

106TH CONGRESS  
2D SESSION

# S. 2324

To amend chapter 44 of title 18, United States Code, to require ballistics testing of all firearms manufactured and all firearms in custody of Federal agencies, and to add ballistics testing to existing firearms enforcement strategies.

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## IN THE SENATE OF THE UNITED STATES

MARCH 29, 2000

Mr. KOHL (for himself and Mrs. FEINSTEIN) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## A BILL

To amend chapter 44 of title 18, United States Code, to require ballistics testing of all firearms manufactured and all firearms in custody of Federal agencies, and to add ballistics testing to existing firearms enforcement strategies.

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 “Ballistics, Law Assist-  
5       ance, and Safety Technology Act” (“BLAST”).

6       **SEC. 2. PURPOSES.**

7       The purposes of this Act are—



1 **SEC. 102. TEST FIRING AND AUTOMATED STORAGE OF BAL-**  
2 **LISTICS RECORDS.**

3 (a) AMENDMENT.—Section 923 of title 18, United  
4 States Code, is amended by adding at the end the fol-  
5 lowing:

6 “(m)(1) In addition to the other licensing require-  
7 ments under this section, a licensed manufacturer or li-  
8 censed importer shall—

9 “(A) test fire firearms manufactured or im-  
10 ported by such licensees as specified by the Sec-  
11 retary by regulation;

12 “(B) prepare ballistics images of the fired bullet  
13 and cartridge casings from the test fire;

14 “(C) make the records available to the Sec-  
15 retary for entry in a computerized database; and

16 “(D) store the fired bullet and cartridge casings  
17 in such a manner and for such a period as specified  
18 by the Secretary by regulation.

19 “(2) Nothing in this subsection creates a cause of ac-  
20 tion against any Federal firearms licensee or any other  
21 person for any civil liability except for imposition of a civil  
22 penalty under this section.

23 “(3)(A) The Attorney General and the Secretary  
24 shall assist firearm manufacturers and importers in com-  
25 plying with paragraph (1) through—

1           “(i) the acquisition, disposition, and upgrades  
2 of ballistics equipment and bullet recovery equip-  
3 ment to be placed at or near the sites of licensed  
4 manufacturers and importers;

5           “(ii) the hiring or designation of personnel nec-  
6 essary to develop and maintain a database of ballis-  
7 tics images of fired bullets and cartridge casings, re-  
8 search and evaluation;

9           “(iii) providing education about the role of bal-  
10 listics as part of a comprehensive firearm crime re-  
11 duction strategy;

12           “(iv) providing for the coordination among Fed-  
13 eral, State, and local law enforcement and regulatory  
14 agencies and the firearm industry to curb firearm-  
15 related crime and illegal firearm trafficking; and

16           “(v) any other steps necessary to make ballis-  
17 tics testing effective.

18           “(B) The Attorney General and the Secretary shall—

19           “(i) establish a computer system through which  
20 State and local law enforcement agencies can  
21 promptly access ballistics records stored under this  
22 subsection, as soon as such a capability is available;  
23 and

24           “(ii) encourage training for all ballistics exam-  
25 iners.

1       “(4) Not later than 1 year after the date of enact-  
2 ment of this subsection and annually thereafter, the Attor-  
3 ney General and the Secretary shall submit to the Com-  
4 mittee on the Judiciary of the Senate and the Committee  
5 on the Judiciary of the House of Representatives a report  
6 regarding the impact of this section, including—

7           “(A) the number of Federal and State criminal  
8 investigations, arrests, indictments, and prosecutions  
9 of all cases in which access to ballistics records pro-  
10 vided under this section served as a valuable inves-  
11 tigative tool;

12           “(B) the extent to which ballistics records are  
13 accessible across jurisdictions; and

14           “(C) a statistical evaluation of the test pro-  
15 grams conducted pursuant to section 6 of the Ballis-  
16 tics, Law Assistance, and State Technology Act.

17       “(5) There is authorized to be appropriated to the  
18 Department of Justice and the Department of the Treas-  
19 ury for each of fiscal years 2001 through 2004,  
20 \$20,000,000 to carry out this subsection, including—

21           “(A) installation of ballistics equipment and  
22 bullet recovery equipment;

23           “(B) establishment of sites for ballistics testing;

24           “(C) salaries and expenses of necessary per-  
25 sonnel; and

1           “(D) research and evaluation.

2           “(6) The Secretary and the Attorney General shall  
3 conduct mandatory ballistics testing of all firearms ob-  
4 tained or in the possession of their respective agencies.”.

5           (b) EFFECTIVE DATE.—

6           (1) IN GENERAL.—Except as provided in para-  
7 graph (2), the amendment made by subsection (a)  
8 take effect on the date on which the Attorney Gen-  
9 eral and the Secretary of the Treasury, in consulta-  
10 tion with the Board of the National Integrated Bal-  
11 listics Information Network, certify that the ballis-  
12 tics systems used by the Department of Justice and  
13 the Department of the Treasury are sufficiently  
14 interoperable to make mandatory ballistics testing of  
15 new firearms possible.

16           (2) EFFECTIVE ON DATE OF ENACTMENT.—  
17 Section 923(m)(6) of title 18, United States Code,  
18 as added by subsection (a), shall take effect on the  
19 date of enactment of this Act.

20 **SEC. 103. PRIVACY RIGHTS OF LAW ABIDING CITIZENS.**

21           Ballistics information of individual guns in any form  
22 or database established by this Act may not be used for  
23 prosecutorial purposes unless law enforcement officials  
24 have a reasonable belief that a crime has been committed

1 and that ballistics information would assist in the inves-  
2 tigation of that crime.

3 **SEC. 104. DEMONSTRATION FIREARM CRIME REDUCTION**  
4 **STRATEGY.**

5 (a) IN GENERAL.—Not later than 60 days after the  
6 date of enactment of this Act, the Secretary of the Treas-  
7 ury and the Attorney General shall establish in the juris-  
8 dictions selected under subsection (c), a comprehensive  
9 firearm crime reduction strategy that meets the require-  
10 ments of subsection (b).

11 (b) PROGRAM ELEMENTS.—Each program estab-  
12 lished under subsection (a) shall, for the jurisdiction  
13 concerned—

14 (1) provide for ballistics testing, in accordance  
15 with criteria set forth by the National Integrated  
16 Ballistics Information Network, of all firearms re-  
17 covered during criminal investigations, in order to—

18 (A) identify the types and origins of the  
19 firearms;

20 (B) identify suspects; and

21 (C) link multiple crimes involving the same  
22 firearm;

23 (2) require that all identifying information re-  
24 lating to firearms recovered during criminal inves-  
25 tigation be promptly submitted to the Secretary of

1 the Treasury, in order to identify the types and ori-  
2 gins of the firearms and to identify illegal firearms  
3 traffickers;

4 (3) provide for coordination among Federal,  
5 State, and local law enforcement officials, firearm  
6 examiners, technicians, laboratory personnel, inves-  
7 tigators, and prosecutors in the tracing and ballistics  
8 testing of firearms and the investigation and pros-  
9 ecution of firearms-related crimes including illegal  
10 firearms trafficking; and

11 (4) require analysis of firearm tracing and bal-  
12 listics data in order to establish trends in firearm-  
13 related crime and firearm trafficking.

14 (c) PARTICIPATING JURISDICTIONS.—

15 (1) IN GENERAL.—The Secretary of the Treas-  
16 ury and the Attorney General shall select not fewer  
17 than 10 jurisdictions for participation in the pro-  
18 gram under this section.

19 (2) CONSIDERATIONS.—In selecting jurisdic-  
20 tions under this subsection, the Secretary of the  
21 Treasury and the Attorney General shall give pri-  
22 ority to jurisdictions that—

23 (A) participate in comprehensive firearm  
24 law enforcement strategies, including programs  
25 such as the Youth Crime Gun Interdiction Ini-

1           tiative (known as “YCGII”), Project Achilles,  
 2           Project Disarm, Project Triggerlock, Project  
 3           Exile, and Project Surefire, and Operation  
 4           Ceasefire;

5                   (B) draft a plan to share ballistics records  
 6           with nearby jurisdictions that require ballistics  
 7           testing of firearms recovered during criminal in-  
 8           vestigations; and

9                   (C) pledge to match Federal funds for the  
 10          expansion of ballistics testing on a one-on-one  
 11          basis.

12          (d) AUTHORIZATION OF APPROPRIATIONS.—There is  
 13          authorized to be appropriated for each of fiscal years 2001  
 14          through 2004, \$20,000,000 to carry out this section,  
 15          including—

16                   (1) installation of ballistics equipment; and

17                   (2) salaries and expenses for personnel (includ-  
 18          ing personnel from the Department of Justice and  
 19          the Bureau of Alcohol, Tobacco, and Firearms).

## 20                                   **TITLE II—EXILE**

### 21          **SEC. 201. TARGETED ENFORCEMENT OF FEDERAL FIRE-** 22                                   **ARMS LAWS.**

23                   (a) DESIGNATION.—The Attorney General and the  
 24          Secretary of the Treasury, after consultation with appro-  
 25          priate State and local officials, shall designate not less

1 than 50 local jurisdictions in which to enforce aggressively  
2 Federal laws designed to prevent the possession by crimi-  
3 nals of firearms (as defined in section 921(a) of title 18,  
4 United States Code).

5 (b) ASSISTANCE.—In order to provide assistance for  
6 the enforcement of Federal laws designed to prevent the  
7 possession by criminals of firearms, the Attorney General  
8 and the Secretary of the Treasury may—

9 (1) direct the detailing of Federal personnel, in-  
10 cluding Assistant United States Attorneys and  
11 agents and investigators of the Bureau of Alcohol,  
12 Tobacco, and Firearms, to designated jurisdictions,  
13 subject to the approval of the head of that depart-  
14 ment or agency that employs such personnel;

15 (2) coordinate activities with State and local of-  
16 ficials, including facilitation of training of State and  
17 local law enforcement officers and prosecutors in  
18 designated jurisdictions to work with Federal pros-  
19 ecutors, agents, and investigators to identify appro-  
20 priate cases for enforcement of Federal laws de-  
21 signed to prevent the possession by criminals of fire-  
22 arms;

23 (3) help coordinate, in conjunction with local of-  
24 ficials, local businesses, and community leaders, pub-  
25 lic outreach in designated jurisdictions regarding

1 penalties associated with violation of Federal laws  
2 designed to prevent the possession by criminals of  
3 firearms.

4 (c) CRITERIA FOR DESIGNATION.—In designating  
5 local jurisdictions under this section, the Attorney General  
6 and Secretary of the Treasury shall consider—

7 (1) the extent to which there is a high rate of  
8 recidivism among armed felons in the jurisdiction;

9 (2) the extent to which there is a high rate of  
10 violent crime in the jurisdiction;

11 (3) the extent to which State and local law en-  
12 forcement agencies have committed resources to re-  
13 spond to the illegal possession of firearms in the ju-  
14 risdiction, as an indication of their determination to  
15 respond aggressively to the problem;

16 (4) the extent to which a significant increase in  
17 the allocation of Federal resources is necessary to  
18 respond adequately to the illegal possession of fire-  
19 arms in the jurisdiction; and

20 (5) any other criteria as the Attorney General  
21 and Secretary of the Treasury consider to be appro-  
22 priate.

23 (d) PRIORITY.—In addition to the criteria set forth  
24 in subsection (c), in considering which local jurisdictions  
25 to designate under this section, the Attorney General and

1 the Secretary of the Treasury shall give priority to juris-  
2 dictions that have—

3 (1) demonstrated a commitment to enforcement  
4 of Federal firearms laws through participation in  
5 initiatives like the Youth Crime Gun Interdiction  
6 Initiative, Project Disarm, and Operation Ceasefire;

7 (2) identified a large number of convicted felons  
8 involved in firearms trafficking to individuals under  
9 age 25; and

10 (3) agreed to require that all identifying infor-  
11 mation relating to firearms recovered during crimi-  
12 nal investigations be promptly submitted to the Sec-  
13 retary of the Treasury to identify the types and ori-  
14 gins of such firearms and to identify illegal firearms  
15 traffickers.

16 (e) REPORTS AND EVALUATION.—

17 (1) ANNUAL REPORT.—The Attorney General  
18 and the Secretary of the Treasury shall annually  
19 submit to the Chairmen and Ranking Members of  
20 the Committees on the Judiciary of the House of  
21 Representatives and the Senate a report, which shall  
22 include information relating to—

23 (A) the number of arrests by Federal,  
24 State, and local law enforcement officials involv-

1           ing illegal possession of firearms by criminals in  
2           each designated city;

3                   (B) the number of individuals prosecuted  
4           for illegal firearms possession by criminals in  
5           Federal, State, and local court in each des-  
6           ignated city, the number of convictions, and a  
7           breakdown of sentences imposed; and

8                   (C) a description of the public outreach  
9           initiatives being implemented in designated ju-  
10          risdictions.

11           (2) EVALUATION.—Not later than 3 years after  
12          the date of enactment of this Act, the Attorney Gen-  
13          eral and the Secretary of the Treasury shall submit  
14          to the Chairmen and Ranking Members of the Com-  
15          mittees on the Judiciary of the House of Represent-  
16          atives and the Senate a report concerning the effec-  
17          tiveness of the designation of jurisdictions under this  
18          section, including an analysis of whether crime with-  
19          in the jurisdiction has been reduced or displaced to  
20          nearby jurisdictions, along with any recommenda-  
21          tions for related legislation.

22           (f) AUTHORIZATION OF APPROPRIATIONS.—There is  
23          authorized to be appropriated to carry out this section  
24          \$5,000,000 for each of fiscal years 2001 through 2004.

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