

117TH CONGRESS
2D SESSION

S. 4977

To prohibit the unauthorized possession of a firearm at a Federal election site.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 28, 2022

Mr. MURPHY (for himself, Mr. BLUMENTHAL, Mr. CASEY, Mrs. FEINSTEIN, Mrs. GILLIBRAND, Mr. MARKEY, Mrs. SHAHEEN, and Ms. WARREN) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To prohibit the unauthorized possession of a firearm at a Federal election site.

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 “Vote Without Fear
5 Act”.

1 **SEC. 2. PROHIBITION ON UNAUTHORIZED FIREARM POS-**
 2 **SESSION AT A FEDERAL ELECTION SITE.**

3 (a) IN GENERAL.—Chapter 44 of title 18, United
 4 States Code, is amended by adding at the end the fol-
 5 lowing:

6 **“§ 935. Prohibition on unauthorized firearm posses-**
 7 **sion at a Federal election site**

8 “(a) DEFINITION.—In this section, the term ‘Federal
 9 election site’ means a building or any part thereof at which
 10 an employee of the United States, a State, or a political
 11 subdivision thereof is engaged in—

12 “(1) the administration of a polling place in an
 13 election for Federal office; or

14 “(2) the processing or counting of ballots cast
 15 in such an election.

16 “(b) POSSESSION OF FIREARM NEAR FEDERAL
 17 ELECTION SITE.—

18 “(1) OFFENSE.—

19 “(A) IN GENERAL.—Except as provided in
 20 subparagraph (B), it shall be unlawful for an
 21 individual to knowingly possess or cause to be
 22 present a firearm in, or within 100 yards of an
 23 entrance to, a place that the individual knows,
 24 or has reasonable cause to believe, is a Federal
 25 election site.

1 “(B) EXCEPTIONS.—Subparagraph (A)
2 shall not apply to—

3 “(i) the possession of a firearm by a
4 law enforcement officer employed by the
5 United States, a State, or a political sub-
6 division thereof, or a private security guard
7 hired or arranged for by the owner or
8 manager of a building in which there is a
9 Federal election site, who is authorized by
10 law to possess a firearm and who is on
11 duty;

12 “(ii) the possession of a firearm in a
13 vehicle within 100 yards of an entrance to
14 a Federal election site, if the firearm is not
15 removed from the vehicle or brandished
16 while the vehicle is in, or within 100 yards
17 of the entrance to, a Federal election site;
18 or

19 “(iii) the otherwise lawful possession
20 of a firearm in a place of residence, in a
21 place of business, or on private property,
22 in or within 100 yards of an entrance to
23 a Federal election site.

24 “(2) PENALTY.—Any individual who violates
25 paragraph (1), or attempts to do so, shall be fined

1 under this title, imprisoned not more than 1 year, or
2 both.

3 “(c) POSSESSION OF FIREARM NEAR FEDERAL
4 ELECTION SITE WITH INTENT FOR USE IN CRIME.—

5 “(1) OFFENSE.—It shall be unlawful for an in-
6 dividual, with intent that a firearm be used in the
7 commission of a crime, to knowingly possess or
8 cause to be present the firearm in, or within 100
9 yards of an entrance to, a place that the individual
10 knows, or has reasonable cause to believe, is a Fed-
11 eral election site.

12 “(2) PENALTY.—Any individual who violates
13 paragraph (1), or attempts to do so, shall be fined
14 under this title, imprisoned not more than 5 years,
15 or both.

16 “(d) HOMICIDE.—An individual who kills any other
17 individual in the course of a violation of subsection (b)
18 or (c), or in the course of an attack on a Federal election
19 site involving the use of a firearm, or attempts or con-
20 spires to do so, shall be punished as provided in—

21 “(1) section 1111, in the case of murder (as de-
22 fined in that section);

23 “(2) section 1112, in the case of manslaughter
24 (as defined in that section);

1 “(3) section 1113, in the case of attempt to
2 commit murder or manslaughter (as those terms are
3 so defined); or

4 “(4) section 1117, in the case of conspiracy to
5 commit murder (as so defined).”.

6 (b) CLERICAL AMENDMENT.—The table of sections
7 for chapter 44 of title 18, United States Code, is amended
8 by adding at the end the following:

“935. Prohibition on unauthorized firearm possession at a Federal election
site.”.

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