

105TH CONGRESS
2D SESSION

H. R. 4290

To assist State and local governments in conducting community gun buy back programs.

IN THE HOUSE OF REPRESENTATIVES

JULY 21, 1998

Mr. KENNEDY of Rhode Island (for himself and Mr. BLAGOJEVICH) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To assist State and local governments in conducting community gun buy back programs.

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 “Gun Buy Back Part-
5 nership Grant Act of 1998”.

6 **SEC. 2. FINDINGS; PURPOSE.**

7 (a) FINDINGS.—The Congress finds that—

8 (1) 36,000 Americans are killed each year by
9 the use of a gun;

1 (2) 16 children are killed each day by the use
2 of a gun;

3 (3) guns are present in almost 35 percent of all
4 American households; and

5 (4) according to studies, between 1985 and
6 1994, 709 law enforcement officers in the United
7 States were feloniously killed in the line of duty, and
8 more than 92 percent of such law enforcement offi-
9 cers were killed by the use of a gun.

10 (b) PURPOSE.—The purpose of this Act is to reduce
11 the number of guns on the streets by helping State and
12 local law enforcement departments conduct community
13 gun buy back programs.

14 **SEC. 3. PROGRAM AUTHORIZED.**

15 (a) GRANTS.—The Director of the Bureau of Justice
16 Assistance may make grants to States or units of local
17 government to conduct community gun buy back pro-
18 grams.

19 (b) DISTRIBUTION AND USE OF FUNDS.—The Direc-
20 tor of the Bureau of Justice Assistance shall distribute
21 each grant made under subsection (a) directly to the State
22 or unit of local government involved, which shall use the
23 grant only to conduct a community gun buy back program.

24 (c) MINIMUM AMOUNT.—Unless all applications sub-
25 mitted by any State or unit of local government pursuant

1 to this Act have been funded, each qualifying State or unit
2 of local government shall be allocated in each fiscal year
3 pursuant to subsection (a) not less than 0.50 percent of
4 the total amount appropriated for the fiscal year pursuant
5 to this Act.

6 (d) MAXIMUM AMOUNT.—During a fiscal year, the
7 Director of the Bureau of Justice Assistance shall not,
8 under this Act, provide a qualifying State or unit of local
9 government with more than 5 percent of the total amount
10 appropriated for the fiscal year pursuant to this Act.

11 (e) MATCHING FUNDS.—A grant made under this
12 Act shall not be used to cover more than 50 percent of
13 the cost of conducting a community gun buy back pro-
14 gram, except to the extent that the Director of the Bureau
15 of Justice Assistance waives such requirement, in whole
16 or in part, after determining the existence of a fiscal hard-
17 ship on the part of the grant recipient.

18 (f) PREFERENTIAL CONSIDERATION.—In awarding
19 grants under this Act, the Director of the Bureau of Jus-
20 tice Assistance shall give preferential consideration to an
21 application from a jurisdiction which will conduct a com-
22 munity gun buy back program that will destroy all guns
23 received by the program. For purposes of the preceding
24 sentence a community gun buy back program which will
25 donate to a State or local museum for display any inoper-

1 able gun that is a curio or relic or that has historic signifi-
2 cance shall be treated in the same manner as a community
3 gun buy back program that will destroy all guns received
4 by the program.

5 **SEC. 4. APPLICATIONS.**

6 (a) STATE APPLICATIONS.—To request a grant
7 under this Act, the chief executive of a State shall submit
8 an application to the Director of the Bureau of Justice
9 Assistance, signed by the Attorney General of the State
10 requesting the grant, in such form and containing such
11 information as the Director may reasonably require.

12 (b) LOCAL APPLICATIONS.—To request a grant
13 under this Act, the chief executive of a unit of local gov-
14 ernment shall submit an application to the Director of the
15 Bureau of Justice Assistance, signed by the chief law en-
16 forcement officer of the unit of local government request-
17 ing the grant, in such form and containing such informa-
18 tion as the Director may reasonably require.

19 (c) RENEWAL.—A State or unit of local government
20 shall be eligible to receive a grant under this Act annually.

21 (d) REGULATIONS.—Not later than 90 days after the
22 date of enactment of this Act, the Director of the Bureau
23 of Justice Assistance shall promulgate regulations to im-
24 plement this Act, which shall specify the information that
25 must be included and the requirements that the States

1 and units of local government must meet in submitting
2 the applications for grants under this Act.

3 **SEC. 5. DEFINITIONS.**

4 In this Act:

5 (1) COMMUNITY GUN BUY BACK PROGRAM.—

6 The term “community gun buy back program”
7 means a program conducted by State or local law
8 enforcement authorities under which such authori-
9 ties purchase or accept donations of guns from per-
10 sons desiring to dispose of them.

11 (2) GUN.—The term “gun” means a firearm
12 (as defined in section 921(a)(3) of title 18, United
13 States Code).

14 (3) QUALIFYING STATE OR UNIT OF LOCAL
15 GOVERNMENT.—The term “qualifying State or unit
16 of local government” means a State or unit of local
17 government whose application for a grant under this
18 Act meets the applicable requirements prescribed by
19 or under this Act.

20 (4) STATE.—The term “State” means each of
21 the 50 States, the District of Columbia, Puerto Rico,
22 the United States Virgin Islands, American Samoa,
23 and the Northern Mariana Islands.

1 **SEC. 6. LIMITATIONS ON AUTHORIZATION OF APPROPRIA-**
2 **TIONS.**

3 For grants under this Act, there are authorized to
4 be appropriated to the Director of the Bureau of Justice
5 Assistance not more than \$15,000,000 for each fiscal
6 year.

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