

106TH CONGRESS
1ST SESSION

S. 457

To amend section 922(t) of title 18, United States Code, to require the reporting of information to the chief law enforcement officer of the buyer's residence and to require a minimum 72-hour waiting period before the purchase of a handgun, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 24, 1999

Mr. DURBIN (for himself, Mr. CHAFEE, Mr. SCHUMER, Mr. LAUTENBERG, Mr. TORRICELLI, Mr. REED, Mrs. BOXER, and Mr. DODD) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To amend section 922(t) of title 18, United States Code, to require the reporting of information to the chief law enforcement officer of the buyer's residence and to require a minimum 72-hour waiting period before the purchase of a handgun, and for other purposes.

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 referred to as the "Permanent
5 Brady Waiting Period Act of 1999".

1 **SEC. 2. ESTABLISHMENT OF MINIMUM 72-HOUR HANDGUN**
2 **PURCHASE WAITING PERIOD.**

3 Section 922(t) of title 18, United States Code, is
4 amended—

5 (1) in paragraph (1)—

6 (A) in subparagraph (A)—

7 (i) by striking “before the completion
8 of the transfer, the licensee” and inserting
9 “after the most recent proposal of the
10 transfer by the transferee, the licensee, as
11 expeditiously as is feasible,”; and

12 (ii) by inserting “and the chief law en-
13 forcement officer of the place of residence
14 of the transferee” after “Act”;

15 (B) in subparagraph (B)(ii)—

16 (i) by striking “3” and inserting “5”;
17 and

18 (ii) by striking “and” at the end;

19 (C) in subparagraph (C), by striking the
20 period at the end and inserting “; and”; and

21 (D) by adding at the end the following:

22 “(D) if the firearm is a handgun—

23 “(i) not less than 72 hours have elapsed
24 since the licensee contacted the system;

25 “(ii) the transferee has presented to the
26 transferor a written statement, issued by the

1 chief law enforcement officer of the place of res-
2 idence of the transferee during the 10-day pe-
3 riod ending on the date of the most recent pro-
4 posal of such transfer by the transferee, stating
5 that the transferee requires access to a hand-
6 gun because of a threat to the life of the trans-
7 feree or of a member of the household of the
8 transferee; or

9 “(iii) the law of the State in which the pro-
10 posed transfer will occur requires, before any li-
11 censed importer, licensed manufacturer, or li-
12 censed dealer completes the transfer of a hand-
13 gun to an individual who is not licensed under
14 section 923, that an authorized State or local
15 official verify that the information available to
16 the official does not indicate that possession of
17 a handgun by the transferee would be in viola-
18 tion of the law, and the authorized State or
19 local official has provided such verification in
20 accordance with that law.”; and

21 (2) by adding at the end the following:

22 “(7) In this subsection, the term ‘chief law enforce-
23 ment officer’ means the chief of police, the sheriff, or an
24 equivalent officer of a law enforcement agency, or the des-
25 ignee of any such officer.

1 “(8) A chief law enforcement officer who is contacted
2 under paragraph (1)(A) with respect to the proposed
3 transfer of a firearm shall, not later than 20 business days
4 after the date on which the contact occurs, destroy any
5 statement or other record containing information derived
6 from the contact, unless the chief law enforcement officer
7 determines that the transfer would violate Federal, State,
8 or local law.

9 “(9) The Secretary of the Treasury shall promulgate
10 regulations regarding the manner in which information
11 shall be transmitted by licensees to the national instant
12 criminal background check system under paragraph
13 (1)(A).”.

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