

103^D CONGRESS
1ST SESSION

H. R. 3537

To amend title 18, United States Code, to impose mandatory prison terms for possession or use of a firearm or a destructive device during conduct constituting a crime of violence or a drug trafficking crime under State law.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 18, 1993

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

A BILL

To amend title 18, United States Code, to impose mandatory prison terms for possession or use of a firearm or a destructive device during conduct constituting a crime of violence or a drug trafficking crime under State law.

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

3 That section 924 of title 18, United States Code, is
4 amended by adding at the end the following:

5 “(i)(1)(A) Whoever engages in any crime of violence
6 or drug trafficking crime (including a crime of violence
7 or drug trafficking crime which provides for an enhanced
8 punishment if committed by the use of a deadly or dan-

1 gerous weapon or device) for which he may be prosecuted
2 in a court of any State—

3 “(i) knowingly possesses a firearm which has
4 moved at any time in interstate or foreign com-
5 merce, shall, in addition to the punishment provided
6 for the crime of violence or drug trafficking crime,
7 be sentenced to imprisonment for not less than 10
8 years without release;

9 “(ii) discharges such a firearm with intent to
10 injure another person, shall, in addition to the pun-
11 ishment provided for the crime of violence or drug
12 trafficking crime, be sentenced to imprisonment for
13 not less than 20 years without release; or

14 “(iii) knowingly possesses such a firearm that is
15 a machinegun or destructive device, or is equipped
16 with a firearm silencer or firearm muffler, shall, in
17 addition to the punishment provided for the crime of
18 violence or drug trafficking crime, be sentenced to
19 imprisonment for 30 years without release.

20 “(B) In the case of his second conviction under this
21 subsection, in addition to the punishment provided for the
22 crime of violence or drug trafficking crime, the person
23 shall be sentenced to—

1 “(i) imprisonment for not less than 20 years
2 without release if such conviction is for possession of
3 a firearm;

4 “(ii) imprisonment for not less than 30 years
5 without release if such conviction is for discharge of
6 a firearm; or

7 “(iii) life imprisonment without release if such
8 conviction is for possession of a firearm that is a
9 machinegun or a destructive device, or is equipped
10 with a firearm silencer or firearm muffler.

11 “(C) In the case of his third or subsequent conviction
12 under this subsection, the person shall be sentenced to life
13 imprisonment without release.

14 “(D) Notwithstanding any other provision of law, a
15 court of the United States shall not place on probation
16 or suspend the sentence of any person convicted of a viola-
17 tion of this subsection, nor shall any term of imprisonment
18 imposed under this subsection run concurrently with any
19 other term of imprisonment including that imposed for the
20 crime of violence or drug trafficking crime in which the
21 firearm was possessed or discharged.

22 “(2) For the purposes of paragraph (1), a person
23 shall be considered to be in possession of a firearm if—

1 “(A) in the case of a crime of violence, the per-
2 son touches a firearm at the scene of the crime at
3 any time during the commission of the crime; and

4 “(B) in the case of a drug trafficking crime, the
5 person has a firearm readily available at the scene
6 of the crime during the commission of the crime.

7 “(3) Except in the case of a person whose criminal
8 conduct gives rise to the use of a firearm by the person,
9 this subsection shall not apply to the conduct of any per-
10 son in defense of person or property during the course
11 of the commission of a crime by another person (including
12 during the arrest or attempted arrest of such other person
13 during or immediately after the commission of the crime).

14 “(4) For purposes of this subsection, the term ‘drug
15 trafficking crime’ means any crime punishable by impris-
16 onment for more than one year involving the manufacture,
17 distribution, possession, cultivation, sale, or transfer of a
18 controlled substance, controlled substance analogue, im-
19 mediate precursor, or listed chemical (as such terms are
20 defined in section 102 of the Controlled Substances Act
21 (21 U.S.C. 802)), or any attempt or conspiracy to commit
22 such a crime.

23 “(5) For purposes of this subsection, the term ‘crime
24 of violence’ means an offense that is punishable by impris-
25 onment for more than one year and—

1 “(A) has as an element the use, attempted use,
2 or threatened use of physical force against the per-
3 son or property of another, or

4 “(B) that by its nature, involves a substantial
5 risk that physical force against the person or prop-
6 erty of another may be used in the course of com-
7 mitting the offense.”.

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