

104<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# S. 1113

To reduce gun trafficking by prohibiting bulk purchases of handguns.

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IN THE SENATE OF THE UNITED STATES

AUGUST 2 (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

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## A BILL

To reduce gun trafficking by prohibiting bulk purchases of  
handguns.

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 “Anti-Gun Trafficking  
5 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:

10 “(y)(1)(A)(i) It shall be unlawful for any licensed im-  
11 porter, licensed manufacturer, or licensed dealer—

1           “(I) during any 30-day period, to transfer 2 or  
2           more handguns to an individual who is not licensed  
3           under section 923; or

4           “(II) to transfer a handgun to an individual  
5           who is not licensed under section 923 and who re-  
6           ceived a handgun during the 30-day period ending  
7           on the date of the transfer.

8           “(ii) It shall be unlawful for any individual who is  
9           not licensed under section 923 to receive 2 or more hand-  
10          guns during any 30-day period.

11          “(iii) It shall be unlawful for any licensed importer,  
12          licensed manufacturer, or licensed dealer to transfer a  
13          handgun to an individual who is not licensed under section  
14          923, unless, after the most recent proposal of the transfer  
15          by the individual, the transferor has—

16               “(I) received from the individual a statement of  
17               the individual containing the information described  
18               in paragraph (3);

19               “(II) verified the identification of the individual  
20               by examining the identification document presented;  
21               and

22               “(III) within 1 day after the individual fur-  
23               nishes the statement, provided a copy of the state-  
24               ment to the chief law enforcement officer of the  
25               place of residence of the individual.

1       “(B) Subparagraph (A) shall not apply to the trans-  
2 fer of a handgun to, or the receipt of a handgun by, an  
3 individual who has presented to the transferor a written  
4 statement, issued by the chief law enforcement officer of  
5 the place of residence of the individual during the 10-day  
6 period ending on the date of the transfer or receipt, which  
7 states that the individual requires access to a handgun be-  
8 cause of a threat to the life of the individual or of any  
9 member of the household of the individual.

10       “(2) Paragraph (1) shall not be interpreted to require  
11 any action by a chief law enforcement officer which is not  
12 otherwise required.

13       “(3) The statement referred to in paragraph  
14 (1)(A)(iii)(I) shall contain only—

15               “(A) the name, address, and date of birth ap-  
16 pearing on a valid identification document (as de-  
17 fined in section 1028(d)(1)) of the individual con-  
18 taining a photograph of the individual and a descrip-  
19 tion of the identification used;

20               “(B) a statement that the individual—

21                       “(i) is not under indictment for, and has  
22 not been convicted in any court of, a crime pun-  
23 ishable by imprisonment for a term exceeding  
24 one year;

25                       “(ii) is not a fugitive from justice;

1           “(iii) is not an unlawful user of or addicted  
2 to any controlled substance (as defined in sec-  
3 tion 102 of the Controlled Substances Act);

4           “(iv) has not been adjudicated as a mental  
5 defective or been committed to a mental institu-  
6 tion;

7           “(v) is not an alien who is illegally or un-  
8 lawfully in the United States;

9           “(vi) has not been discharged from the  
10 Armed Forces under dishonorable conditions;

11           “(vii) is not a person who, having been a  
12 citizen of the United States, has renounced  
13 such citizenship;

14           “(viii) has not received a handgun during  
15 the 30-day period ending on the date of the  
16 statement; and

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

18           “(I) restrains the individual from  
19 harassing, stalking, or threatening an inti-  
20 mate partner of the individual or child of  
21 such intimate partner or of the individual,  
22 or engaging in other conduct that would  
23 place an intimate partner in reasonable  
24 fear of bodily injury to the partner or  
25 child;

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

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

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

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

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

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

24                  “(A) the chief law enforcement officer of the  
25                  place of business of the transferor; and

1           “(B) the chief law enforcement officer of the  
2           place of residence of the transferee.

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

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

11           “(A) the transferor shall retain—

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

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

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

22           “(7) For purposes of this subsection, the term ‘chief  
23 law enforcement officer’ means the chief of police, the  
24 sheriff, or an equivalent officer, or the designee of any  
25 such individual.

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

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

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

9       “(7) Whoever knowingly violates section 922(y) shall  
10 be fined not more than \$5,000, imprisoned for not more  
11 than 1 year, or both.”.

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

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