

105TH CONGRESS  
1ST SESSION

# S. 191

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## AN ACT

To throttle criminal use of guns.

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. 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  
6 through “(2)” and inserting the following:

7 “(c) POSSESSION OF FIREARM DURING COMMISSION  
8 OF CRIME OF VIOLENCE OR DRUG TRAFFICKING  
9 CRIME.—

10 “(1) TERM OF IMPRISONMENT.—

11 “(A) IN GENERAL.—Except to the extent  
12 that a greater minimum sentence is otherwise  
13 provided by this subsection or by any other pro-  
14 vision of law, any person who, during and in re-  
15 lation to any crime of violence or drug traffick-  
16 ing crime (including a crime of violence or drug  
17 trafficking crime that provides for an enhanced  
18 punishment if committed by the use of a deadly  
19 or dangerous weapon or device) for which a per-  
20 son may be prosecuted in a court of the United  
21 States, uses or carries a firearm, or who, in fur-  
22 therance of any such crime, possesses a firearm,  
23 shall, in addition to the punishment provided  
24 for such crime of violence or drug trafficking  
25 crime—

1           “(i) be sentenced to a term of impris-  
2           onment of not less than 5 years; and

3           “(ii) if the firearm is discharged, be  
4           sentenced to a term of imprisonment of  
5           not less than 10 years.

6           “(B) EXCEPTION FOR CERTAIN OF-  
7           FENSES.—If the firearm possessed by a person  
8           convicted of a violation of this subsection—

9           “(i) is a short-barreled rifle, short-  
10          barreled shotgun, or semiautomatic assault  
11          weapon, the person shall be sentenced to a  
12          term of imprisonment of not less than 10  
13          years; and

14          “(ii) is a machinegun or a destructive  
15          device, or is equipped with a firearm si-  
16          lencer or firearm muffler, the person shall  
17          be sentenced to a term of imprisonment of  
18          not less than 30 years.

19          “(C) EXCEPTION FOR CERTAIN OFFEND-  
20          ERS.—In the case of a second or subsequent  
21          conviction under this subsection, a person  
22          shall—

23          “(i) be sentenced to a term of impris-  
24          onment of not less than 25 years; and

1           “(ii) if the firearm at issue is a ma-  
2           chinegun or a destructive device, or is  
3           equipped with a firearm silencer or firearm  
4           muffler, be sentenced to a term of impris-  
5           onment for life.

6           “(D) PROBATION AND CONCURRENT SEN-  
7           TENCES.—Notwithstanding any other provision  
8           of law—

9           “(i) a court shall not place on proba-  
10          tion any person convicted of a violation of  
11          this subsection; and

12          “(ii) no term of imprisonment im-  
13          posed on a person under this subsection  
14          shall run concurrently with any other term  
15          of imprisonment imposed on the person,  
16          including any term of imprisonment im-  
17          posed for the crime of violence or drug  
18          trafficking crime during which the firearm  
19          was used, carried, or possessed.

20          “(2) DEFINITION OF ‘DRUG TRAFFICKING  
21          CRIME’.—”; and

22          (2) in paragraph (3)—

23                 (A) by striking “(3) For” and inserting  
24                 the following:

1           “(3) DEFINITION OF ‘CRIME OF VIOLENCE’.—  
2       For”;

3                       (B) by indenting each of subparagraphs  
4       (A) and (B) 2 ems to the right.

5       (b)       CONFORMING        AMENDMENT.—Section  
6       3559(c)(2)(F)(i) of title 18, United States Code, is  
7       amended by inserting “firearms possession (as described  
8       in section 924(c));” after “firearms use;”.

      Passed the Senate November 13, 1997.

      Attest:

*Secretary.*

105<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

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