

104TH CONGRESS
1ST SESSION

H. R. 78

To protect the right to obtain firearms for security, and to use firearms in defense of self, family, or home, and to provide for the enforcement of such right.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 4, 1995

Mr. BARTLETT of Maryland (for himself, Mr. BARTON of Texas, Mr. DUNCAN, Mr. CRANE, Mr. EMERSON, Mr. SOLOMON, Mr. CONDIT, Mr. COBLE, Mr. BURTON of Indiana, Mr. HUNTER, Mr. CALLAHAN, Mr. DORNAN, Mr. CRAPO, Mr. COMBEST, Mr. CUNNINGHAM, Mr. MOORHEAD, Mr. CALVERT, Mr. GEKAS, Mr. BREWSTER, Mr. HALL of Texas, Mr. QUILLEN, Mr. BOUCHER, Mr. SAM JOHNSON of Texas, Mr. ROYCE, Mr. BARCIA, Mr. YOUNG of Alaska, Mr. HAYES, Mr. SKEEN, Mr. DOOLITTLE, Mr. STUMP, Mr. HUTCHINSON, Mr. PACKARD, Mr. COLLINS of Georgia, Mr. CHRYSLER, and Mr. SCHAEFER), introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To protect the right to obtain firearms for security, and to use firearms in defense of self, family, or home, and to provide for the enforcement of such right.

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 “Citizens’ Self-Defense
5 Act of 1995”.

1 **SEC. 2. FINDINGS.**

2 The Congress finds the following:

3 (1) Police cannot protect, and are not legally
4 liable for failing to protect, individual citizens, as
5 evidenced by the following:

6 (A) The courts have consistently ruled that
7 the police do not have an obligation to protect
8 individuals, only the public in general. For ex-
9 ample, in *Warren v. District of Columbia Met-*
10 *ropolitan Police Department*, 444 A.2d 1 (D.C.
11 App. 1981), the court stated: “[C]ourts have
12 without exception concluded that when a mu-
13 nicipality or other governmental entity under-
14 takes to furnish police services, it assumes a
15 duty only to the public at large and not to indi-
16 vidual members of the community.”.

17 (B) Former Florida Attorney General Jim
18 Smith told Florida legislators that police re-
19 sponded to only 200,000 of 700,000 calls for
20 help to Dade County authorities.

21 (C) The United States Department of Jus-
22 tice found that, in 1989, there were 168,881
23 crimes of violence for which police had not re-
24 sponded within 1 hour.

25 (D) Currently, there are about 150,000 po-
26 lice officers on duty at any one time.

1 (2) Citizens frequently must use firearms to de-
2 fend themselves, as evidenced by the following:

3 (A) Every year, more than 2,400,000 peo-
4 ple in the United States use a gun to defend
5 themselves against criminals—or more than
6 6,500 people a day. This means that, each year,
7 firearms are used 60 times more often to pro-
8 tect the lives of honest citizens than to take
9 lives.

10 (B) Of the 2,400,000 self-defense cases,
11 more than 192,000 are by women defending
12 themselves against sexual abuse.

13 (C) Of the 2,400,000 times citizens use
14 their guns to defend themselves every year, 92
15 percent merely brandish their gun or fire a
16 warning shot to scare off their attackers. Less
17 than 8 percent of the time, does a citizen kill
18 or wound his or her attacker.

19 (3) Law-abiding citizens, seeking only to pro-
20 vide for their families' defense, are routinely pros-
21 ecuted for brandishing or using a firearm in self-
22 defense. For example:

23 (A) In 1986, Don Bennett of Oak Park, Il-
24 linois, was shot at by 2 men who had just sto-
25 len \$1,200 in cash and jewelry from his subur-

1 ban Chicago service station. The police arrested
2 Bennett for violating Oak Park’s handgun ban.
3 The police never caught the actual criminals.

4 (B) Ronald Biggs, a resident of Goldsboro,
5 North Carolina, was arrested for shooting an
6 intruder in 1990. Four men broke into Biggs’
7 residence one night, ransacked the home and
8 then assaulted him with a baseball bat. When
9 Biggs attempted to escape through the back
10 door, the group chased him and Biggs turned
11 and shot one of the assailants in the stomach.
12 Biggs was arrested and charged with assault
13 with a deadly weapon—a felony. His assailants
14 were charged with misdemeanors.

15 (C) Don Campbell of Port Huron, Michi-
16 gan, was arrested, jailed, and criminally
17 charged after he shot a criminal assailant in
18 1991. The thief had broken into Campbell’s
19 store and attacked him. The prosecutor plea-
20 bargained with the assailant and planned to use
21 him to testify against Campbell for felonious
22 use of a firearm. Only after intense community
23 pressure did the prosecutor finally drop the
24 charges.

1 (4) The courts have granted immunity from
2 prosecution to police officers who use firearms in the
3 line of duty. Similarly, law-abiding citizens who use
4 firearms to protect themselves, their families, and
5 their homes against violent felons should not be sub-
6 ject to lawsuits by the violent felons who sought to
7 victimize them.

8 **SEC. 3. RIGHT TO OBTAIN FIREARMS FOR SECURITY, AND**
9 **TO USE FIREARMS IN DEFENSE OF SELF,**
10 **FAMILY, OR HOME; ENFORCEMENT.**

11 (a) REAFFIRMATION OF RIGHT.—A person not pro-
12 hibited from receiving a firearm by Public Law 90–351
13 shall have the right to obtain firearms for security, and
14 to use firearms—

15 (A) in defense of self or family against a
16 reasonably perceived threat of imminent and
17 unlawful infliction of serious bodily injury.

18 (B) in defense of self or family in the
19 course of the commission by another person of
20 a violent felony against the person or a member
21 of the person’s family; and

22 (C) in defense of the person’s home in the
23 course of the commission of a felony by another
24 person.

1 (b) FIREARM DEFINED.—As used in subsection (a),
2 the term “firearm” means—

3 (1) a shotgun (as defined in section 921(a)(5)
4 of title 18, United States Code);

5 (2) a rifle (as defined in section 921(a)(7) of
6 title 18, United States Code); or

7 (3) a handgun (as defined in section 10 of Pub-
8 lic Law 99–408).

9 (c) ENFORCEMENT OF RIGHT.—

10 (1) IN GENERAL.—A person whose right under
11 subsection (a) is violated in any manner may bring
12 an action in any United States district court against
13 the United States, any State, or any person for
14 damages, injunctive relief, and such other relief as
15 the court deems appropriate.

16 (2) AUTHORITY TO AWARD A REASONABLE AT-
17 TORNEY’S FEE.—In an action brought under para-
18 graph (1), the court, in its discretion, may allow the
19 prevailing plaintiff a reasonable attorney’s fee as
20 part of the costs.

21 (3) STATUTE OF LIMITATIONS.—An action may
22 not be brought under paragraph (1) after the 5-year
23 period that begins with the date the violation de-
24 scribed in paragraph (1) is discovered.

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