

104TH CONGRESS  
2D SESSION

# H. R. 4044

To encourage States to regulate the sale and use of certain handguns, and to gather information on guns used in crimes.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 10, 1996

Mr. SCHUMER (for himself, Mr. REED, Ms. LOFGREN, Mr. ACKERMAN, and Mr. HASTINGS of Florida) introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To encourage States to regulate the sale and use of certain handguns, and to gather information on guns used in crimes.

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 and Responsible  
5        Handgun Act of 1996”.

6        **SEC. 2. FINDINGS.**

7        The Congress finds that—

8            (1) certain handguns that are widely marketed  
9            across State lines are traced disproportionately to  
10           violent crimes, and in particular to crimes in States

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1 other than those in which they were manufactured  
2 or purchased;

3 (2) many of these handguns are of dangerously  
4 poor quality and threaten the safety even of legiti-  
5 mate users for sport or self-defense;

6 (3) States should be encouraged to restrict the  
7 sale of handguns that are unsafe, particularly suited  
8 for crime, and not useful for sporting, hunting, law  
9 enforcement, or self-defense purposes; and

10 (4) accurate and uniform data on the use of  
11 guns is essential to formulating effective policy to re-  
12 duce violent crime involving guns and deaths and in-  
13 juries from such crimes.

14 **SEC. 3. REDUCTION OF BYRNE GRANTS FOR STATES NOT**  
15 **ELECTING TO ESTABLISH HANDGUN ROSTER**  
16 **BOARDS.**

17 (a) HANDGUN ROSTER BOARDS.—

18 (1) ESTABLISHMENT.—The Secretary of the  
19 Treasury shall establish guidelines for the establish-  
20 ment by each State of a Handgun Roster Board (in  
21 this Act referred to as the “Board”) which, at a  
22 minimum, meets the following requirements:

23 (A) The Board shall consist of 9 members,  
24 each of whom shall be eligible to vote in an elec-  
25 tion for officials of the State, and—

1 (i) 1 of whom shall be a representa-  
2 tive of the police;

3 (ii) 1 of whom shall be a representa-  
4 tive of the State prosecutor's office;

5 (iii) 1 of whom shall be a representa-  
6 tive of a State organization, or a local  
7 chapter of a national organization, which  
8 advocates the rights of firearms owners;

9 (iv) 1 of whom shall be a representa-  
10 tive of handgun dealers or manufacturers;

11 (v) 1 of whom shall be a representa-  
12 tive of a State organization, or local chap-  
13 ter of a national organization, which advo-  
14 cates greater control of handguns; and

15 (vi) 3 of whom shall not meet any re-  
16 quirement of clauses (i) through (v).

17 (B) The Board shall designate 1 of its  
18 members as the chairman of the Board.

19 (2) PUBLICATION OF ROSTER.—Not less fre-  
20 quently than annually, the Board shall publish a ros-  
21 ter which specifies the types of handguns which may  
22 be lawfully manufactured, sold, owned, possessed, or  
23 used in the State, and any terms, conditions, or cir-  
24 cumstances under which such types of handguns  
25 may be so manufactured, sold, owned, possessed, or

1 used, and shall transmit a copy of the roster to each  
2 licensed dealer in the State who is not prohibited  
3 by State law from dealing in handguns.

4 (3) FACTORS TO BE CONSIDERED.—In deciding  
5 whether to include a type of handgun on the roster,  
6 the Board shall consider the following factors:

7 (A) Concealability.

8 (B) Ballistic accuracy.

9 (C) Portability.

10 (D) Quality of materials.

11 (E) Quality of manufacture.

12 (F) Safety features.

13 (G) Caliber.

14 (H) Detectability by the standard security  
15 equipment commonly used at airports or court-  
16 houses and approved by the Federal Aviation  
17 Administration for use at airports in the United  
18 States.

19 (I) Utility for legitimate sporting activities,  
20 hunting, self-protection, or law enforcement.

21 (4) PROCEDURAL RULE.—The Board may in-  
22 clude a type of handgun on the roster upon the  
23 Board's initiative, or upon the petition of any per-  
24 son.

25 (5) LAWS RELATING TO HANDGUNS.—

1 (A) IN GENERAL.—The State shall have in  
2 effect such laws as may be necessary to make  
3 unlawful in the State the manufacture, sale,  
4 ownership, possession, and use of—

5 (i) any handgun which is of a type not  
6 specified on the roster published by the  
7 Board pursuant to paragraph (2); and

8 (ii) any handgun which is of a type  
9 specified on the roster published by the  
10 Board pursuant to paragraph (2), except  
11 under such terms and conditions as the  
12 Board may specify.

13 (B) PENALTIES FOR CERTAIN VIOLA-  
14 TIONS.—

15 (i) UNLAWFUL MANUFACTURE OF  
16 HANDGUN.—Such laws shall provide that  
17 any person who unlawfully manufactures a  
18 handgun for distribution or sale shall be  
19 fined not more than \$10,000 and be sub-  
20 ject to such other penalties as may be pro-  
21 vided for by State law.

22 (ii) UNLAWFUL SALE OR OFFER OF  
23 HANDGUN.—Such laws shall provide that  
24 any person who unlawfully sells a handgun  
25 or offers a handgun for sale shall be fined

1 not more than \$2,500 and be subject to  
2 such other penalties as may be provided  
3 for by State law.

4 (iii) SEPARATE VIOLATIONS.—Such  
5 laws shall provide that a violation of such  
6 laws involving 2 or more handguns shall  
7 constitute separate violations of such laws  
8 with respect to each handgun involved.

9 (C) EXEMPTION FOR CERTAIN LAWFULLY  
10 POSSESSED HANDGUNS.—Subparagraph (A)  
11 shall not be construed to require the State laws  
12 described in subparagraph (A) to apply to any  
13 handgun lawfully possessed on the date of the  
14 enactment of the law.

15 (6) DEFINITIONS.—As used in this subsection:

16 (A) HANDGUN.—The term “handgun”  
17 shall have the meaning given such term by sec-  
18 tion 921(a)(29) of title 18, United States Code.

19 (B) LICENSED DEALER.—The term “li-  
20 censed dealer” shall have the meaning given  
21 such term by section 921(a)(11) of title 18,  
22 United States Code.

23 (b) COMPLIANCE.—

24 (1) COMPLIANCE DATE.—Each State shall have  
25 not more than 3 years from the date of enactment

1 of this Act in which to comply with subsection (a),  
2 except that the Attorney General may grant an addi-  
3 tional 2 years to a State that is making good faith  
4 efforts to implement subsection (a).

5 (2) INELIGIBILITY FOR FUNDS.—

6 (A) IN GENERAL.—A State that fails to  
7 comply with subsection (a) of this section with-  
8 in the period prescribed by or under paragraph  
9 (1) of this subsection shall not receive 10 per-  
10 cent of the funds that would otherwise be allo-  
11 cated to the State under section 506 of the Om-  
12 nibus Crime Control and Safe Streets Act of  
13 1968.

14 (B) REALLOCATION OF FUNDS.—Any  
15 funds that are not allocated to a State because  
16 of the failure of the State to comply with sub-  
17 section (a) shall be reallocated to States that  
18 comply with subsection (a).

19 **SEC. 4. INDEPENDENT STUDY GROUP.**

20 (a) ESTABLISHMENT.—The Secretary of the Treas-  
21 ury, in cooperation with the Attorney General, shall estab-  
22 lish Independent Study Group (in this section referred to  
23 as the “ISG”) for the purpose of devising an effective na-  
24 tional firearms injury reporting system.

1 (b) MEMBERSHIP.—The ISG shall be composed of  
2 representatives from the Consumer Product Safety Com-  
3 mission, the Centers for Disease Control, the Bureau of  
4 Alcohol, Tobacco and Firearms, the Federal Bureau of In-  
5 vestigation, and the National Institute of Justice.

6 (c) DUTIES.—The ISG shall study the feasibility of  
7 collecting data on the following, at a minimum:

8 (1) Intentional and unintentional firearms inju-  
9 ries.

10 (2) Fatal and nonfatal firearms injuries;

11 (3) The date, time, type of location of firearms  
12 injuries, and whether they occurred during and in  
13 relation to the commission of another crime.

14 (4) The type, make, model, caliber, serial num-  
15 ber, and year of manufacture of the firearms in-  
16 volved.

17 (5) The demographic characteristics of persons  
18 suffering firearm injuries and person causing the in-  
19 juries.

20 (6) The identity of the owner of the firearms  
21 involved, and how the firearms were stored.

22 (7) Whether the firearms involved were stolen.

23 (8) Whether and how drugs or alcohol were in-  
24 volved.

1           (d) REPORT.—Within 1 year after the date of the en-  
2 actment of this Act, the Secretary of the Treasury shall  
3 prepare and submit to the Congress a report recommend-  
4 ing how an effective national firearms injury reporting  
5 system could be established, including how to avoid dupli-  
6 cation of effort, and who would administer such a system.

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