

109TH CONGRESS  
1ST SESSION

# H. R. 1312

To reauthorize the assault weapons ban, and for other purposes.

---

## IN THE HOUSE OF REPRESENTATIVES

MARCH 15, 2005

Mrs. McCARTHY introduced the following bill; which was referred to the Committee on the Judiciary

---

## A BILL

To reauthorize the assault weapons ban, 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 cited as the “Assault Weapons Ban  
5 and Law Enforcement Protection Act of 2005”.

6 **SEC. 2. REINSTATEMENT FOR 10 YEARS OF REPEALED**

7                   **CRIMINAL PROVISIONS RELATING TO AS-  
8 SAULT WEAPONS AND LARGE CAPACITY AM-  
9 MUNITION FEEDING DEVICES.**

10       (a) REINSTATEMENT OF PROVISIONS WHOLLY RE-  
11 PEALED.—Paragraphs (30) and (31) of section 921(a),

1 subsections (v) and (w) and Appendix A of section 922,  
2 and the last 2 sentences of section 923(i) of title 18,  
3 United States Code, as in effect just before the repeal  
4 made by section 110105(2) of the Violent Crime Control  
5 and Law Enforcement Act of 1994, are hereby enacted  
6 into law.

7 (b) REINSTATEMENT OF PROVISIONS PARTIALLY RE-  
8 PEAMED.—Section 924 of title 18, United States Code, is  
9 amended—

10 (1) in subsection (a)(1), by striking subpara-  
11 graph (B) and inserting the following:

12 “(B) knowingly violates subsection (a)(4), (f),  
13 (k), (r), (v), or (w) of section 922;”; and

14 (2) in subsection (c)(1)(B), by striking clause  
15 (i) and inserting the following:

16 “(i) is a short-barreled rifle, short-barreled  
17 shotgun, or semiautomatic assault weapon, the per-  
18 son shall be sentenced to a term of imprisonment of  
19 not less than 10 years; or”.

20 **SEC. 3. DEFINITIONS.**

21 (a) IN GENERAL.—Section 921(a)(30) of title 18,  
22 United States Code, as added by section 2(a) of this Act,  
23 is amended to read as follows:

24 “(30) The term ‘semiautomatic assault weapon’  
25 means any of the following:

1               “(A) The following rifles or copies or duplicates  
2               thereof:

3               “(i) AK, AKM, AKS, AK-47, AK-74,  
4               ARM, MAK90, Misr, NHM 90, NHM 91, SA  
5               85, SA 93, VEPR;

6               “(ii) AR-10;

7               “(iii) AR-15, Bushmaster XM15, Armalite  
8               M15, or Olympic Arms PCR;

9               “(iv) AR70;

10               “(v) Calico Liberty;

11               “(vi) Dragunov SVD Sniper Rifle or  
12               Dragunov SVU;

13               “(vii) Fabrique National FN/FAL, FN/  
14               LAR, or FNC;

15               “(viii) Hi-Point Carbine;

16               “(ix) HK-91, HK-93, HK-94, or HK-  
17               PSG-1;

18               “(x) Kel-Tec Sub Rifle;

19               “(xi) M1 Carbine;

20               “(xii) Saiga;

21               “(xiii) SAR-8, SAR-4800;

22               “(xiv) SKS with detachable magazine;

23               “(xv) SLG 95;

24               “(xvi) SLR 95 or 96;

25               “(xvii) Steyr AUG;

1               “(xviii) Sturm, Ruger Mini-14;  
2               “(xix) Tavor;  
3               “(xx) Thompson 1927, Thompson M1, or  
4               Thompson 1927 Commando; or  
5               “(xxi) Uzi, Galil and Uzi Sporter, Galil  
6               Sporter, or Galil Sniper Rifle (Galatz).

7               “(B) The following pistols or copies or dupli-  
8               cates thereof:

9               “(i) Calico M-110;  
10               “(ii) MAC-10, MAC-11, or MPA3;  
11               “(iii) Olympic Arms OA;  
12               “(iv) TEC-9, TEC-DC9, TEC-22 Scorp-  
13               ion, or AB-10; or  
14               “(v) Uzi.

15               “(C) The following shotguns or copies or dupli-  
16               cates thereof:

17               “(i) Armscor 30 BG;  
18               “(ii) SPAS 12 or LAW 12;  
19               “(iii) Striker 12; or  
20               “(iv) Streetsweeper.

21               “(D) A semiautomatic rifle that has an ability  
22               to accept a detachable magazine, and that has—

23               “(i) a folding or telescoping stock;  
24               “(ii) a threaded barrel;  
25               “(iii) a pistol grip;

1                   “(iv) a forward grip; or

2                   “(v) a barrel shroud.

3                   “(E)(i) Except as provided in clause (ii), a  
4                   semiautomatic rifle that has a fixed magazine with  
5                   the capacity to accept more than 10 rounds.

6                   “(ii) Clause (i) shall not apply to an attached  
7                   tubular device designed to accept, and capable of op-  
8                   erating only with, .22 caliber rimfire ammunition.

9                   “(F) A semiautomatic pistol that has the ability  
10                  to accept a detachable magazine, and has—

11                  “(i) a second pistol grip;

12                  “(ii) a threaded barrel;

13                  “(iii) a barrel shroud; or

14                  “(iv) the capacity to accept a detachable  
15                  magazine at a location outside of the pistol  
16                  grip.

17                  “(G) A semiautomatic pistol with a fixed maga-  
18                  zine that has the capacity to accept more than 10  
19                  rounds.

20                  “(H) A semiautomatic shotgun that has—

21                  “(i) a folding or telescoping stock;

22                  “(ii) a pistol grip;

23                  “(iii) the ability to accept a detachable  
24                  magazine; or

1                     “(iv) a fixed magazine capacity of more  
2                     than 5 rounds.

3                     “(I) A shotgun with a revolving cylinder.

4                     “(J) A frame or receiver that is identical to, or  
5                     based substantially on the frame or receiver of, a  
6                     firearm described in any of subparagraphs (A)  
7                     through (I) or (L).

8                     “(K) A conversion kit.

9                     “(L) A semiautomatic rifle or shotgun origi-  
10                     nally designed for military or law enforcement use,  
11                     or a firearm based on the design of such a firearm,  
12                     that is not particularly suitable for sporting pur-  
13                     poses, as determined by the Attorney General. In  
14                     making the determination, there shall be a rebut-  
15                     table presumption that a firearm procured for use  
16                     by the United States military or any Federal law en-  
17                     forcement agency is not particularly suitable for  
18                     sporting purposes, and a firearm shall not be deter-  
19                     mined to be particularly suitable for sporting pur-  
20                     poses solely because the firearm is suitable for use  
21                     in a sporting event.”.

22                     (b) RELATED DEFINITIONS.—Section 921(a) of such  
23                     title is amended by adding at the end the following:

24                     “(36) BARREL SHROUD.—The term ‘barrel shroud’  
25                     means a shroud that is attached to, or partially or com-

1    pletely encircles, the barrel of a firearm so that the shroud  
2    protects the user of the firearm from heat generated by  
3    the barrel, but does not include a slide that encloses the  
4    barrel, and does not include an extension of the stock  
5    along the bottom of the barrel which does not encircle or  
6    substantially encircle the barrel.

7       “(37) CONVERSION KIT.—The term ‘conversion kit’  
8    means any part or combination of parts designed and in-  
9    tended for use in converting a firearm into a semiauto-  
10    matic assault weapon, and any combination of parts from  
11    which a semiautomatic assault weapon can be assembled  
12    if the parts are in the possession or under the control of  
13    a person.

14       “(38) DETACHABLE MAGAZINE.—The term ‘detach-  
15    able magazine’ means an ammunition feeding device that  
16    can readily be inserted into a firearm.

17       “(39) FIXED MAGAZINE.—The term ‘fixed magazine’  
18    means an ammunition feeding device contained in, or per-  
19    manently attached to, a firearm.

20       “(40) FOLDING OR TELESCOPING STOCK.—The term  
21    ‘folding or telescoping stock’ means a stock that folds,  
22    telescopes, or otherwise operates to reduce the length, size,  
23    or any other dimension, or otherwise enhances the  
24    concealability, of a firearm.

1       “(41) FORWARD GRIP.—The term ‘forward grip’  
2 means a grip located forward of the trigger that functions  
3 as a pistol grip.

4       “(42) PISTOL GRIP.—The term ‘pistol grip’ means  
5 a grip, a thumbhole stock, or any other characteristic that  
6 can function as a grip.

7       “(43) THREADED BARREL.—The term ‘threaded  
8 barrel’ means a feature or characteristic that is designed  
9 in such a manner to allow for the attachment of a firearm  
10 as defined in section 5845(a) of the National Firearms  
11 Act (26 U.S.C. 5845(a)).”.

12 **SEC. 4. GRANDFATHER PROVISION.**

13       Section 922(v)(2) of title 18, United States Code, as  
14 added by section 2(a) of this Act, is amended—

15           (1) by inserting “(A)” after “(2)”; and  
16           (2) by adding after and below the end the fol-  
17 lowing:

18       “(B) Paragraph (1) shall not apply to any firearm  
19 the possession or transfer of which would (but for this sub-  
20 paragraph) be unlawful by reason of this subsection, and  
21 which is otherwise lawfully possessed on the date of the  
22 enactment of this subparagraph.”.

23 **SEC. 5. REPEAL OF CERTAIN EXEMPTIONS.**

24       Section 922(v)(3) of title 18, United States Code, as  
25 added by section 2(a) of this Act, is amended by striking

1 “(3)” and all that follows through the 1st sentence and  
2 inserting the following:

3       “(3) Paragraph (1) shall not apply to any firearm  
4 that—

5               “(A) is manually operated by bolt, pump, lever,  
6               or slide action;

7                   “(B) has been rendered permanently inoperable;  
8                   or

9                   “(C) is an antique firearm.”.

10 SEC. 6. REQUIRING BACKGROUND CHECKS FOR THE  
11 TRANSFER OF LAWFULLY POSSESSED SEMI-  
12 AUTOMATIC ASSAULT WEAPONS.

13       Section 922(v) of title 18, United States Code, as  
14 added by section 2(a) of this Act, is amended by adding  
15 at the end the following:

16       “(5) It shall be unlawful for any person to transfer  
17 a semiautomatic assault weapon to which paragraph (1)  
18 does not apply, except through—

19               “(A) a licensed dealer, and for purposes of sub-  
20               section (t) in the case of such a transfer, the weapon  
21               shall be considered to be transferred from the busi-  
22               ness inventory of the licensed dealer and the dealer  
23               shall be considered to be the transferor; or

24               “(B) a State or local law enforcement agency if  
25               the transfer is made in accordance with the proce-

1       dures provided for in subsection (t) of this section  
2       and section 923(g).

3       “(6) The Attorney General shall establish and main-  
4 tain, in a timely manner, a record of the make, model,  
5 and date of manufacture of any semiautomatic assault  
6 weapon which the Attorney General is made aware has  
7 been used in relation to a crime under Federal or State  
8 law, and the nature and circumstances of the crime in-  
9 volved, including the outcome of relevant criminal inves-  
10 tigations and proceedings. The Attorney General shall an-  
11 nually submit the record to the Congress and make the  
12 record available to the general public.”.

13 SEC. 7. STRENGTHENING THE BAN ON THE POSSESSION OR  
14 TRANSFER OF A LARGE CAPACITY AMMUNI-  
15 TION FEEDING DEVICE.

16 (a) BAN ON TRANSFER OF SEMIAUTOMATIC ASSAULT  
17 WEAPON WITH LARGE CAPACITY AMMUNITION FEEDING  
18 DEVICE.—

19 (1) IN GENERAL.—Section 922 of title 18,  
20 United States Code, is amended by inserting after  
21 subsection (v) the following:

22       “(z) It shall be unlawful for any person to transfer  
23 any assault weapon with a large capacity ammunition  
24 feeding device.”.

3       “(8) Whoever knowingly violates section 922(z) shall  
4 be fined under this title, imprisoned not more than 10  
5 years, or both.”.

6 (b) CERTIFICATION REQUIREMENT.—

9 (A) in paragraph (3)—

10 (i) by adding “or” at the end of sub-  
11 paragraph (B); and

12 (ii) by striking subparagraph (C) and  
13 redesignating subparagraph (D) as sub-  
14 paragraph (C); and

15 (B) by striking paragraph (4) and insert-  
16 ing the following:

17       “(4) It shall be unlawful for a licensed manufacturer,  
18 licensed importer, or licensed dealer who transfers a large  
19 capacity ammunition feeding device that was manufac-  
20 tured on or before the date of the enactment of this sub-  
21 section, to fail to certify to the Attorney General before  
22 the end of the 60-day period that begins with the date  
23 of the transfer, in accordance with regulations prescribed  
24 by the Attorney General, that the device was manufac-

1 tured on or before the date of the enactment of this sub-  
2 section.”.

3 (2) PENALTIES.—Section 924(a) of such title,  
4 as amended by subsection (a)(2) of this section, is  
5 amended by adding at the end the following:

6 “(9) Whoever knowingly violates section 922(w)(4)  
7 shall be fined under this title, imprisoned not more than  
8 5 years, or both.”.

9 **SEC. 8. UNLAWFUL WEAPONS TRANSFERS TO JUVENILES.**

10 Section 922(x) of title 18, United States Code, is  
11 amended—

12 (1) in paragraph (1)—

13 (A) in subparagraph (B), by striking the  
14 period and inserting a semicolon; and

15 (B) by adding at the end the following:

16 “(C) a semiautomatic assault weapon; or

17 “(D) a large capacity ammunition feeding de-  
18 vice.”; and

19 (2) in paragraph (2)—

20 (A) in subparagraph (B), by striking the  
21 period and inserting a semicolon; and

22 (B) by adding at the end the following:

23 “(C) a semiautomatic assault weapon; or

24 “(D) a large capacity ammunition feeding de-  
25 vice.”.

1 **SEC. 9. BAN ON IMPORTATION OF LARGE CAPACITY AMMU-**2 **NITION FEEDING DEVICE.**

3 (a) IN GENERAL.—Section 922(w) of title 18, United  
4 States Code, as added by section 2(a) of this Act, is  
5 amended—

6 (1) in paragraph (1), by striking “(1) Except as  
7 provided in paragraph (2)” and inserting “(1)(A)  
8 Except as provided in subparagraph (B)”;

9 (2) in paragraph (2), by striking “(2) Para-  
10 graph (1)” and inserting “(B) Subparagraph (A)”;  
11 and

12 (3) by inserting before paragraph (3) the fol-  
13 lowing:

14 “(2) It shall be unlawful for any person to import  
15 or bring into the United States a large capacity ammuni-  
16 tion feeding device.”.

17 (b) CONFORMING AMENDMENT.—Section  
18 921(a)(31)(A) of such title, as added by section 2(a) of  
19 this Act, is amended by striking “manufactured after the  
20 date of enactment of the Violent Crime Control and Law  
21 Enforcement Act of 1994”.

