

104TH CONGRESS
2^D SESSION

H. R. 3382

To promote safe streets by preventing the further sale of illegal assault weapons and large capacity ammunition feeding devices, and to provide for mandatory prison terms for possessing, brandishing, or discharging a firearm during the commission of a Federal crime.

IN THE HOUSE OF REPRESENTATIVES

MAY 1, 1996

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

A BILL

To promote safe streets by preventing the further sale of illegal assault weapons and large capacity ammunition feeding devices, and to provide for mandatory prison terms for possessing, brandishing, or discharging a firearm during the commission of a Federal crime.

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 “Safe Streets Act of
5 1996”.

1 **SEC. 2. PREVENTION OF TRANSFER OF ASSAULT WEAPONS**
2 **AND LARGE CAPACITY AMMUNITION FEED-**
3 **ING DEVICES.**

4 (a) ASSAULT WEAPONS.—Section 922(v)(2) of title
5 18, United States Code, is amended by striking “or trans-
6 fer”.

7 (b) LARGE CAPACITY AMMUNITION FEEDING DE-
8 VICES.—Section 922(w)(2) of title 18, United States
9 Code, is amended by striking “or transfer”.

10 (c) PROHIBITIONS MADE PERMANENT.—Section
11 110105 of the Violent Crime Control and Law Enforce-
12 ment Act of 1994 (18 U.S.C. 921 note) is repealed.

13 **SEC. 3. MANDATORY PRISON TERMS FOR POSSESSING,**
14 **BRANDISHING, OR DISCHARGING A FIREARM**
15 **OR DESTRUCTIVE DEVICE DURING A FED-**
16 **ERAL CRIME THAT IS A CRIME OF VIOLENCE**
17 **OR A DRUG TRAFFICKING CRIME.**

18 Section 924(e) of title 18, United States Code, is
19 amended—

20 (1) by redesignating paragraphs (2) and (3) as
21 paragraphs (4) and (5), respectively; and

22 (2) by striking paragraph (1) and inserting the
23 following:

24 “(1) A person who, during and in relation to any
25 crime of violence or drug trafficking crime (including a
26 crime of violence or drug trafficking crime which provides

1 for an enhanced punishment if committed by the use of
2 a deadly or dangerous weapon or device) for which the
3 person may be prosecuted in a court of the United
4 States—

5 “(A) possesses a firearm, shall, in addition to
6 the sentence imposed for the crime of violence or
7 drug trafficking crime, be sentenced to imprison-
8 ment for 5 years;

9 “(B) brandishes a firearm, shall, in addition to
10 the sentence imposed for the crime of violence or
11 drug trafficking crime, be sentenced to imprison-
12 ment for 10 years; or

13 “(C) discharges a firearm with the intent to in-
14 jure another person, shall, in addition to the sen-
15 tence imposed for the crime of violence or drug traf-
16 ficking crime, be sentenced to imprisonment for 20
17 years;

18 except that if the firearm is a short-barreled rifle or short-
19 barreled shotgun, or is equipped with a large capacity am-
20 munition feeding device, such additional sentence shall be
21 imprisonment for 10 years more than the term of impris-
22 onment that would otherwise be imposed under this para-
23 graph, and if the firearm is a machinegun or destructive
24 device or is equipped with a firearm silencer or firearm

1 muffler, such additional sentence shall be imprisonment
2 for 30 years.

3 “(2) In the case of the second or subsequent convic-
4 tion of a person under this subsection—

5 “(A) if the person possessed a firearm during
6 and in relation to such second or subsequent crime
7 of violence or drug trafficking crime, the person
8 shall, in addition to the sentence imposed for such
9 second or subsequent offense, be sentenced to im-
10 prisonment for not less than 20 years;

11 “(B) if the person brandished a firearm during
12 and in relation to such second or subsequent crime
13 of violence or drug trafficking crime, the person
14 shall, in addition to the sentence imposed for such
15 second or subsequent offense, be sentenced to im-
16 prisonment for not less than 25 years; or

17 “(C) if the person discharged a firearm with
18 the intent to injure another person during and in re-
19 lation to such second or subsequent crime of violence
20 or drug trafficking crime, the person shall, in addi-
21 tion to the sentence imposed for such second or sub-
22 sequent offense, be sentenced to imprisonment for
23 not less than 30 years;

24 except that if the firearm is a machinegun or destructive
25 device or is equipped with a firearm silencer or firearm

1 muffler, the person shall, in addition to the sentence im-
2 posed for such second or subsequent offense, be sentenced
3 to life imprisonment.

4 “(3)(A) Notwithstanding any other provision of law,
5 the court shall not impose a probationary sentence on any
6 person convicted of a violation of this subsection, nor shall
7 a term of imprisonment imposed under this subsection run
8 concurrently with any other term of imprisonment includ-
9 ing that imposed for the crime of violence or drug traffick-
10 ing crime in which the firearm was used.

11 “(B) No person sentenced under this subsection shall
12 be released for any reason whatsoever during a term of
13 imprisonment imposed under this subsection.”.

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