

103^D CONGRESS
1ST SESSION

S. 376

To prohibit the transfer of 2 or more handguns to an individual in any 30-day period.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 16 (legislative day, JANUARY 5), 1993

Mr. LAUTENBERG introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To prohibit the transfer of 2 or more handguns to an individual in any 30-day period.

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 “Multiple Handgun
5 Transfer Prohibition Act of 1993”.

6 **SEC. 2. MULTIPLE HANDGUN TRANSFER PROHIBITION.**

7 (a) IN GENERAL.—Section 922 of title 18, United
8 States Code, is amended by adding at the end the
9 following:

1 “(s)(1)(A)(i) It shall be unlawful for any licensed im-
2 porter, licensed manufacturer, or licensed dealer—

3 “(I) during any 30-day period, to transfer 2 or
4 more handguns to an individual who is not licensed
5 under section 923; or

6 “(II) to transfer a handgun to an individual
7 who is not licensed under section 923 and who re-
8 ceived a handgun during the 30-day period ending
9 on the date of the transfer.

10 “(ii) It shall be unlawful for any individual who is
11 not licensed under section 923 to receive 2 or more hand-
12 guns during any 30-day period.

13 “(iii) It shall be unlawful for any licensed importer,
14 licensed manufacturer, or licensed dealer to transfer a
15 handgun to an individual who is not licensed under section
16 923, unless, after the most recent proposal of the transfer
17 by the individual, the transferor has—

18 “(I) received from the individual a statement of
19 the individual containing the information described
20 in paragraph (3);

21 “(II) verified the identification of the individual
22 by examining the identification document presented;
23 and

24 “(III) within 1 day after the individual fur-
25 nishes the statement, provided a copy of the state-

1 ment to the chief law enforcement officer of the
2 place of residence of the individual.

3 “(B) Subparagraph (A) shall not apply to the trans-
4 fer of a handgun to, or the receipt of a handgun by, an
5 individual who has presented to the transferor a written
6 statement, issued by the chief law enforcement officer of
7 the place of residence of the individual during the 10-day
8 period ending on the date of the transfer or receipt, which
9 states that the individual requires access to a handgun be-
10 cause of a threat to the life of the individual or of any
11 member of the household of the individual.

12 “(2) Paragraph (1) shall not be interpreted to require
13 any action by a chief law enforcement officer which is not
14 otherwise required.

15 “(3) The statement referred to in paragraph
16 (1)(A)(iii)(I) shall contain only—

17 “(A) the name, address, and date of birth ap-
18 pearing on a valid identification document (as de-
19 fined in section 1028(d)(1)) of the individual con-
20 taining a photograph of the individual and a descrip-
21 tion of the identification used;

22 “(B) a statement that the individual—

23 “(i) is not under indictment for, and has
24 not been convicted in any court of, a crime pun-

1 ishable by imprisonment for a term exceeding
2 one year;

3 “(ii) is not a fugitive from justice;

4 “(iii) is not an unlawful user of or addicted
5 to any controlled substance (as defined in sec-
6 tion 102 of the Controlled Substances Act);

7 “(iv) has not been adjudicated as a mental
8 defective or been committed to a mental institu-
9 tion;

10 “(v) is not an alien who is illegally or un-
11 lawfully in the United States;

12 “(vi) has not been discharged from the
13 Armed Forces under dishonorable conditions;

14 “(vii) is not a person who, having been a
15 citizen of the United States, has renounced
16 such citizenship; and

17 “(viii) has not received a handgun during
18 the 30-day period ending on the date of the
19 statement;

20 “(C) the date the statement is made; and

21 “(D) notice that the individual intends to ob-
22 tain a handgun from the transferor.

23 “(4) Any transferor of a handgun who, after the
24 transfer, receives a report from a chief law enforcement
25 officer containing information that receipt or possession

1 of the handgun by the transferee violates Federal, State,
2 or local law shall immediately communicate all information
3 the transferor has about the transfer and the transferee
4 to—

5 “(A) the chief law enforcement officer of the
6 place of business of the transferor; and

7 “(B) the chief law enforcement officer of the
8 place of residence of the transferee.

9 “(5) Any transferor who receives information, not
10 otherwise available to the public, with respect to an indi-
11 vidual in a report under this subsection shall not disclose
12 such information except to the individual, to law enforce-
13 ment authorities, or pursuant to the direction of a court
14 of law.

15 “(6) In the case of a handgun transfer to which para-
16 graph (1)(A) applies—

17 “(A) the transferor shall retain—

18 “(i) the copy of the statement of the trans-
19 feree with respect to the transfer; and

20 “(ii) evidence that the transferor has com-
21 plied with paragraph (1)(A)(iii)(III) with re-
22 spect to the statement; and

23 “(B) the chief law enforcement officer to whom
24 a copy of a statement is sent pursuant to paragraph
25 (1)(A)(iii)(III) shall retain the copy for at least 30

1 calendar days after the date the statement was
2 made.

3 “(7) For purposes of this subsection, the term ‘chief
4 law enforcement officer’ means the chief of police, the
5 sheriff, or an equivalent officer, or the designee of any
6 such individual.

7 “(8) This subsection shall not apply to the sale of
8 a firearm in the circumstances described in subsection (c).

9 “(9) The Secretary shall take necessary actions to as-
10 sure that the provisions of this subsection are published
11 and disseminated to dealers and to the public.”.

12 (b) HANDGUN DEFINED.—Section 921(a) of such
13 title is amended by adding at the end the following:

14 “(29) The term ‘handgun’ means—

15 “(A) a firearm which has a short stock and is
16 designed to be held and fired by the use of a single
17 hand; and

18 “(B) any combination of parts from which a
19 firearm described in subparagraph (A) can be as-
20 sembled.”.

21 (c) PENALTY.—Section 924(a) of such title is amend-
22 ed—

23 (1) in paragraph (1), by striking “paragraph
24 (2) or (3) of”; and

25 (2) by adding at the end the following:

1 “(5) Whoever knowingly violates section 922(s) shall
2 be fined not more than \$5,000, imprisoned for not more
3 than one year, or both.”.

4 (d) EFFECTIVE DATE.—The amendments made by
5 this Act shall apply to conduct engaged in 90 or more days
6 after the date of the enactment of this Act.

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