

104TH CONGRESS
1ST SESSION

S. 890

To amend title 18, United States Code, with respect to gun free schools,
and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 7 (legislative day, JUNE 5), 1995

Mr. KOHL (for himself, Mr. SPECTER, Mr. SIMON, Mrs. FEINSTEIN, Mr. BRADLEY, Mr. LAUTENBERG, Mr. CHAFEE, and Mr. KERREY) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To amend title 18, United States Code, with respect to
gun free schools, 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 “Gun-Free School Zones
5 Act of 1995”.

6 **SEC. 2. PROHIBITION.**

7 Section 922(q) of title 18, United States Code, is
8 amended to read as follows:

9 “(q)(1) The Congress finds and declares that—

1 “(A) crime, particularly crime involving drugs
2 and guns, is a pervasive, nationwide problem;

3 “(B) crime at the local level is exacerbated by
4 the interstate movement of drugs, guns, and crimi-
5 nal gangs;

6 “(C) firearms and ammunition move easily in
7 interstate commerce and have been found in increas-
8 ing numbers in and around schools, as documented
9 in numerous hearings in both the Judiciary Commit-
10 tee of the House of Representatives and the Judici-
11 ary Committee of the Senate;

12 “(D) in fact, even before the sale of a firearm,
13 the gun, its component parts, ammunition, and the
14 raw materials from which they are made have con-
15 siderably moved in interstate commerce;

16 “(E) while criminals freely move from State to
17 State, ordinary citizens and foreign visitors may fear
18 to travel to or through certain parts of the country
19 due to concern about violent crime and gun violence,
20 and parents may decline to send their children to
21 school for the same reason;

22 “(F) the occurrence of violent crime in school
23 zones has resulted in a decline in the quality of edu-
24 cation in our country;

1 “(G) this decline in the quality of education has
2 an adverse impact on interstate commerce and the
3 foreign commerce of the United States;

4 “(H) States, localities, and school systems find
5 it almost impossible to handle gun-related crime by
6 themselves; even States, localities, and school sys-
7 tems that have made strong efforts to prevent, de-
8 tect, and punish gun-related crime find their efforts
9 unavailing due in part to the failure or inability of
10 other States or localities to take strong measures;
11 and

12 “(I) Congress has power, under the interstate
13 commerce clause and other provisions of the Con-
14 stitution, to enact measures to ensure the integrity
15 and safety of the Nation’s schools by enactment of
16 this subsection.

17 “(2)(A) It shall be unlawful for any individual know-
18 ingly to possess a firearm that has moved in or that other-
19 wise affects interstate or foreign commerce at a place that
20 the individual knows, or has reasonable cause to believe,
21 is a school zone.

22 “(B) Subparagraph (A) shall not apply to the posses-
23 sion of a firearm—

24 “(i) on private property not part of school
25 grounds;

1 “(ii) if the individual possessing the firearm is
2 licensed to do so by the State in which the school
3 zone is located or a political subdivision of the State,
4 and the law of the State or political subdivision re-
5 quires that, before an individual obtains such a li-
6 cense, the law enforcement authorities of the State
7 or political subdivision verify that the individual is
8 qualified under law to receive the license;

9 “(iii) which is—

10 “(I) not loaded; and

11 “(II) in a locked container, or a locked
12 firearms rack which is on a motor vehicle;

13 “(iv) by an individual for use in a program ap-
14 proved by a school in the school zone;

15 “(v) by an individual in accordance with a con-
16 tract entered into between a school in the school
17 zone and the individual or an employer of the indi-
18 vidual;

19 “(vi) by a law enforcement officer acting in his
20 or her official capacity; or

21 “(vii) that is unloaded and is possessed by an
22 individual while traversing school premises for the
23 purpose of gaining access to public or private lands
24 open to hunting, if the entry on school premises is
25 authorized by school authorities.

1 “(3)(A) Except as provided in subparagraph (B), it
2 shall be unlawful for any person, knowingly or with reck-
3 less disregard for the safety of another, to discharge or
4 attempt to discharge a firearm that has moved in or that
5 otherwise affects interstate or foreign commerce at a place
6 that the person knows is a school zone.

7 “(B) Subparagraph (A) shall not apply to the dis-
8 charge of a firearm—

9 “(i) on private property not part of school
10 grounds;

11 “(ii) as part of a program approved by a school
12 in the school zone, by an individual who is partici-
13 pating in the program;

14 “(iii) by an individual in accordance with a con-
15 tract entered into between a school in a school zone
16 and the individual or an employer of the individual;
17 or

18 “(iv) by a law enforcement officer acting in his
19 or her official capacity.

20 “(4) Nothing in this subsection shall be construed as
21 preempting or preventing a State or local government
22 from enacting a statute establishing gun free school zones
23 as provided in this subsection.”.

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