

108TH CONGRESS  
1ST SESSION

# S. 1983

To amend title 18 of the United States Code, to enhance the authority of the Bureau of Alcohol, Tobacco, Firearms, and Explosives to enforce the compliance of gun dealers with Federal firearms laws, and for other purposes.

---

## IN THE SENATE OF THE UNITED STATES

DECEMBER 9, 2003

Mr. SCHUMER (for himself, Mr. REED, Mrs. CLINTON, Mrs. FEINSTEIN, and Mr. DURBIN) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

---

## A BILL

To amend title 18 of the United States Code, to enhance the authority of the Bureau of Alcohol, Tobacco, Firearms, and Explosives to enforce the compliance of gun dealers with Federal firearms laws, 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 “So No Innocent Person  
5 Ever Repeats the Sniper Tragedy Act of 2003” or the  
6 “SNIPER Act of 2003”.

1 **SEC. 2. ENFORCING COMPLIANCE WITH RECORD KEEPING**  
2 **REQUIREMENTS.**

3 (a) **INSPECTIONS.**—Section 923(g)(1) of title 18,  
4 United States Code, is amended—

5 (1) in subparagraph (B)(ii)(I), by striking  
6 “once” and inserting “4 times”;

7 (2) in subparagraph (C)(i), by striking “once”  
8 and inserting “4 times”;

9 (3) by redesignating subparagraph (D) as sub-  
10 paragraph (E); and

11 (4) by inserting after subparagraph (C), the fol-  
12 lowing:

13 “(D) If a licensed importer, licensed manu-  
14 facturer, licensed dealer, or licensed collector is  
15 found in violation of this chapter, or the related  
16 regulations, the Attorney General shall inspect  
17 or examine the inventory and records of such  
18 violator not less than once each year during the  
19 3 years following such violation.”.

20 (b) **AMMUNITION SALES.**—Section 923(g)(1)(A) is  
21 amended in the first sentence by striking “firearms at his”  
22 and inserting “firearms and ammunition, except on .22  
23 caliber rimfire ammunition, at such licensee’s”.

24 (c) **PENALTY ENHANCEMENT.**—Section 924(a)(1) of  
25 title 18, United States Code, is amended—

1           (1) in subparagraph (C), by striking “or” at  
2           the end;

3           (2) by redesignating subparagraph (D) as sub-  
4           paragraph (E); and

5           (3) by inserting after subparagraph (C) the fol-  
6           lowing:

7           “(D) willfully violates section 923(g); or”.

8   **SEC. 3. ENFORCEMENT ACTIONS AGAINST VIOLATORS OF**  
9                                   **FEDERAL FIREARMS LAWS.**

10          (a) **SUSPENSIONS.**—Section 924 of title 18, United  
11 States Code, as amended by section 2(c), is further  
12 amended by adding at the end the following:

13          “(q) A licensed importer, manufacturer, dealer, or  
14 collector who violates any provision of this chapter, or the  
15 related regulations, may be subject to—

16                 “(1) the revocation of any applicable license;

17                 “(2) the suspension of any applicable license; or

18                 “(3) a fine under this title.”.

19          (b) **WARNING LETTERS; NOTICES; FINES.**—Section  
20 923(g) of title 18, United States Code, is amended by add-  
21 ing at the end the following:

22          “(8) If an inspection under paragraph (1) reveals  
23 that a licensee has violated any provision of this chapter,  
24 or the related regulations, the Attorney General shall—

1           “(A) issue a warning letter to the alleged viola-  
2           tor, and maintain a copy of such letter, along with  
3           any written report prepared by the inspector—

4                       “(i) in the files of the appropriate Director  
5                       of Industry Operations; and

6                       “(ii) at the headquarters of the Bureau of  
7                       Alcohol, Tobacco, Firearms, and Explosives;

8           “(B) issue a notice of revocation of the license  
9           and conduct the appropriate proceedings; or

10           “(C) issue a notice of revocation, suspension, or  
11           imposition of a civil fine, and conduct the appro-  
12           priate proceedings.”.

13           (c) TIMELINESS OF ENFORCEMENT ACTIONS.—The  
14           Attorney General shall, by regulation, require the Director  
15           of Industry Operations of the Bureau of Alcohol, Tobacco,  
16           Firearms, and Explosives to issue a final decision within  
17           120 days from the date on which a notice of revocation,  
18           suspension, or imposition of a civil fine is mailed to a li-  
19           censee (as that term is defined in section 103(j)(1) of the  
20           Brady Handgun Violence Prevention Act (18 U.S.C. 922  
21           note).

22           (d) JUDICIAL STAYS OF ENFORCEMENT ACTIONS.—  
23           Section 923(f)(3) of title 18, United States Code, is  
24           amended by striking the period at the end of the first sen-  
25           tence and inserting “, and shall not postpone the effective

1 date of such decision unless so ordered by a United States  
2 district court judge or magistrate who has jurisdiction  
3 over the matter.”.

4 (e) ENFORCEMENT ACTION NOT DEPENDENT UPON  
5 CRIMINAL CONVICTION.—Section 923(f) of title 18,  
6 United States Code, is amended by striking paragraph (4).

7 **SEC. 4. RESTRICTION OF GUN SALES TO IN-STATE RESI-**  
8 **DENTS.**

9 Section 922(b)(3) of title 18, United States Code, is  
10 amended by striking “(A) shall not apply” and all that  
11 follows through “and (B)”.

12 **SEC. 5. BALLISTICS TESTING OF FIREARMS.**

13 (a) SHORT TITLE.—This section may be cited as the  
14 “Technological Resource to Assist Criminal Enforcement  
15 Act” or the “TRACE Act”.

16 (b) PURPOSES.—The purposes of this section are—

17 (1) to increase public safety by assisting law en-  
18 forcement in solving more gun-related crimes and of-  
19 fering prosecutors evidence to link felons to gun  
20 crimes through ballistics technology;

21 (2) to provide for ballistics testing of all new  
22 firearms for sale to assist in the identification of  
23 firearms used in crimes;

1           (3) to require ballistics testing of all firearms in  
2           custody of Federal agencies to assist in the identi-  
3           fication of firearms used in crimes; and

4           (4) to add ballistics testing to existing firearms  
5           enforcement programs.

6           (c) DEFINITION OF BALLISTICS.—Section 921(a) of  
7           title 18, United States Code, is amended by adding at the  
8           end the following:

9           “(36) BALLISTICS.—The term ‘ballistics’ means a  
10          comparative analysis of fired bullets and cartridge casings  
11          to identify the firearm from which bullets and cartridge  
12          casings were discharged, through identification of the  
13          unique markings that each firearm imprints on bullets and  
14          cartridge casings.”.

15          (d) TEST FIRING AND AUTOMATED STORAGE OF  
16          BALLISTICS RECORDS.—

17               (1) AMENDMENT.—Section 923 of title 18,  
18               United States Code, is amended by adding at the  
19               end the following:

20               “(m)(1) In addition to the other licensing require-  
21               ments under this section, a licensed manufacturer or li-  
22               censed importer shall—

23                       “(A) test fire firearms manufactured or im-  
24                       ported by such licensees as specified by the Attorney  
25                       General by regulation;

1           “(B) prepare ballistics images of the fired bullet  
2           and cartridge casings from the test fire;

3           “(C) make the records available to the Attorney  
4           General for entry into the electronic database estab-  
5           lished under paragraph (3)(B); and

6           “(D) store the fired bullet and cartridge casings  
7           in such a manner and for such a period as specified  
8           by the Attorney General by regulation.

9           “(2) Nothing in this subsection creates a cause of ac-  
10          tion against any Federal firearms licensee or any other  
11          person for any civil liability except for imposition of a civil  
12          penalty under this section.

13          “(3)(A) The Attorney General shall assist firearm  
14          manufacturers and importers in complying with paragraph  
15          (1) by—

16                 “(i) acquiring, installing, and upgrading ballis-  
17                 tics equipment and bullet and cartridge casing recov-  
18                 ery equipment to be placed at locations readily ac-  
19                 cessible to licensed manufacturers and importers;

20                 “(ii) hiring or designating sufficient personnel  
21                 to develop and maintain a database of ballistics im-  
22                 ages of fired bullets and cartridge casings, research,  
23                 and evaluation;

1           “(iii) providing education about the role of bal-  
2           listics as part of a comprehensive firearm crime re-  
3           duction strategy;

4           “(iv) providing for the coordination among Fed-  
5           eral, State, and local law enforcement and regulatory  
6           agencies and the firearm industry to curb firearm-  
7           related crime and illegal firearm trafficking; and

8           “(v) taking other necessary steps to make bal-  
9           listics testing effective.

10          “(B) The Attorney General shall—

11           “(i) establish an electronic database—

12                   “(I) through which State and local law en-  
13                   forcement agencies can promptly access the bal-  
14                   listics records stored under this subsection, as  
15                   soon as such capability is available; and

16                   “(II) that shall not include any identifying  
17                   information regarding dealers, collectors, or  
18                   purchasers of firearms; and

19           “(ii) require training for all ballistics exam-  
20           iners.

21          “(4) The Attorney General shall conduct mandatory  
22          ballistics testing of all firearms obtained or in the posses-  
23          sion of their respective agencies.

24          “(5) Not later than 3 years after the date of enact-  
25          ment of this subsection, and annually thereafter, the At-

1 torney General shall submit to the Committees on the Ju-  
2 diciary of the Senate and the House of Representatives  
3 a report regarding the implementation of this section, in-  
4 cluding—

5           “(A) the number of Federal and State criminal  
6 investigations, arrests, indictments, and prosecutions  
7 of all cases in which access to ballistics records, pro-  
8 vided under the system established under this sec-  
9 tion and under similar systems operated by any  
10 State, served as a valuable investigative tool in the  
11 prosecution of gun crimes;

12           “(B) the extent to which ballistics records are  
13 accessible across jurisdictions; and

14           “(C) a statistical evaluation of the test pro-  
15 grams conducted pursuant to paragraph (4).

16           “(6) There are authorized to be appropriated to the  
17 Department of Justice \$20,000,000 for each of the fiscal  
18 years 2005 through 2008 to carry out this subsection, to  
19 be used to—

20           “(A) install ballistics equipment and bullet and  
21 cartridge casing recovery equipment;

22           “(B) establish sites for ballistics testing;

23           “(C) pay salaries and expenses of necessary  
24 personnel; and

25           “(D) conduct related research and evaluation.”.

1 (2) EFFECTIVE DATE.—

2 (A) IN GENERAL.—Except as provided in  
3 subparagraphs (A) and (B), the amendment  
4 made by paragraph (1) shall take effect on the  
5 date on which the Attorney General, in con-  
6 sultation with the Board of the National Inte-  
7 grated Ballistics Information Network, certifies  
8 that the ballistics system used by the Depart-  
9 ment of Justice is sufficiently developed to sup-  
10 port mandatory ballistics testing of new fire-  
11 arms.

12 (B) BALLISTICS TESTING.—Section  
13 923(m)(1) of title 18, United States Code, as  
14 added by paragraph (1), shall take effect 2  
15 years after the date of enactment of this Act.

16 (C) EFFECTIVE ON DATE OF ENACT-  
17 MENT.—Section 923(m)(4) of title 18, United  
18 States Code, as added by paragraph (1), shall  
19 take effect on the date of enactment of this Act.

20 (e) PRIVACY RIGHTS OF LAW ABIDING CITIZENS.—  
21 Ballistics information of individual guns in any form or  
22 database established by this section may not be used for  
23 prosecutorial purposes unless law enforcement officials  
24 have a reasonable belief that a crime has been committed

1 and that ballistics information would assist in the inves-  
2 tigation of that crime.

3 **SEC. 6. ADDITIONAL FUNDING FOR THE BUREAU OF ALCO-**  
4 **HOL, TOBACCO, FIREARMS, AND EXPLOSIVES.**

5 (a) GUN CRIME TASK FORCES.—

6 (1) IN GENERAL.—The Attorney General shall  
7 establish, within each field division of the Bureau of  
8 Alcohol, Tobacco, Firearms, and Explosives, a group  
9 of inspectors, agents, and support personnel to be  
10 known as the “gun crime task force”.

11 (2) PURPOSE.—The gun crime task forces es-  
12 tablished pursuant to paragraph (1) shall inves-  
13 tigate, and assist in the regulation of, and if appro-  
14 priate, the prosecution of, licensees (as that term is  
15 defined in section 103(j)(1) of the Brady Handgun  
16 Violence Prevention Act (18 U.S.C. 922 note)) and  
17 unlicensed dealers, who are suspected of violating  
18 chapter 44 or 96 of title 18, United States Code.

19 (b) AUTHORIZATION OF APPROPRIATIONS.—

20 (1) GUN CRIME TASK FORCES.—There are au-  
21 thorized to be appropriated \$10,000,000 for each of  
22 the fiscal years 2005 through 2008 to carry out the  
23 provisions of subsection (a).

24 (2) INDUSTRY OPERATIONS.—There are author-  
25 ized to be appropriated \$25,000,000 for each of the

1 fiscal years 2005 through 2008 to employ additional  
2 inspectors, regulators, and employees in the Industry  
3 Operations field divisions of the Bureau of Alcohol,  
4 Tobacco, Firearms, and Explosives.

○