

113TH CONGRESS
1ST SESSION

S. 903

To clarify State of residence requirements for aliens and nonimmigrant requirements for purposes of chapter 44 of title 18, United States Code.

IN THE SENATE OF THE UNITED STATES

MAY 8, 2013

Mr. REID (for Mr. LAUTENBERG (for himself, Mr. SCHUMER, Mr. WHITEHOUSE, Mr. BLUMENTHAL, Mr. DURBIN, and Mr. REED)) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To clarify State of residence requirements for aliens and nonimmigrant requirements for purposes of chapter 44 of title 18, United States Code.

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 “Alien Gun Violence
5 Prevention Act of 2013”.

6 **SEC. 2. STATE OF RESIDENCE CLARIFICATION.**

7 Chapter 44 of title 18, United States Code, is amend-
8 ed—

1 (1) in section 921, by adding at the end the fol-
2 lowing:

3 “(c) For purposes of this chapter, an alien, as defined
4 in section 101(a)(3) of the Immigration and Nationality
5 Act (8 U.S.C. 1101(a)(3)), who is legally in the United
6 States shall be considered to be a resident of a State only
7 if the alien—

8 “(1) is residing in the State; and

9 “(2) has resided in the State for not less than
10 90 days before the date of sale or delivery of a fire-
11 arm.”; and

12 (2) in section 922—

13 (A) in subsection (d)(5)(B), by striking
14 “(y)(2)” and all that follows and inserting “(y),
15 is in the United States not as an alien lawfully
16 admitted for permanent residence;”;

17 (B) in subsection (g)(5)(B), by striking
18 “(y)(2)” and all that follows and inserting “(y),
19 is in the United States not as an alien lawfully
20 admitted for permanent residence;” and

21 (C) in subsection (y)—

22 (i) in the heading by striking “ADMIT-
23 TED UNDER NONIMMIGRANT VISAS” and
24 inserting “NOT LAWFULLY ADMITTED FOR
25 PERMANENT RESIDENCE”;

1 (ii) in paragraph (1), by amending
2 subparagraph (B) to read as follows:

3 “(B) the term ‘lawfully admitted for permanent
4 residence’ has the same meaning as in section
5 101(a)(20) of the Immigration and Nationality Act
6 (8 U.S.C. 1101(a)(20)).”;

7 (iii) in paragraph (2), by striking
8 “under a nonimmigrant visa” and insert-
9 ing “but not lawfully admitted for perma-
10 nent residence”; and

11 (iv) in paragraph (3)(A), by striking
12 “admitted to the United States under a
13 nonimmigrant visa” and inserting “law-
14 fully admitted to the United States but not
15 as an alien lawfully admitted for perma-
16 nent residence”.

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