

105TH CONGRESS  
1ST SESSION

# H. R. 787

To prohibit the manufacture, importation, exportation, sale, purchase, transfer, receipt, possession, or transportation of handguns and handgun ammunition, with certain exceptions.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 13, 1997

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

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## A BILL

To prohibit the manufacture, importation, exportation, sale, purchase, transfer, receipt, possession, or transportation of handguns and handgun ammunition, with certain exceptions.

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 “Public Health and  
5        Safety Act of 1997”.

6        **SEC. 2. FINDINGS AND DECLARATIONS.**

7        The Congress finds and declares that—

1           (1) the number of privately held handguns has  
2 more than doubled—from 33,000,000 in 1973 to  
3 more than 75,000,000 in 1995—in the past two dec-  
4 ades alone, and the number of handguns in circula-  
5 tion continues to increase by 2,500,000 handguns  
6 each year;

7           (2) handguns play a major role, disproportion-  
8 ate to their number in comparison with rifles and  
9 shotguns, in violent crime, intentional and accidental  
10 death, and intentional and accidental injury;

11           (3) while the number of homicides committed  
12 with long guns has remained relatively stable, the  
13 number of handgun homicides has set new records  
14 every year since 1987, matching pace with the sky-  
15 rocketing national homicide rate;

16           (4) the number of handgun-related incidents in  
17 elementary and secondary schools has increased  
18 sharply, with significant numbers of schoolchildren  
19 in rural and urban areas reporting easy access to  
20 and frequent carrying to school of handguns; and  
21 the presence of handguns in school not only pro-  
22 vokes worry among parents and children but also  
23 causes much needed school funds to be diverted for  
24 purchase of security equipment;

1           (5) handgun violence places considerable strain  
2           on the national health care system and the economy,  
3           at a cost of \$20,400,000,000 annually as a result of  
4           direct medical expenditures, lost productivity from  
5           injury-related illness and disability, and lost produc-  
6           tivity from premature death;

7           (6) handguns kept in the home are of less value  
8           than is commonly thought in defending against in-  
9           truders, and they are far more likely to increase sig-  
10          nificantly the danger of a handgun fatality or injury  
11          to the inhabitants (including children) than to en-  
12          hance their personal safety;

13          (7) violent crime and injury committed with  
14          handguns constitute a burden upon and interfere  
15          with interstate and foreign commerce, and threaten  
16          the domestic tranquility of the Nation; and

17          (8) current Federal firearms policy is wholly in-  
18          adequate to counteract the social, economic, and fi-  
19          nancial costs exacted by handguns to our society.

20 **SEC. 3. AMENDMENT OF TITLE 18, UNITED STATES CODE.**

21          Chapter 44 of title 18, United States Code, is amend-  
22 ed—

23               (1) by—

24                       (A) redesignating the text of the chapter  
25                       as subchapter A;

1 (B) inserting after the chapter heading the  
 2 following:

**“Subchapter**

“A. Firearms In General .....	921
“B. Handguns .....	941

“SUBCHAPTER A—FIREARMS IN GENERAL”;

3 and

4 (C) striking “this chapter” each place it  
 5 appears and inserting “this subchapter”; and

6 (2) by adding at the end the following new sub-  
 7 chapter:

“SUBCHAPTER B—HANDGUNS

“Sec.

“941. Definitions.

“942. Unlawful acts.

“943. Licensing of handgun clubs.

“944. Registration of security guard services.

“945. Recordkeeping and reports; transfers to licensed handgun clubs.

“946. Voluntary delivery to law enforcement agency; reimbursement.

“947. Penalties.

“948. Regulations.

“949. Relation to other law.

“950. Severability.

8 **“§ 941. Definitions**

9 “(a) TERMS DEFINED IN SECTION 921.—Unless oth-  
 10 erwise defined in subsection (b), a term used in this sub-  
 11 chapter that is defined in section 921 has the meaning  
 12 stated in that section.

13 “(b) ADDITIONAL TERMS.—As used in this sub-  
 14 chapter:

15 “‘Handgun’ means any firearm, including a  
 16 pistol or revolver, that is designed to be fired by the

1 use of a single hand, and any combination of parts  
2 from which such a firearm can be assembled.

3 “‘Handgun ammunition’ means ammunition  
4 that is designed for use primarily in a handgun.

5 “‘Handgun club’ means a club organized for  
6 bona fide target shooting with handguns.

7 “‘Licensed handgun club’ means a handgun  
8 club that is licensed under section 943.

9 “‘Registered security guard service’ means a  
10 security guard service that is registered under sec-  
11 tion 944.

12 “‘Security guard service’ means an entity that  
13 engages in the business of providing security guard  
14 services to the public.

15 **“§ 942. Unlawful acts**

16 “(a) OFFENSE.—Except as provided in subsections  
17 (b) and (c), it is unlawful for a person to manufacture,  
18 import, export, sell, buy, transfer, receive, own, possess,  
19 transport, or use a handgun or handgun ammunition.

20 “(b) EXCEPTIONS.—Subsection (a) does not apply  
21 to—

22 “(1) the Army, Navy, Air Force, Marine Corps,  
23 Coast Guard, and National Guard;

1           “(2) Federal, State, or local government agen-  
2           cies charged with law enforcement duties that re-  
3           quire its officers to possess handguns;

4           “(3) registered security guard services, and em-  
5           ployees of such services who are performing duties  
6           as security guards;

7           “(4) licensed handgun clubs; or

8           “(5) members of a licensed handgun club who  
9           are participating in otherwise lawful activities of the  
10          club.

11          “(c) APPROVED TRANSACTIONS.—Pursuant to regu-  
12          lations issued by the Secretary, the Secretary may approve  
13          the manufacture, importation, sale, purchase, transfer, re-  
14          ceipt, ownership, possession, transportation, and use of a  
15          handgun or handgun ammunition by licensed manufactur-  
16          ers, licensed importers, and licensed dealers as necessary  
17          to meet the lawful requirements of the persons and entities  
18          described in subsection (b).

19          **“§ 943. Licensing of handgun clubs**

20          “(a) HANDGUN CLUBS.—Pursuant to regulations is-  
21          sued by the Secretary, the Secretary may issue a license  
22          to a handgun club if—

23                  “(1) no member of the handgun club is a per-  
24                  son whose membership and participation in the club  
25                  is in violation of State or local law;

1           “(2) no member of the handgun club is prohib-  
2           ited from transporting, shipping, or receiving fire-  
3           arms or ammunition in interstate or foreign com-  
4           merce under section 922 (g) or (h);

5           “(3) no member of the handgun club has will-  
6           fully violated this chapter or any regulations issued  
7           under this chapter;

8           “(4) the handgun club has not willfully failed to  
9           disclose any material information required, and has  
10          not made any false statement as to any material fact  
11          in connection with its application;

12          “(5) the handgun club has been founded and is  
13          operated for bona fide target shooting;

14          “(6) the handgun club—

15                 “(A) has a single, established premises  
16                 from which it operates;

17                 “(B) has procedures for supervising the  
18                 use of handguns by its members at all times;

19                 “(C)(i) has procedures and has facilities on  
20                 its premises for keeping the handguns in a se-  
21                 cure place, under the control of a designated of-  
22                 ficer of the club, at all times when the hand-  
23                 guns are not being used by its members; and

24                 “(ii) has made arrangements for the stor-  
25                 age of the members’ handguns in a facility of

1 the local police department or other law en-  
2 forcement agency, at all times when the hand-  
3 guns are not being used by its members; and

4 “(D) meets all operational, safety, security,  
5 training, and other requirements that the Sec-  
6 retary may prescribe by regulation.

7 “(b) REVOCATION.—The Secretary shall revoke the  
8 license of a licensed handgun club that does not continue  
9 to meet the requirements of subsection (a).

10 “(c) LICENSE FEE.—A licensed handgun club shall  
11 pay to the Secretary an annual license fee of \$25.

12 **“§ 944. Registration of security guard services**

13 “(a) SECURITY GUARD SERVICES.—Under regula-  
14 tions issued by the Secretary, the Secretary may approve  
15 the registration of a security guard service if—

16 “(1)(A) the security guard service has proce-  
17 dures and has facilities on its premises for keeping  
18 its handguns in a secure place, under the control of  
19 a designated officer of the security guard service; or

20 “(B) has made arrangements for the storage of  
21 its handguns in a facility of the local police depart-  
22 ment or other law enforcement agency, at all times  
23 when such handguns are not in use for legitimate  
24 business purposes;



1           “(A) maintain records of such sales, trans-  
2           fers, receipts, and other dispositions of hand-  
3           guns and handgun ammunition, in such form as  
4           the Secretary may by regulation provide; and

5           “(B) permit the Secretary to enter its  
6           premises at reasonable times for the purpose of  
7           inspecting such records.

8           “(2) MEMBERS OF LICENSED HANDGUN  
9           CLUBS.—A member of a licensed handgun club who  
10          sells or otherwise transfers a handgun or handgun  
11          ammunition shall maintain records of such sales,  
12          transfers, receipts, and other dispositions of hand-  
13          guns and handgun ammunition, in such form as the  
14          Secretary may by regulation provide.

15          “(b) REPORTS OF LOSS OR THEFT.—(1) A licensed  
16          handgun club or registered security guard service shall re-  
17          port to the Secretary a loss or theft of any handgun in  
18          its possession or the possession of one of its members or  
19          employees not later than thirty days after the loss or theft  
20          is discovered.

21          “(2) A report made under paragraph (1) shall include  
22          such information as the Secretary by regulation shall pre-  
23          scribe, including the date and place of theft or loss.

24          “(c) TRANSFERS TO HANDGUN CLUBS.—A person  
25          that sells or otherwise transfers a handgun to a licensed

1 handgun club or member of a licensed handgun club shall  
2 transport or otherwise deliver the handgun directly to the  
3 premises of the licensed handgun club where the handgun  
4 will be kept.

5 **“§ 946. Voluntary delivery to law enforcement agen-**  
6 **cy; reimbursement**

7 “(a) DELIVERY.—A person may at any time volun-  
8 tarily deliver to any Federal, State, or local law enforce-  
9 ment agency designated by the Secretary a handgun  
10 owned or possessed by the person.

11 “(b) DISPOSITION.—The Secretary shall arrange  
12 with each agency designated to receive handguns for the  
13 transfer, destruction, or other disposition of handguns de-  
14 livered under subsection (a).

15 “(c) REIMBURSEMENT.—The Secretary shall pay to  
16 a person who delivers a handgun under subsection (a) on  
17 or prior to the date that is one hundred eighty days after  
18 the date of enactment of this subchapter an amount equal  
19 to the greater of—

20 “(1) \$25; or

21 “(2) the fair market value of the handgun as  
22 determined by the Secretary.

23 “(d) AUTHORIZATION OF APPROPRIATIONS.—There  
24 are authorized to be appropriated to the Secretary such

1 sums as are necessary to make such payments under sub-  
2 section (c).

3 **§ 947. Penalties**

4 “(a) VIOLATION OF SECTION 942.—(1) Except as  
5 provided in paragraph (2), a person who violates section  
6 942 shall be fined not more than \$5,000, imprisoned not  
7 more than five years, or both.

8 “(2) A person who voluntarily delivers a handgun  
9 under section 946(a) after the date that is one hundred  
10 eighty days after the date of enactment of this subchapter  
11 shall not be subject to criminal prosecution for possession  
12 of the handgun under any Federal, State, or local law,  
13 but shall pay to the Secretary a civil penalty in an amount  
14 determined by the Secretary, not to exceed \$500.

15 “(b) FAILURE TO REPORT LOSS OR THEFT.—A li-  
16 censed handgun club or registered security guard service  
17 that fails to report a loss or theft of a handgun as required  
18 by section 945(b)—

19 “(1) in the case of a negligent failure to report  
20 or a negligent failure to discover the loss or theft,  
21 shall pay to the Secretary a civil penalty in an  
22 amount determined by the Secretary, not to exceed  
23 \$1,000; and

24 “(2) in the case of an intentional failure to re-  
25 port, shall be fined not more than \$5,000, its officer

1 designated under section 943(a)(6)(C)(i) or  
2 944(a)(1)(A) imprisoned not more than five years,  
3 or both.

4 “(c) FAILURE TO DELIVER TO PREMISES OF LI-  
5 CENSED HANDGUN CLUB.—A person who sells or other-  
6 wise transfers a handgun to a licensed handgun club or  
7 member of a licensed handgun club and causes the hand-  
8 gun to be shipped or otherwise delivered by any means  
9 or to any place other than directly to the premises of the  
10 licensed handgun club where the handgun will be kept, in  
11 violation of section 945(c)—

12 “(1) in the case of a negligent delivery to an  
13 unauthorized place, shall pay to the Secretary a civil  
14 penalty in an amount determined by the Secretary,  
15 not to exceed \$1,000; and

16 “(2) in the case of an intentional delivery to an  
17 unauthorized place, shall be fined not more than  
18 \$5,000, imprisoned not more than five years, or  
19 both.

20 “(d) FALSE STATEMENT OR REPRESENTATION.—(1)  
21 A person who—

22 “(A) makes a false statement or representation  
23 with respect to information required by this sub-  
24 chapter to be kept in the records of an importer,  
25 manufacturer, dealer, or handgun club licensed

1 under this subchapter or security guard service reg-  
2 istered under this subchapter; or

3 “(B) makes a false statement or representation  
4 in applying for a handgun club license or security  
5 guard service registration under this subchapter,  
6 shall be subject to penalty under paragraph (2).

7 “(2)(A) In the case of a negligent making of a false  
8 statement or representation described in paragraph (1),  
9 the person shall pay to the Secretary a civil penalty in  
10 an amount determined by the Secretary, not to exceed  
11 \$1,000; and

12 “(B) in the case of an intentional making of a false  
13 statement or representation described in paragraph (1),  
14 the person shall be fined not more than \$5,000, impris-  
15 oned not more than five years, or both.

16 “(e) FAILURE TO KEEP OR PERMIT INSPECTION OF  
17 RECORDS.—A person who fails to keep or permit inspec-  
18 tion of records in violation of section 945(a)—

19 “(1) in the case of a negligent failure to main-  
20 tain records, shall pay to the Secretary a civil pen-  
21 alty in an amount determined by the Secretary, not  
22 to exceed \$1,000; and

23 “(2) in the case of an intentional failure to  
24 maintain records or any failure to permit inspection  
25 of records, shall be fined not more than \$5,000, and

1 its chief executive officer or other person responsible  
2 for the failure shall be imprisoned not more than  
3 five years, or both.

4 “(f) FORFEITURE.—Any handgun or handgun am-  
5 munition involved or used in, or intended to be used in,  
6 a violation of this subchapter or any regulation issued  
7 under this subchapter, or any violation of any other crimi-  
8 nal law of the United States, shall be subject to seizure  
9 and forfeiture, and all provisions of the Internal Revenue  
10 Code of 1986 relating to the seizure, forfeiture, and dis-  
11 position of firearms shall, so far as applicable, extend to  
12 seizures and forfeitures under this subchapter.

13 **“§ 948. Regulations**

14 “The Secretary may prescribe such regulations as the  
15 Secretary deems necessary to carry out this subchapter.

16 **“§ 949. Relation to other law**

17 “The regulation of handguns under this subchapter  
18 is in addition to the regulation of handguns under sub-  
19 chapter A and any other Federal, State, or local law.

20 **“§ 950. Severability**

21 “If any provision of this subchapter or the application  
22 thereof to any person or circumstance is held invalid, the  
23 remainder of the subchapter and the application of that  
24 provision to other persons not similarly situated or to  
25 other circumstances shall not be affected thereby.”.

1 **SEC. 4. RULE OF CONSTRUCTION.**

2 Nothing in this Act shall be construed as modifying  
3 or affecting any provision of—

4 (1) the National Firearms Act (chapter 53 of  
5 the Internal Revenue Code of 1956);

6 (2) section 414 of the Mutual Security Act of  
7 1954 (22 U.S.C. 1934), relating to munitions con-  
8 trol; or

9 (3) section 1715 of title 18, United States  
10 Code, relating to nonmailable firearms.

11 **SEC. 5. EFFECTIVE DATE.**

12 (a) IN GENERAL.—Except as provided in subsection  
13 (b), this Act and the amendments made by this Act shall  
14 take effect on the date of enactment of this Act.

15 (b) DELAYED EFFECTIVE DATE.—Sections 942 and  
16 945 of title 18, United States Code, as added by section  
17 3 of this Act, shall take effect on the date that is one  
18 hundred and eighty days after the date of enactment of  
19 this Act.

○