

103<sup>D</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 3478

To provide for the death penalty for homicides involving firearms.

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IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 9, 1993

Mr. MANTON introduced the following bill; which was referred to the  
Committee on the Judiciary

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## A BILL

To provide for the death penalty for homicides involving  
firearms.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 That chapter 51 of title 18, United States Code, as  
4 amended by this Act, is amended—

5 (1) by adding at the end thereof the following  
6 section:

7 **“§ 931. Murder involving firearm**

8 “(a) OFFENSE.—Whoever, under any of the cir-  
9 cumstances described in subsection (b), causes, through  
10 the use of a firearm, the death of another person, inten-  
11 tionally, knowingly, or through recklessness manifesting

1 extreme indifferent to human life, or through the inten-  
2 tional infliction of serious bodily injury, shall be punished  
3 by death or imprisoned for any term of years or for life.  
4 Whenever the Government seeks a sentence of death under  
5 this section, the procedures with respect to death penalties  
6 under section 903 of the Federal Aviation Act of 1958  
7 shall, as nearly as may be, apply with respect to death  
8 penalties under this section.

9 “(b) CIRCUMSTANCES REQUIRED FOR FEDERAL  
10 PROSECUTION.—The circumstances referred to in sub-  
11 section (a) are that—

12 “(1) the conduct of the offender occurred in the  
13 course of an offense against the United States; or

14 “(2) a firearm involved in the offense has  
15 moved at any time in interstate or foreign com-  
16 merce.

17 “(c) INTENT OF CONGRESS.—It is the intent of Con-  
18 gress that this section shall be used to supplement but  
19 not supplant the efforts of State and local prosecutors in  
20 prosecuting murders involving firearms that have moved  
21 in interstate or foreign commerce that could be prosecuted  
22 under State law. It is also the intent of Congress that the  
23 Attorney General shall give due deference to the interest  
24 that a State or local prosecutor has in prosecuting the de-  
25 fendant under State law. This section shall not create any

1 rights, substantive or procedural, enforceable at law by  
2 any party in any manner, civil or criminal, nor does it  
3 place any limitations on otherwise lawful prerogatives of  
4 the Department of Justice.”; and

5           (2) by amending the table of sections at the be-  
6           ginning of such chapter by adding at the end the fol-  
7           lowing:

“931. Murder involving firearm.”.

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