

117TH CONGRESS
1ST SESSION

S. 1237

To prevent the purchase of ammunition by prohibited purchasers.

IN THE SENATE OF THE UNITED STATES

APRIL 20, 2021

Mr. BLUMENTHAL (for himself and Mr. MURPHY) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To prevent the purchase of ammunition by prohibited purchasers.

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 “Jaime’s Law”.

5 **SEC. 2. PURPOSE.**

6 The purpose of this Act is to enhance the background
7 check process in the United States to prevent the purchase
8 of ammunition by individuals prohibited from doing so.

9 **SEC. 3. TRANSFERS OF FIREARMS OR AMMUNITION.**

10 (a) IN GENERAL.—Section 922 of title 18, United
11 States Code, is amended—

1 (1) by striking subsection (s);

2 (2) by redesignating subsection (t) as sub-
3 section (s);

4 (3) in subsection (s), as so redesignated—

5 (A) by inserting “or ammunition” after
6 “firearm” each place it appears except in para-
7 graph (3);

8 (B) in paragraph (1)(B)(ii), by inserting
9 “in the case of a firearm,” before “3”;

10 (C) in paragraph (3)—

11 (i) by striking all that precedes sub-
12 paragraph (B) and inserting the following:

13 “(3) Paragraph (1) shall not apply to a transfer be-
14 tween a licensee and another person if—

15 “(A)(i) in the case of a firearm transfer—

16 “(I) such other person has presented to
17 the licensee a permit that—

18 “(aa) allows such other person to pos-
19 sess or acquire a firearm; and

20 “(bb) was issued not more than 5
21 years earlier by the State in which the
22 transfer is to take place; and

23 “(II) the law of the State provides that
24 such a permit is to be issued only after an au-
25 thorized government official has verified that

1 the information available to such official does
 2 not indicate that possession of a firearm by
 3 such other person would be in violation of law;
 4 or

5 “(ii) in the case of an ammunition transfer—

6 “(I) such other person has presented to
 7 the licensee a permit that—

8 “(aa) allows such other person to pos-
 9 sess or acquire ammunition, or to possess
 10 or acquire a firearm; and

11 “(bb) was issued not more than 5
 12 years earlier by the State in which the
 13 transfer is to take place; and

14 “(II) the law of the State provides that
 15 such a permit is to be issued only after an au-
 16 thorized government official has verified that
 17 the information available to such official does
 18 not indicate that possession of ammunition by
 19 such other person would be in violation of
 20 law;”; and

21 (ii) in subparagraph (C)(ii), by strik-
 22 ing “(as defined in subsection (s)(8))”; and

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

24 “(7) In this subsection, the term ‘chief law enforce-
 25 ment officer’ means the chief of police, the sheriff, or an

1 equivalent officer or the designee of any such individual.”;

2 and

3 (4) by inserting after subsection (s), as so re-
4 designated, the following:

5 “(t)(1)(A) It shall be unlawful for any person who
6 is not a licensed importer, licensed manufacturer, or li-
7 censed dealer to transfer ammunition to any other person
8 who is not so licensed, unless a licensed importer, licensed
9 manufacturer, or licensed dealer has first taken possession
10 of the ammunition for the purpose of complying with sub-
11 section (s).

12 “(B) Upon taking possession of ammunition under
13 subparagraph (A), a licensee shall comply with all require-
14 ments of this chapter as if the licensee were transferring
15 ammunition from the inventory of the licensee to the unli-
16 censed transferee.

17 “(C) If a transfer of ammunition described in sub-
18 paragraph (A) will not be completed for any reason after
19 a licensee takes possession of the ammunition (including
20 because the transfer of the ammunition to, or receipt of
21 the ammunition by, the transferee would violate this chap-
22 ter), the return of the ammunition to the transferor by
23 the licensee shall not constitute the transfer of ammuni-
24 tion for purposes of this chapter.

25 “(2) Paragraph (1) shall not apply to—

1 “(A) a law enforcement agency or any law en-
2 forcement officer, armed private security profes-
3 sional, or member of the armed forces, to the extent
4 the officer, professional, or member is acting within
5 the course and scope of employment and official du-
6 ties;

7 “(B) a transfer that is a loan or bona fide gift
8 between spouses, between domestic partners, be-
9 tween parents and their children, between siblings,
10 between aunts or uncles and their nieces or nephews,
11 or between grandparents and their grandchildren;

12 “(C) a transfer to an executor, administrator,
13 trustee, or personal representative of an estate or a
14 trust that occurs by operation of law upon the death
15 of another person;

16 “(D) a transfer if the transfer is necessary to
17 prevent imminent death or great bodily harm, if the
18 possession by the transferee lasts only as long as im-
19 mediately necessary to prevent the imminent death
20 or great bodily harm; or

21 “(E) a transfer, if the transferor has no reason
22 to believe that the transferee will use or intends to
23 use the ammunition in a crime or is prohibited from
24 possessing ammunition under State or Federal law,

1 and the transfer takes place and the transferee's
2 possession of the ammunition is exclusively—

3 “(i) at a shooting range or in a shooting
4 gallery or other area designated for the purpose
5 of target shooting;

6 “(ii) while reasonably necessary for the
7 purposes of hunting, trapping, or fishing, if the
8 transferor—

9 “(I) has no reason to believe that the
10 transferee intends to use the ammunition
11 in a place where it is illegal; and

12 “(II) has reason to believe that the
13 transferee will comply with all licensing
14 and permit requirements for such hunting,
15 trapping, or fishing; or

16 “(iii) while in the presence of the trans-
17 feror.

18 “(3)(A) Notwithstanding any other provision of this
19 chapter, the Attorney General may implement this sub-
20 section with regulations.

21 “(B) Regulations promulgated under this paragraph
22 may not include any provision requiring licensees to facili-
23 tate transfers in accordance with paragraph (1).

24 “(C) Regulations promulgated under this paragraph
25 may not include any provision requiring persons not li-

1 censed under this chapter to keep records of background
2 checks of ammunition transfers.

3 “(D) Regulations promulgated under this paragraph
4 may not include any provision limiting the amount of any
5 fee a licensee may charge to facilitate transfers in accord-
6 ance with paragraph (1).

7 “(4) It shall be unlawful for a licensed importer, li-
8 censed manufacturer, or licensed dealer to transfer posses-
9 sion of ammunition to another person who is not so li-
10 censed unless the importer, manufacturer, or dealer has
11 provided such other person with a notice of the prohibition
12 under paragraph (1), and such other person has certified
13 that such other person has been provided with this notice
14 on a form prescribed by the Attorney General.”.

15 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

16 (1) SECTION 922.—Section 922(y)(2) of title
17 18, United States Code, is amended, in the matter
18 preceding subparagraph (A), by striking “,
19 (g)(5)(B), and (s)(3)(B)(v)(II)” and inserting “and
20 (g)(5)(B)”.

21 (2) CONSOLIDATED AND FURTHER CONTINUING
22 APPROPRIATIONS ACT, 2012.—Section 511 of title V
23 of division B of the Consolidated and Further Con-
24 tinuing Appropriations Act, 2012 (34 U.S.C. 40901
25 note) is amended by striking “subsection 922(t)”

1 each place it appears and inserting “subsection (s)
2 or (t) of section 922”.

3 **SEC. 4. RULES OF CONSTRUCTION.**

4 Nothing in this Act, or any amendment made by this
5 Act, shall be construed to—

6 (1) authorize the establishment, directly or indi-
7 rectly, of a national firearms or ammunition reg-
8 istry; or

9 (2) interfere with the authority of a State,
10 under section 927 of title 18, United States Code,
11 to enact a law on the same subject matter as this
12 Act.

13 **SEC. 5. EFFECTIVE DATE.**

14 This Act and the amendments made by this Act shall
15 take effect on the date that is 180 days after the date
16 of enactment of this Act.

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