

Union Calendar No. 199

105TH CONGRESS
1ST Session

H. R. 424

[Report No. 105-344]

A BILL

To provide for increased mandatory minimum sentences for criminals possessing firearms, and for other purposes.

OCTOBER 24, 1997

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

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IN THE HOUSE OF REPRESENTATIVES

JANUARY 9, 1997

Mrs. MYRICK (for herself, Mr. GILMAN, Mr. GRAHAM, Mr. SOLOMON, and Mr. SENSENBRENNER) introduced the following bill; which was referred to the Committee on the Judiciary

OCTOBER 24, 1997

Additional sponsors: Mr. TALENT, Mr. FOLEY, Mr. HORN, Mr. EHRLICH, Mr. PETRI, Mr. WEXLER, and Mrs. KELLY

OCTOBER 24, 1997

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[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on January 9, 1997]

A BILL

To provide for increased mandatory minimum sentences for criminals possessing firearms, 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,*

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(c) of title 18, United States Code, is*
7 *amended—*

8 *(1) by redesignating paragraphs (2) and (3) as*
9 *paragraphs (5) and (6), 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 a*
16 *deadly or dangerous weapon or device) for which the person*
17 *may be prosecuted in a court of the United States—*

18 *“(A) possesses a firearm in furtherance of the*
19 *crime, shall, in addition to the sentence imposed for*
20 *the crime of violence or drug trafficking crime, be sen-*
21 *tenced to imprisonment for 10 years;*

22 *“(B) brandishes a firearm, shall, in addition to*
23 *the sentence imposed for the crime of violence or drug*
24 *trafficking crime, be sentenced to imprisonment for 15*
25 *years; or*

1 “(C) discharges a firearm, shall, in addition to
2 the sentence imposed for the crime of violence or drug
3 trafficking crime, be sentenced to imprisonment for 20
4 years;

5 except that if the firearm is a machinegun or destructive
6 device or is equipped with a firearm silencer or firearm
7 muffler, such additional sentence shall be imprisonment for
8 30 years.

9 “(2) In the case of the second or subsequent conviction
10 of a person under this subsection—

11 “(A) if the conviction is for possession of a fire-
12 arm as described in paragraph (1), the person shall,
13 in addition to the sentence imposed for the crime of
14 violence or drug trafficking crime involved, be sen-
15 tenced to imprisonment for not less than 20 years;

16 “(B) if the conviction is for brandishing a fire-
17 arm as described in paragraph (1), the person shall,
18 in addition to the sentence imposed for the crime of
19 violence or drug trafficking crime involved, be sen-
20 tenced to imprisonment for not less than 25 years; or

21 “(C) if the conviction is for discharging a fire-
22 arm as described in paragraph (1), the person shall,
23 in addition to the sentence imposed for the crime of
24 violence or drug trafficking crime involved, be sen-
25 tenced to imprisonment for not less than 30 years;

1 *except that if the firearm is a machinegun or destructive*
2 *device or is equipped with a firearm silencer or firearm*
3 *muffler, the person shall, in addition to the sentence im-*
4 *posed for the crime of violence or drug trafficking crime*
5 *involved, be sentenced to life imprisonment.*

6 “(3) *Notwithstanding any other provision of law, the*
7 *court shall not impose a probationary sentence on any per-*
8 *son convicted of a violation of this subsection, nor shall a*
9 *term of imprisonment imposed under this subsection run*
10 *concurrently with any other term of imprisonment includ-*
11 *ing that imposed for the crime of violence or drug traffick-*
12 *ing crime in which the firearm was used.*

13 “(4) *For purposes of this subsection, the term ‘bran-*
14 *dish’ means, with respect to a firearm, to display all or*
15 *part of the firearm so as to intimidate or threaten, regard-*
16 *less of whether the firearm is visible.’.*”