

105TH CONGRESS
1ST SESSION

H. R. 2340

To provide for mandatory prison terms for possessing, brandishing, or discharging a firearm or destructive device during a Federal crime that is a crime of violence or a drug trafficking crime.

IN THE HOUSE OF REPRESENTATIVES

JULY 31, 1997

Mrs. KELLY (for herself and Mr. CUNNINGHAM) introduced the following bill;
which was referred to the Committee on the Judiciary

A BILL

To provide for mandatory prison terms for possessing, brandishing, or discharging a firearm or destructive device during a Federal crime that is a crime of violence or a drug trafficking crime.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. MANDATORY PRISON TERMS FOR POSSESSING,**
2 **BRANDISHING, OR DISCHARGING A FIREARM**
3 **OR DESTRUCTIVE DEVICE DURING A FED-**
4 **ERAL CRIME THAT IS A CRIME OF VIOLENCE**
5 **OR A DRUG TRAFFICKING CRIME.**

6 Section 924(e) of title 18, United States Code, is
7 amended—

8 (1) by redesignating paragraphs (2) and (3) as
9 paragraphs (4) and (5), respectively; and

10 (2) by striking paragraph (1) and inserting the
11 following:

12 “(1) A person who, during and in relation to any
13 crime of violence or drug trafficking crime (including a
14 crime of violence or drug trafficking crime which provides
15 for an enhanced punishment if committed by the use of
16 a deadly or dangerous weapon or device) for which the
17 person may be prosecuted in a court of the United
18 States—

19 “(A) possesses a firearm, shall, in addition to
20 the sentence imposed for the crime of violence or
21 drug trafficking crime, be sentenced to imprison-
22 ment for 5 years;

23 “(B) brandishes a firearm, shall, in addition to
24 the sentence imposed for the crime of violence or
25 drug trafficking crime, be sentenced to imprison-
26 ment for 10 years; or

1 “(C) discharges a firearm with the intent to in-
2 jure another person, shall, in addition to the sen-
3 tence imposed for the crime of violence or drug traf-
4 ficking crime, be sentenced to imprisonment for 20
5 years;

6 except that if the firearm is a short-barreled rifle or short-
7 barreled shotgun, or is equipped with a large capacity am-
8 munition feeding device, such additional sentence shall be
9 imprisonment for 10 years more than the term of impris-
10 onment that would otherwise be imposed under this para-
11 graph, and if the firearm is a machinegun or destructive
12 device or is equipped with a firearm silencer or firearm
13 muffler, such additional sentence shall be imprisonment
14 for 30 years.

15 “(2) In the case of the second or subsequent convic-
16 tion of a person under this subsection—

17 “(A) if the person possessed a firearm during
18 and in relation to such second or subsequent crime
19 of violence or drug trafficking crime, the person
20 shall, in addition to the sentence imposed for such
21 second or subsequent offense, be sentenced to im-
22 prisonment for not less than 20 years;

23 “(B) if the person brandished a firearm during
24 and in relation to such second or subsequent crime
25 of violence or drug trafficking crime, the person

1 shall, in addition to the sentence imposed for such
2 second or subsequent offense, be sentenced to im-
3 prisonment for not less than 25 years; or

4 “(C) if the person discharged a firearm with
5 the intent to injure another person during and in re-
6 lation to such second or subsequent crime of violence
7 or drug trafficking crime, the person shall, in addi-
8 tion to the sentence imposed for such second or sub-
9 sequent offense, be sentenced to imprisonment for
10 not less than 30 years;

11 except that if the firearm is a machinegun or destructive
12 device or is equipped with a firearm silencer or firearm
13 muffler, the person shall, in addition to the sentence im-
14 posed for such second or subsequent offense, be sentenced
15 to life imprisonment.

16 “(3)(A) Notwithstanding any other provision of law,
17 the court shall not impose a probationary sentence on any
18 person convicted of a violation of this subsection, nor shall
19 a term of imprisonment imposed under this subsection run
20 concurrently with any other term of imprisonment includ-
21 ing that imposed for the crime of violence or drug traffick-
22 ing crime in which the firearm was used.

1 “(B) No person sentenced under this subsection shall
2 be released for any reason whatsoever during a term of
3 imprisonment imposed under this subsection.”.

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