

108TH CONGRESS
1ST SESSION

H. R. 221

To prevent handgun violence and illegal commerce in handguns.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 7, 2003

Mr. WEXLER (for himself, Mr. NADLER, and Mr. MORAN of Virginia) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To prevent handgun violence and illegal commerce in
handguns.

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 “Anti-Gunrunning Act
5 of 2003”.

6 **SEC. 2. PREVENTING GUN TRAFFICKING BY RESTRICTING**
7 **HANDGUN TRANSFERS TO ONE PER MONTH.**

8 (a) IN GENERAL.—Section 922 of title 18, United
9 States Code, is amended by adding at the end the fol-
10 lowing:

1 “(z)(1) The Congress finds and declares that—

2 “(A) crime, particularly crime involving drugs
3 and guns, is a pervasive, nationwide problem;

4 “(B) crime at the local level is exacerbated by
5 the interstate movement of drugs, guns, and crimi-
6 nal gangs;

7 “(C) firearms and ammunition move easily in
8 interstate commerce;

9 “(D) the illegal movement of firearms, and
10 handguns in particular, across state lines is a wide-
11 spread and pervasive national problem;

12 “(E) handguns (even when lawfully purchased)
13 are unlawfully transported across state lines by gun
14 traffickers and are illegally sold to prohibited per-
15 sons;

16 “(F) in fact, even before a firearm is illegally
17 sold by a trafficker, the gun, its component parts,
18 ammunition, and the raw materials from which it is
19 made have moved in interstate commerce;

20 “(G) law-abiding persons may fear to travel
21 interstate or to or through certain parts of the coun-
22 try due to concern about violent crime and gun vio-
23 lence;

24 “(H) the illegal movement of handguns across
25 state lines substantially affects the national market

1 for firearms, because handguns sold in one State in
2 which there are few restrictions provide a convenient
3 source for the acquisition of handguns by gun traf-
4 fickers who transport the handguns to jurisdictions
5 with stronger restrictions;

6 “(I) the unlawful sale of firearms by traffickers
7 provides a method by which firearms can be bought
8 and sold anonymously, without background checks
9 and without record-keeping requirements to enable
10 gun tracing;

11 “(J) handguns sold by traffickers are often ob-
12 tained by criminals and other prohibited persons
13 who frequently use guns that cannot be traced to
14 commit crimes;

15 “(K) handgun violence is a pervasive, national
16 problem that is exacerbated by the availability of
17 handguns through gun traffickers;

18 “(L) firearms from traffickers have been in-
19 volved in subsequent crimes including drug offenses,
20 crimes of violence, property crimes, and illegal pos-
21 session by felons and other prohibited persons;

22 “(M) because gun trafficking is often an inter-
23 state activity, individual States and localities are
24 often severely hampered in combating illegal hand-
25 gun purchases—even States and localities that have

1 made strong efforts to prevent, detect, and punish
2 gun-related crime and illegal trafficking of fire-
3 arms—as a result of the failure or inability of other
4 States or localities to take strong measures; and

5 “(N) the Congress has the power, under the
6 interstate commerce clause and other provisions of
7 the Constitution, to ensure, by enactment of this
8 section, that criminals and other prohibited persons
9 do not obtain firearms through gun traffickers.

10 “(2) It shall be unlawful for any licensed importer,
11 licensed manufacturer, or licensed dealer—

12 “(A) during any 30-day period, to sell, deliver,
13 or transfer 2 or more handguns to any single person
14 (other than a licensed importer, licensed manufac-
15 turer, or licensed dealer), or

16 “(B) to sell, deliver, or transfer a handgun to
17 any single person (other than a licensed importer, li-
18 censed manufacturer, or licensed dealer), knowing or
19 having reasonable cause to believe that the trans-
20 feree has already received 1 or more handguns with-
21 in the previous 30 days.

22 “(3)(A) It shall be unlawful for any person (other
23 than a licensed importer, licensed manufacturer, or li-
24 censed dealer) to receive more than one handgun within
25 any 30-day period.

1 “(B) Under such rules and regulations as the Attor-
2 ney General shall prescribe, subparagraph (A) shall not
3 apply to the loan or rental of a single handgun solely for
4 purposes of target shooting, provided that the recipient
5 possesses no more than one such loaned or rented hand-
6 gun at any one time.

7 “(4) Under such rules and regulations as the Attor-
8 ney General shall prescribe, paragraphs (2) and (3) shall
9 not apply to—

10 “(A) handguns transferred to or received by
11 qualified private security companies licensed to do
12 business within the State where the transfer occurs
13 for use by the company in its security operations,
14 provided that any handgun transferred under this
15 subsection is transferred through a licensed dealer
16 located in the State where the security company is
17 licensed to do business;

18 “(B) the disposition made of a handgun deliv-
19 ered to a person licensed under section 923 for the
20 sole purpose of repair or customizing when such
21 handgun or a replacement handgun of the same kind
22 and type is returned to the person from whom it was
23 received;

24 “(C) the loan or rental of a single handgun
25 from a person licensed under section 923, provided

1 that the recipient possesses no more than one such
2 loaned or rented handgun at any one time;

3 “(D) the redemption of pawned handguns from
4 a person licensed under section 923 by the person
5 from whom the handguns were received;

6 “(E) the receipt of curio or relic handguns by
7 a licensed collector;

8 “(F) the receipt of a single handgun from a
9 person licensed under section 923 to replace a lost
10 or stolen handgun of the same kind or type, where
11 the transferee has submitted to the licensee a copy
12 of an official police report establishing the loss or
13 theft of a handgun or handguns;

14 “(G) the transfer of handguns by bequest;

15 “(H) the transfer of handguns to the trans-
16 feror’s spouse, child, parent, stepparent, grand-
17 parent, grandchild, brother, or sister;

18 “(I) the transfer of all or part of a personal
19 firearms collection (as that term is defined in regula-
20 tions to be prescribed by the Attorney General) that
21 includes handguns, provided that the handguns in
22 the collection are transferred through a licensed im-
23 porter, manufacturer, or dealer located in the State
24 where the transferee resides; or

1 “(J) the transfer or receipt of a handgun for
2 the use of the United States or any department or
3 agency thereof or of any State or any department,
4 agency or political subdivision thereof.”.

5 (b) PENALTIES.—Section 924(a)(2) of such title is
6 amended by striking “or (o)” and inserting “(o), or (z)”.

7 (c) INCREASED PENALTIES FOR LICENSEES WHO
8 KNOWINGLY MAKE FALSE STATEMENTS IN REQUIRED
9 RECORDS.—

10 (1) Section 924(a)(3) of such title is amend-
11 ed—

12 (A) by striking “(A)”;

13 (B) by striking “or” after “chapter”;

14 (C) by striking subsection (B); and

15 (D) by striking “one year” and inserting
16 “5 years”.

17 (2) Section 924(a) of such title is amended by
18 adding at the end the following:

19 “(7) Any licensed dealer, licensed importer, licensed
20 manufacturer, or licensed collector who knowingly violates
21 section 922(m) shall be fined under this title, imprisoned
22 not more than 1 year, or both.”.

23 (d) CONFORMING CHANGES TO THE BRADY LAW.—
24 Section 922(t) of such title is amended—

1 (1) in paragraph (1)(B)(ii), by striking “(g) or
2 (n)” and inserting “(g), (n), or (z)”;

3 (2) in paragraph (2), by striking “(g) or (n)”
4 and inserting “(g), (n), or (z)”;

5 (3) in paragraph (3), by striking subparagraph
6 (A) and redesignating subparagraphs (B) and (C) as
7 subparagraphs (A) and (B), respectively;

8 (4) in paragraph (4), by striking “(g) or (n)”
9 and inserting “(g), (n), or (z)”;

10 (5) by adding at the end the following:

11 “(10) A licensee must, within three days of receiving
12 a request from the prospective transferee, notify the na-
13 tional instant criminal background check system of any
14 background check conducted pursuant to this section with-
15 in the previous 30 days that did not result in the transfer
16 of a handgun.

17 “(11) Information that is retained pursuant to Public
18 Law 103–159 may be used to effectuate section 922(z)
19 of this title.”.

20 (e) EFFECTIVE DATE.—The Attorney General shall
21 determine, and publish in the Federal Register, the date
22 on which this section shall become effective.

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