

105TH CONGRESS
2^D SESSION

S. 191

AMENDMENT

In the House of Representatives, U. S.,

October 9, 1998.

Resolved, That the bill from the Senate (S. 191) entitled “An Act to throttle criminal use of guns”, do pass with the following

AMENDMENT:

Strike out all after the enacting clause and insert:

1 ***SECTION 1. AMENDMENT TO TITLE 18, UNITED STATES***

2 ***CODE.***

3 *(a) IN GENERAL.—Section 924(c) of title 18, United*
4 *States Code, is amended—*

5 *(1) by striking “(c)” and all that follows through*
6 *the end of paragraph (1) and inserting the following:*

7 *“(c)(1)(A) Except to the extent that a greater mini-*
8 *imum sentence is otherwise provided by this subsection or*
9 *by any other provision of law, any person who, during and*
10 *in relation to any crime of violence or drug trafficking*
11 *crime (including a crime of violence or drug trafficking*
12 *crime that provides for an enhanced punishment if commit-*
13 *ted by the use of a deadly or dangerous weapon or device)*
14 *for which the person may be prosecuted in a court of the*
15 *United States, uses or carries a firearm, or who, in further-*

1 *ance of any such crime, possesses a firearm, shall, in addi-*
 2 *tion to the punishment provided for such crime of violence*
 3 *or drug trafficking crime—*

4 *“(i) be sentenced to a term of imprisonment of*
 5 *not less than 5 years;*

6 *“(ii) if the firearm is brandished, be sentenced to*
 7 *a term of imprisonment of not less than 7 years; and*

8 *“(iii) if the firearm is discharged, be sentenced*
 9 *to a term of imprisonment of not less than 10 years.*

10 *“(B) If the firearm possessed by a person convicted of*
 11 *a violation of this subsection—*

12 *“(i) is a short-barreled rifle, short-barreled shot-*
 13 *gun, or semiautomatic assault weapon, the person*
 14 *shall be sentenced to a term of imprisonment of not*
 15 *less than 10 years; or*

16 *“(ii) is a machinegun or a destructive device, or*
 17 *is equipped with a firearm silencer or firearm muf-*
 18 *fler, the person shall be sentenced to a term of impris-*
 19 *onment of not less than 30 years.*

20 *“(C) In the case of a second or subsequent conviction*
 21 *under this subsection, the person shall—*

22 *“(i) be sentenced to a term of imprisonment of*
 23 *not less than 25 years; and*

24 *“(ii) if the firearm involved is a machinegun or*
 25 *a destructive device, or is equipped with a firearm si-*

1 *lencer or firearm muffler, be sentenced to imprison-*
2 *ment for life.*

3 *“(D) Notwithstanding any other provision of law—*

4 *“(i) a court shall not place on probation any*
5 *person convicted of a violation of this subsection; and*

6 *“(ii) no term of imprisonment imposed on a per-*
7 *son under this subsection shall run concurrently with*
8 *any other term of imprisonment imposed on the per-*
9 *son, including any term of imprisonment imposed for*
10 *the crime of violence or drug trafficking crime during*
11 *which the firearm was used, carried, or possessed.”;*
12 *and*

13 *(2) by adding at the end the following:*

14 *“(4) For purposes of this subsection, the term*
15 *‘brandish’ means, with respect to a firearm, to dis-*
16 *play all or part of the firearm, or otherwise make the*
17 *presence of the firearm known to another person, in*
18 *order to intimidate that person, regardless of whether*
19 *the firearm is directly visible to that person.”.*

20 (b) *CONFORMING AMENDMENT.—Section*
21 *3559(c)(2)(F)(i) of title 18, United States Code, is amended*

- 1 *by inserting “firearms possession (as described in section*
- 2 *924(c));” after “firearms use;”.*

Attest:

Clerk.