

114TH CONGRESS
1ST SESSION

S. 407

To regulate large capacity ammunition feeding devices.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 5, 2015

Mr. MENENDEZ (for himself, Mr. BLUMENTHAL, Mrs. FEINSTEIN, Ms. WARREN, Mrs. GILLIBRAND, Mr. WHITEHOUSE, Mr. CARPER, Mr. DURBIN, Mr. REED, Mrs. BOXER, Mr. MURPHY, Mr. FRANKEN, Mr. MARKEY, Mr. SCHUMER, Ms. HIRONO, Mrs. MURRAY, and Mr. KAINE) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To regulate large capacity ammunition feeding devices.

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 “Large Capacity Ammu-
5 nition Feeding Device Act of 2015”.

6 **SEC. 2. DEFINITIONS.**

7 Section 921(a) of title 18, United States Code, is
8 amended by inserting after paragraph (29) the following:

9 “(30) The term ‘large capacity ammunition feeding
10 device’—

1 “(A) means a magazine, belt, drum, feed strip,
 2 helical feeding device, or similar device, including
 3 any such device joined or coupled with another in
 4 any manner, that has an overall capacity of, or that
 5 can be readily restored, changed, or converted to ac-
 6 cept, more than 10 rounds of ammunition; and

7 “(B) does not include an attached tubular de-
 8 vice designed to accept, and capable of operating
 9 only with, .22 caliber rimfire ammunition.

10 “(31) The term ‘qualified law enforcement officer’
 11 has the meaning given the term in section 926B.”.

12 **SEC. 3. RESTRICTIONS ON LARGE CAPACITY AMMUNITION**
 13 **FEEDING DEVICES.**

14 (a) IN GENERAL.—Section 922 of title 18, United
 15 States Code, is amended by inserting after subsection (u)
 16 the following:

17 “(v)(1) It shall be unlawful for a person to import,
 18 sell, manufacture, transfer, or possess, in or affecting
 19 interstate or foreign commerce, a large capacity ammuni-
 20 tion feeding device.

21 “(2) Paragraph (1) shall not apply to the possession
 22 of any large capacity ammunition feeding device otherwise
 23 lawfully possessed on or before the date of enactment of
 24 the Large Capacity Ammunition Feeding Device Act of
 25 2015.

1 “(3) Paragraph (1) shall not apply to—

2 “(A) the importation for, manufacture for, sale
3 to, transfer to, or possession by the United States
4 or a department or agency of the United States or
5 a State or a department, agency, or political subdivi-
6 sion of a State, or a sale or transfer to or possession
7 by a qualified law enforcement officer employed by
8 the United States or a department or agency of the
9 United States or a State or a department, agency,
10 or political subdivision of a State for purposes of law
11 enforcement (whether on or off-duty), or a sale or
12 transfer to or possession by a campus law enforce-
13 ment officer for purposes of law enforcement (wheth-
14 er on or off-duty);

15 “(B) the importation for, or sale or transfer to
16 a licensee under title I of the Atomic Energy Act of
17 1954 for purposes of establishing and maintaining
18 an on-site physical protection system and security
19 organization required by Federal law, or possession
20 by an employee or contractor of such licensee on-site
21 for such purposes or off-site for purposes of licensee-
22 authorized training or transportation of nuclear ma-
23 terials;

24 “(C) the possession, by an individual who is re-
25 tired in good standing from service with a law en-

1 enforcement agency and is not otherwise prohibited
2 from receiving ammunition, of a large capacity am-
3 munition feeding device—

4 “(i) sold or transferred to the individual by
5 the agency upon such retirement; or

6 “(ii) that the individual purchased, or oth-
7 erwise obtained, for official use before such re-
8 tirement; or

9 “(D) the importation, sale, manufacture, trans-
10 fer, or possession of any large capacity ammunition
11 feeding device by a licensed manufacturer or licensed
12 importer for the purposes of testing or experimen-
13 tation authorized by the Attorney General.

14 “(4) For purposes of paragraph (3)(A), the term
15 ‘campus law enforcement officer’ means an individual who
16 is—

17 “(A) employed by a private institution of higher
18 education that is eligible for funding under title IV
19 of the Higher Education Act of 1965 (20 U.S.C.
20 1070 et seq.);

21 “(B) responsible for the prevention or investiga-
22 tion of crime involving injury to persons or property,
23 including apprehension or detention of persons for
24 such crimes;

1 “(C) authorized by Federal, State, or local law
 2 to carry a firearm, execute search warrants, and
 3 make arrests; and

4 “(D) recognized, commissioned, or certified by
 5 a government entity as a law enforcement officer.”.

6 (b) IDENTIFICATION MARKINGS FOR LARGE CAPAC-
 7 ITY AMMUNITION FEEDING DEVICES.—Section 923(i) of
 8 title 18, United States Code, is amended by adding at the
 9 end the following: “A large capacity ammunition feeding
 10 device manufactured after the date of enactment of the
 11 Large Capacity Ammunition Feeding Device Act of 2015
 12 shall be identified by a serial number and the date on
 13 which the device was manufactured or made, legibly and
 14 conspicuously engraved or cast on the device, and such
 15 other identification as the Attorney General shall by regu-
 16 lations prescribe.”.

17 (c) SEIZURE AND FORFEITURE OF LARGE CAPACITY
 18 AMMUNITION FEEDING DEVICES.—Section 924(d) of title
 19 18, United States Code, is amended—

20 (1) in paragraph (1)—

21 (A) by inserting “or large capacity ammu-
 22 nition feeding device” after “firearm or ammu-
 23 nition” each place the term appears;

1 (B) by inserting “or large capacity ammu-
 2 nition feeding device” after “firearms or ammu-
 3 nition” each place the term appears; and

4 (C) by striking “or (k)” and inserting
 5 “(k), or (v)”;

6 (2) in paragraph (2)(C), by inserting “or large
 7 capacity ammunition feeding devices” after “fire-
 8 arms or quantities of ammunition”; and

9 (3) in paragraph (3)(E), by inserting “922(v),”
 10 after “922(n),”.

11 **SEC. 4. PENALTIES.**

12 Section 924(a)(1)(B) of title 18, United States Code,
 13 is amended by striking “or (q)” and inserting “(q), or
 14 (v)”.

15 **SEC. 5. USE OF BYRNE GRANTS FOR BUY-BACK PROGRAMS** 16 **FOR LARGE CAPACITY AMMUNITION FEED-** 17 **ING DEVICES.**

18 Section 501(a)(1) of the Omnibus Crime Control and
 19 Safe Streets Act of 1968 (42 U.S.C. 3751(a)(1)) is
 20 amended by adding at the end the following:

21 “(H) Compensation for surrendered large
 22 capacity ammunition feeding devices, as that
 23 term is defined in section 921 of title 18,
 24 United States Code, under buy-back programs
 25 for large capacity ammunition feeding devices.”.

1 **SEC. 6. SEVERABILITY.**

2 If any provision of this Act, an amendment made by
3 this Act, or the application of such provision or amend-
4 ment to any person or circumstance is held to be unconsti-
5 tutional, the remainder of this Act, the amendments made
6 by this Act, and the application of such provision or
7 amendment to any person or circumstance shall not be af-
8 fected thereby.

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