

105TH CONGRESS
1ST SESSION

S. 191

To throttle criminal use of guns.

IN THE SENATE OF THE UNITED STATES

JANUARY 22, 1997

Mr. HELMS (for himself, Mr. DEWINE, Mr. HATCH, Mr. NICKLES, Mr. ABRAHAM, and Mr. FAIRCLOTH) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

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,*

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

4 **CODE.**

5 Section 924(e) of title 18, United States Code, is
6 amended—

7 (1) by striking “(e)” and all that follows
8 through “(2)” and inserting the following:

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

1 “(1) TERM OF IMPRISONMENT.—

2 “(A) IN GENERAL.—Except to the extent
3 that a greater minimum sentence is otherwise
4 provided by this subsection or by any other pro-
5 vision of law, any person who, during and in re-
6 lation to any crime of violence or drug traffick-
7 ing crime (including a crime of violence or drug
8 trafficking crime that provides for an enhanced
9 punishment if committed by the use of a deadly
10 or dangerous weapon or device) for which a per-
11 son may be prosecuted in a court of the United
12 States, uses, carries, or possesses a firearm
13 shall, in addition to the punishment provided
14 for such crime of violence or drug trafficking
15 crime—

16 “(i) be sentenced to a term of impris-
17 onment of not less than 5 years;

18 “(ii) if the firearm is discharged, be
19 sentenced to a term of imprisonment of
20 not less than 10 years; and

21 “(iii) if the death of any person re-
22 sults, be sentenced to a term of imprison-
23 ment for life or sentenced to death.

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

4 “(i) is a short-barreled rifle, short-
5 barreled shotgun, or semiautomatic assault
6 weapon, the person shall be—

7 “(I) sentenced to a term of im-
8 prisonment of not less than 10 years;
9 and

10 “(II) if the death of any person
11 results, sentenced to a term of impris-
12 onment for life or sentenced to death;
13 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—

18 “(I) sentenced to a term of im-
19 prisonment of not less than 30 years;
20 and

21 “(II) if the death of any person
22 results, sentenced to a term of impris-
23 onment for life or sentenced to death.

24 “(C) EXCEPTION FOR CERTAIN OFFEND-
25 ERS.—In the case of a second or subsequent

1 conviction under this subsection, a person
2 shall—

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

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

10 “(D) PROBATION AND CONCURRENT SEN-
11 TENCES.—Notwithstanding any other provision
12 of law—

13 “(i) a court shall not place on proba-
14 tion or suspend the sentence of any person
15 convicted of a violation of this subsection;
16 and

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

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

3 (2) in paragraph (3)—

4 (A) by striking “(3) For” and inserting
5 the following:

6 “(3) DEFINITION OF ‘CRIME OF VIOLENCE’.—
7 For”;

8 (B) by indenting each of subparagraphs

9 (A) and (B) 2 ems to the right.

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