

104TH CONGRESS
1ST SESSION

H. R. 964

To amend title 18, United States Code, to prohibit the transfer of 2 or more handguns to an individual in any 30-day period.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 15, 1995

Mr. TORRICELLI (for himself, Mr. SHAYS, Mr. ROMERO-BARCELÓ, Mr. LIPINSKI, Mr. GUTIERREZ, Mr. BARRETT of Wisconsin, Ms. PELOSI, Mr. ACKERMAN, Mr. NADLER, and Mrs. LOWEY) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend title 18, United States Code, 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 1995”.

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 follow-
9 ing:

1 “(y) (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;

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

20 “(ix) is not subject to a court order that—

21 “(I) restrains the individual from
22 harassing, stalking, or threatening an inti-
23 mate partner of the individual or child of
24 such intimate partner or of the individual,
25 or engaging in other conduct that would

1 place an intimate partner in reasonable
2 fear of bodily injury to the partner or
3 child;

4 “(II) was issued after a hearing of
5 which the individual received actual notice,
6 and at which the individual had the oppor-
7 tunity to participate; and

8 “(III)(aa) includes a finding that the
9 individual represents a credible threat to
10 the physical safety of such intimate part-
11 ner or child; or

12 “(bb) by its terms explicitly prohibits
13 the use, attempted use, or threatened use
14 of physical force against such intimate
15 partner or child that would reasonably be
16 expected to cause bodily injury;

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

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

20 “(4) Any transferor of a handgun who, after the
21 transfer, receives a report from a chief law enforcement
22 officer containing information that receipt or possession
23 of the handgun by the transferee violates Federal, State,
24 or local law shall immediately communicate all information

1 the transferor has about the transfer and the transferee
2 to—

3 “(A) the chief law enforcement officer of the
4 place of business of the transferor; and

5 “(B) the chief law enforcement officer of the
6 place of residence of the transferee.

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

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

15 “(A) the transferor shall retain—

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

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

21 “(B) the chief law enforcement officer to whom
22 a copy of a statement is sent pursuant to paragraph
23 (1)(A)(iii)(III) shall retain the copy for at least 30
24 calendar days after the date the statement was
25 made.

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

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

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

10 (b) PENALTY.—Section 924(a) of such title is amend-
11 ed by redesignating the 2nd paragraph (5) as paragraph
12 (6) and by adding at the end the following:

13 “(7) Whoever knowingly violates section 922(y) shall
14 be fined under this title, imprisoned for not more than
15 1 year, or both.”.

16 (c) EFFECTIVE DATE.—The amendments made by
17 this Act shall apply to conduct engaged in 90 or more days
18 after the date of the enactment of this Act.

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