check system under paragraph (1)(A).”.

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