

104TH CONGRESS
1ST SESSION

S. 1068

To amend title 18, United States Code, to permanently prohibit the possession of firearms by persons who have been convicted of a violent felony, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 24 (legislative day, JULY 10), 1995

Mr. LAUTENBERG (for himself and Mr. SIMON) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To amend title 18, United States Code, to permanently prohibit the possession of firearms by persons who have been convicted of a violent felony, and for other purposes.

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 “Stop Arming Felons
5 (SAFe) Act”.

6 **SEC. 2. ADMINISTRATIVE RELIEF FROM CERTAIN FIRE-**
7 **ARMS AND EXPLOSIVES PROHIBITIONS.**

8 (a) IN GENERAL.—(1) Section 925(c) of title 18,
9 United States Code, is amended—

1 (A) in the first sentence by inserting “(other
2 than a natural person)” before “who is prohibited”;

3 (B) in the fourth sentence—

4 (i) by inserting “person (other than a nat-
5 ural person) who is a” before “licensed im-
6 porter”; and

7 (ii) by striking “his” and inserting “the
8 person’s”; and

9 (C) in the fifth sentence, by inserting “(i) the
10 name of the person, (ii) the disability with respect
11 to which the relief is granted, (iii) if the disability
12 was imposed by reason of a criminal conviction of
13 the person, the crime for which and the court in
14 which the person was convicted, and (iv)” before
15 “the reasons therefor”.

16 (2) Section 845(b) of title 18, United States Code,
17 is amended—

18 (A) in the first sentence by inserting “(other
19 than a natural person)” before “may make applica-
20 tion to the Secretary”; and

21 (B) in the second sentence by inserting “(other
22 than a natural person)” before “who makes applica-
23 tion for relief”.

24 (b) APPLICABILITY.—The amendments made by sub-
25 section (a) shall apply to—

1 (1) applications for administrative relief and ac-
2 tions for judicial review that are pending on the date
3 of enactment of this Act; and

4 (2) applications for administrative relief filed,
5 and actions for judicial review brought, after the
6 date of enactment of this Act.

7 **SEC. 3. PERMANENT FIREARM PROHIBITION FOR CON-**
8 **VICTED VIOLENT FELONS AND SERIOUS**
9 **DRUG OFFENDERS.**

10 Section 921(a)(20) of title 18, United States Code,
11 is amended—

12 (1) in the first sentence—

13 (A) by inserting “(A)” after “(20)”; and

14 (B) by redesignating subparagraphs (A)
15 and (B) as clauses (i) and (ii), respectively;

16 (2) in the second sentence, by striking “What”
17 and inserting the following:

18 “(B) What”; and

19 (3) by striking the third sentence and inserting
20 the following new subparagraph:

21 “(C) A conviction shall not be considered to be a con-
22 viction for purposes of this chapter if—

23 “(i) the conviction is reversed or set aside based
24 on a determination that the conviction is invalid;

1 “(ii) the person has been pardoned, unless the
2 authority that grants the pardon expressly states
3 that the person may not ship, transport, possess, or
4 receive firearms; or

5 “(iii) the person has had civil rights restored, or
6 the conviction is expunged, and—

7 “(I) the authority that grants the restora-
8 tion of civil rights or expungement expressly au-
9 thorizes the person to ship, transport, receive,
10 and possess firearms and expressly determines
11 that the circumstances regarding the conviction
12 and the person’s record and reputation are such
13 that the person is not likely to act in a manner
14 that is dangerous to public safety, and that the
15 granting of the relief is not contrary to the pub-
16 lic interest; and

17 “(II) the conviction was for an offense
18 other than a serious drug offense (as defined in
19 section 924(e)(2)(A)) or violent felony (as de-
20 fined in section 924(e)(2)(B)).”.

○