

105TH CONGRESS
2^D SESSION

H. R. 424

IN THE SENATE OF THE UNITED STATES

FEBRUARY 25, 1998

Received; read twice and referred to the Committee on the Judiciary

AN ACT

To provide for increased mandatory minimum sentences for
criminals possessing firearms, 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. MANDATORY PRISON TERMS FOR POSSESSING,**
2 **BRANDISHING, OR DISCHARGING A FIREARM**
3 **OR DESTRUCTIVE DEVICE DURING A FED-**
4 **ERAL CRIME THAT IS A CRIME OF VIOLENCE**
5 **OR A DRUG TRAFFICKING CRIME.**

6 Section 924(e) 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 drug trafficking crime which provides
15 for an enhanced punishment if committed by the use of
16 a deadly or dangerous weapon or device) for which the
17 person may be prosecuted in a court of the United
18 States—

19 “(A) possesses a firearm in furtherance of the
20 crime, shall, in addition to the sentence imposed for
21 the crime of violence or drug trafficking crime, be
22 sentenced to imprisonment 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 15 years; or

1 “(C) discharges a firearm, shall, in addition to
2 the sentence imposed for the crime of violence or
3 drug trafficking crime, be sentenced to imprison-
4 ment for 20 years;

5 except that if the firearm is a machinegun or destructive
6 device or is equipped with a firearm silencer or firearm
7 muffler, such additional sentence shall be imprisonment
8 for 30 years.

9 “(2) In the case of the second or subsequent convic-
10 tion of a person under this subsection—

11 “(A) if the conviction is for possession of a fire-
12 arm as described in paragraph (1), the person shall,
13 in addition to the sentence imposed for the crime of
14 violence or drug trafficking crime involved, be sen-
15 tenced to imprisonment for not less than 20 years;

16 “(B) if the conviction is for brandishing a fire-
17 arm as described in paragraph (1), the person shall,
18 in addition to the sentence imposed for the crime of
19 violence or drug trafficking crime involved, be sen-
20 tenced to imprisonment for not less than 25 years;
21 or

22 “(C) if the conviction is for discharging a fire-
23 arm as described in paragraph (1), the person shall,
24 in addition to the sentence imposed for the crime of

1 violence or drug trafficking crime involved, be sen-
2 tenced to imprisonment for not less than 30 years;
3 except that if the firearm is a machinegun or destructive
4 device or is equipped with a firearm silencer or firearm
5 muffler, the person shall, in addition to the sentence im-
6 posed for the crime of violence or drug trafficking crime
7 involved, be sentenced to life imprisonment.

8 “(3) Notwithstanding any other provision of law, the
9 court shall not impose a probationary sentence on any per-
10 son convicted of a violation of this subsection, nor shall
11 a term of imprisonment imposed under this subsection run
12 concurrently with any other term of imprisonment includ-
13 ing that imposed for the crime of violence or drug traffick-
14 ing crime in which the firearm was used.

15 “(4) For purposes of this subsection, the term ‘bran-
16 dish’ means, with respect to a firearm, to display all or
17 part of the firearm so as to intimidate or threaten, regard-
18 less of whether the firearm is visible.”.

Passed the House of Representatives February 24,
1998.

Attest:

ROBIN H. CARLE,

Clerk.