

108TH CONGRESS
1ST SESSION

S. 1431

To reauthorize the assault weapons ban, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 17, 2003

Mr. LAUTENBERG (for himself and Mr. CORZINE) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To reauthorize the assault weapons ban, 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 “Assault Weapons Ban
5 and Law Enforcement Protection Act of 2003”.

6 **SEC. 2. DEFINITIONS.**

7 (a) IN GENERAL.—Section 921(a)(30) of title 18,
8 United States Code, is amended to read as follows:

9 “(30) The term ‘semiautomatic assault weapon’
10 means any of the following:

1 “(A) The following rifles or copies or duplicates
2 thereof:

3 “(i) AK, AKM, AKS, AK-47, AK-74,
4 ARM, MAK90, Misr, NHM 90, NHM 91, SA
5 85, SA 93, VEPR;

6 “(ii) AR-10;

7 “(iii) AR-15, Bushmaster XM15, Armalite
8 M15, or Olympic Arms PCR;

9 “(iv) AR70;

10 “(v) Calico Liberty;

11 “(vi) Dragunov SVD Sniper Rifle or
12 Dragunov SVU;

13 “(vii) Fabrique National FN/FAL, FN/
14 LAR, or FNC;

15 “(viii) Hi-Point Carbine;

16 “(ix) HK-91, HK-93, HK-94, or HK-
17 PSG-1;

18 “(x) Kel-Tec Sub Rifle;

19 “(xi) M1 Carbine;

20 “(xii) Saiga;

21 “(xiii) SAR-8, SAR-4800;

22 “(xiv) SKS with detachable magazine;

23 “(xv) SLG 95;

24 “(xvi) SLR 95 or 96;

25 “(xvii) Steyr AUG;

1 “(xviii) Sturm, Ruger Mini–14;

2 “(xix) Tavor;

3 “(xx) Thompson 1927, Thompson M1, or
4 Thompson 1927 Commando; or

5 “(xxi) Uzi, Galil and Uzi Sporter, Galil
6 Sporter, or Galil Sniper Rifle (Galatz).

7 “(B) The following pistols or copies or dupli-
8 cates thereof:

9 “(i) Calico M–110;

10 “(ii) MAC–10, MAC–11, or MPA3;

11 “(iii) Olympic Arms OA;

12 “(iv) TEC–9, TEC–DC9, TEC–22 Scor-
13 pion, or AB–10; or

14 “(v) Uzi.

15 “(C) The following shotguns or copies or dupli-
16 cates thereof:

17 “(i) Armscor 30 BG;

18 “(ii) SPAS 12 or LAW 12;

19 “(iii) Striker 12; or

20 “(iv) Streetsweeper.

21 “(D) A semiautomatic rifle that has an ability
22 to accept a detachable magazine, and that has—

23 “(i) a folding or telescoping stock;

24 “(ii) a threaded barrel;

25 “(iii) a pistol grip;

1 “(iv) a forward grip; or

2 “(v) a barrel shroud.

3 “(E)(i) Except as provided in clause (ii), a
4 semiautomatic rifle that has a fixed magazine with
5 the capacity to accept more than 10 rounds.

6 “(ii) Clause (i) shall not apply to an attached
7 tubular device designed to accept, and capable of op-
8 erating only with, .22 caliber rimfire ammunition.

9 “(F) A semiautomatic pistol that has the ability
10 to accept a detachable magazine, and has—

11 “(i) a second pistol grip;

12 “(ii) a threaded barrel;

13 “(iii) a barrel shroud; or

14 “(iv) the capacity to accept a detachable
15 magazine at a location outside of the pistol
16 grip.

17 “(G) A semiautomatic pistol with a fixed maga-
18 zine that has the capacity to accept more than 10
19 rounds.

20 “(H) A semiautomatic shotgun that has—

21 “(i) a folding or telescoping stock;

22 “(ii) a pistol grip;

23 “(iii) the ability to accept a detachable
24 magazine; or

1 “(iv) a fixed magazine capacity of more
2 than 5 rounds.

3 “(I) A shotgun with a revolving cylinder.

4 “(J) A frame or receiver that is identical to, or
5 based substantially on the frame or receiver of, a
6 firearm described in any of subparagraphs (A)
7 through (I) or (L).

8 “(K) A conversion kit.

9 “(L) A semiautomatic rifle or shotgun origi-
10 nally designed for military or law enforcement use,
11 or a firearm based on the design of such a firearm,
12 that is not particularly suitable for sporting pur-
13 poses, as determined by the Attorney General. In
14 making the determination, there shall be a rebut-
15 table presumption that a firearm procured for use
16 by the United States military or any Federal law en-
17 forcement agency is not particularly suitable for
18 sporting purposes, and a firearm shall not be deter-
19 mined to be particularly suitable for sporting pur-
20 poses solely because the firearm is suitable for use
21 in a sporting event.”.

22 (b) RELATED DEFINITIONS.—Section 921(a) of such
23 title is amended by adding at the end the following:

24 “(36) BARREL SHROUD.—The term ‘barrel shroud’
25 means a shroud that is attached to, or partially or com-

1 pletely encircles, the barrel of a firearm so that the shroud
2 protects the user of the firearm from heat generated by
3 the barrel, but does not include a slide that encloses the
4 barrel, and does not include an extension of the stock
5 along the bottom of the barrel which does not encircle or
6 substantially encircle the barrel.

7 “(37) CONVERSION KIT.—The term ‘conversion kit’
8 means any part or combination of parts designed and in-
9 tended for use in converting a firearm into a semiauto-
10 matic assault weapon, and any combination of parts from
11 which a semiautomatic assault weapon can be assembled
12 if the parts are in the possession or under the control of
13 a person.

14 “(38) DETACHABLE MAGAZINE.—The term ‘detach-
15 able magazine’ means an ammunition feeding device that
16 can readily be inserted into a firearm.

17 “(39) FIXED MAGAZINE.—The term ‘fixed magazine’
18 means an ammunition feeding device contained in, or per-
19 manently attached to, a firearm.

20 “(40) FOLDING OR TELESCOPING STOCK.—The term
21 ‘folding or telescoping stock’ means a stock that folds,
22 telescopes, or otherwise operates to reduce the length, size,
23 or any other dimension, or otherwise enhances the
24 concealability, of a firearm.

1 “(41) FORWARD GRIP.—The term ‘forward grip’
2 means a grip located forward of the trigger that functions
3 as a pistol grip.

4 “(42) PISTOL GRIP.—The term ‘pistol grip’ means a
5 grip, a thumbhole stock, or any other characteristic that
6 can function as a grip.

7 “(43) THREADED BARREL.—The term ‘threaded bar-
8 rel’ means a feature or characteristic that is designed in
9 such a manner to allow for the attachment of a firearm
10 as defined in section 5845(a) of the National Firearms
11 Act (26 U.S.C. 5845(a)).”.

12 **SEC. 3. ELIMINATION OF SUNSET.**

13 Section 110105 of the Public Safety and Recreational
14 Firearms Protection Act is amended—

15 (1) by striking “—” and all that follows
16 through “(1)”; and

17 (2) by striking “; and” and all that follows
18 through “that date”.

19 **SEC. 4. GRANDFATHER PROVISIONS.**

20 Section 922(v)(2) of title 18, United States Code, is
21 amended—

22 (1) by inserting “(A)” after “(2)”;
23

24 (2) by striking “on the date of the enactment
25 of this subsection” and inserting “as of September
13, 1994”; and

1 (3) by adding after and below the end the fol-
2 lowing:

3 “(B) Paragraph (1) shall not apply to any firearm
4 the possession or transfer of which would (but for this sub-
5 paragraph) be unlawful by reason of this subsection, and
6 which is otherwise lawfully possessed on the date of the
7 enactment of this subparagraph.”.

8 **SEC. 5. REPEAL OF CERTAIN EXEMPTIONS.**

9 Section 922(v)(3) of title 18, United States Code, is
10 amended by striking “(3)” and all that follows through
11 the end of the first sentence and inserting the following:

12 “(3) Paragraph (1) shall not apply to any firearm
13 that—

14 “(A) is manually operated by bolt, pump, level,
15 or slide action;

16 “(B) has been rendered permanently inoperable;
17 or

18 “(C) is an antique firearm.”.

19 **SEC. 6. REQUIRING BACKGROUND CHECKS FOR THE**
20 **TRANSFER OF LAWFULLY POSSESSED SEMI-**
21 **AUTOMATIC ASSAULT WEAPONS.**

22 Section 922(v) of title 18, United States Code, is
23 amended by adding at the end the following:

1 “(5) It shall be unlawful for any person to transfer
2 a semiautomatic assault weapon to which paragraph (1)
3 does not apply, except through—

4 “(A) a licensed dealer, and for purposes of sub-
5 section (t) in the case of such a transfer, the weapon
6 shall be considered to be transferred from the busi-
7 ness inventory of the licensed dealer and the dealer
8 shall be considered to be the transferor; or

9 “(B) a State or local law enforcement agency if
10 the transfer is made in accordance with the proce-
11 dures provided for in subsection (t) of this section
12 and section 923(g).

13 “(6) The Attorney General shall establish and main-
14 tain, in a timely manner, a record of the make, model,
15 and date of manufacture of any semiautomatic assault
16 weapon which the Attorney General is made aware has
17 been used in relation to a crime under Federal or State
18 law, and the nature and circumstances of the crime in-
19 volved, including the outcome of relevant criminal inves-
20 tigation and proceedings. The Attorney General shall an-
21 nually submit the record to the Congress and make the
22 record available to the general public.”.

1 **SEC. 7. STRENGTHENING THE BAN ON THE POSSESSION OR**
2 **TRANSFER OF A LARGE CAPACITY AMMUNI-**
3 **TION FEEDING DEVICE.**

4 (a) BAN ON TRANSFER OF SEMIAUTOMATIC ASSAULT
5 WEAPON WITH LARGE CAPACITY AMMUNITION FEEDING
6 DEVICE.—

7 (1) IN GENERAL.—Section 922 of title 18,
8 United States Code, is amended by inserting at the
9 end the following:

10 “(z) It shall be unlawful for any person to transfer
11 any assault weapon with a large capacity ammunition
12 feeding device.”.

13 (2) PENALTIES.—Section 924(a) of title 18,
14 United States Code, is amended by adding at the
15 end the following:

16 “(8) Whoever knowingly violates section 922(z) shall
17 be fined under this title, imprisoned not more than 10
18 years, or both.”.

19 (b) CERTIFICATION REQUIREMENT.—

20 (1) IN GENERAL.—Section 922(w) of title 18,
21 United States Code, is amended—

22 (A) in paragraph (2), by striking “on or
23 before the date of enactment of this subsection”
24 and inserting “in the United States on or be-
25 fore September 13, 1994”;

26 (B) in paragraph (3)—

1 (i) by adding “or” at the end of sub-
2 paragraph (B); and

3 (ii) by striking subparagraph (C) and
4 redesignating subparagraph (D) as sub-
5 paragraph (C); and

6 (C) by striking paragraph (4) and insert-
7 ing the following:

8 “(4) It shall be unlawful for a licensed manufacturer,
9 licensed importer, or licensed dealer who transfers a large
10 capacity ammunition feeding device that was manufac-
11 tured on or before September 13, 1994, to fail to certify
12 to the Attorney General before the end of the 60-day pe-
13 riod that begins with the date of the transfer, in accord-
14 ance with regulations prescribed by the Attorney General,
15 that the device was manufactured on or before September
16 13, 1994.”.

17 (2) PENALTIES.—Section 924(a) of title 18,
18 United States Code, as amended by subsection
19 (a)(2), is further amended by adding at the end the
20 following:

21 “(9) Whoever knowingly violates section 922(w)(4)
22 shall be fined under this title, imprisoned not more than
23 5 years, or both.”.

1 **SEC. 8. UNLAWFUL WEAPONS TRANSFERS TO JUVENILES.**

2 Section 922(x) of title 18, United States Code, is
3 amended—

4 (1) in paragraph (1)—

5 (A) in subparagraph (B), by striking the
6 period and inserting a semicolon; and

7 (B) by adding at the end the following:

8 “(C) a semiautomatic assault weapon; or

9 “(D) a large capacity ammunition feeding de-
10 vice.”; and

11 (2) in paragraph (2)—

12 (A) in subparagraph (B), by striking the
13 period and inserting a semicolon; and

14 (B) by adding at the end the following:

15 “(C) a semiautomatic assault weapon; or

16 “(D) a large capacity ammunition feeding de-
17 vice.”.

18 **SEC. 9. BAN ON IMPORTATION OF LARGE CAPACITY AMMU-**
19 **NITION FEEDING DEVICE.**

20 (a) IN GENERAL.—Section 922(w) of title 18, United
21 States Code, as amended by section 7(b)(1), is further
22 amended—

23 (1) in paragraph (1), by striking “(1) Except as
24 provided in paragraph (2)” and inserting “(1)(A)
25 Except as provided in subparagraph (B)”;

1 (2) in paragraph (2), by striking “(2) Para-
2 graph (1)” and inserting “(B) Subparagraph (A)”;
3 and

4 (3) by inserting before paragraph (3) the fol-
5 lowing:

6 “(2) It shall be unlawful for any person to import
7 or bring into the United States a large capacity ammuni-
8 tion feeding device.”.

9 (b) CONFORMING AMENDMENT.—Section
10 921(a)(31)(A) of title 18, United States Code, is amended
11 by striking “manufactured after the date of enactment of
12 the Violent Crime Control and Law Enforcement Act of
13 1994”.

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