

108TH CONGRESS
1ST SESSION

H. R. 2038

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

IN THE HOUSE OF REPRESENTATIVES

MAY 8, 2003

Mrs. MCCARTHY of New York (for herself, Mr. SHAYS, Mr. CONYERS, Mr. SMITH of New Jersey, Mr. NADLER, Ms. LOFGREN, Ms. JACKSON-LEE of Texas, Ms. WATERS, Mr. MEEHAN, Mr. DELAHUNT, Mr. WEXLER, Mr. WEINER, Ms. LINDA T. SÁNCHEZ of California, Mr. EMANUEL, Mr. CASE, Mrs. MALONEY, Ms. CORRINE BROWN of Florida, Mr. KENNEDY of Rhode Island, Mr. RANGEL, Ms. WOOLSEY, Mr. ACKERMAN, Ms. SCHAKOWSKY, Mr. HONDA, Mr. STARK, Ms. SOLIS, Ms. LEE, Mr. VAN HOLLEN, Mr. WAXMAN, Mr. TOWNS, Ms. ROYBAL-ALLARD, Mr. GRIJALVA, Ms. CARSON of Indiana, Ms. NORTON, Mr. LIPINSKI, Mr. RUSH, Ms. WATSON, Mr. DAVIS of Illinois, Mr. LEWIS of Georgia, Mr. JACKSON of Illinois, Mr. GUTIERREZ, Mr. OWENS, Mr. BLUMENAUER, Mr. CUMMINGS, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. FARR, Ms. LORETTA SANCHEZ of California, Mr. MORAN of Virginia, Mr. MARKEY, Mr. ANDREWS, Mr. HOLT, Mr. PAYNE, Mr. MCGOVERN, Mr. PASCRELL, Mr. FRANK of Massachusetts, Mrs. TAUSCHER, Ms. DELAURO, Mr. ENGEL, Mr. CAPUANO, Mr. HOEFFEL, Mrs. LOWEY, Mr. MENENDEZ, Ms. VELÁZQUEZ, Mr. TIERNEY, Mr. BRADY of Pennsylvania, Mr. ROTHMAN, Mr. FATTAH, Ms. HARMAN, Mr. BISHOP of New York, and Mr. LANGEVIN) introduced the following bill; which was 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Assault Weapons Ban
3 and Law Enforcement Protection Act of 2003”.

4 **SEC. 2. DEFINITIONS.**

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

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

9 “(A) The following rifles or copies or duplicates
10 thereof:

11 “(i) AK, AKM, AKS, AK–47, AK–74,
12 ARM, MAK90, Misr, NHM 90, NHM 91, SA
13 85, SA 93, VEPR;

14 “(ii) AR–10;

15 “(iii) AR–15, Bushmaster XM15, Armalite
16 M15, or Olympic Arms PCR;

17 “(iv) AR70;

18 “(v) Calico Liberty;

19 “(vi) Dragunov SVD Sniper Rifle or
20 Dragunov SVU;

21 “(vii) Fabrique National FN/FAL, FN/
22 LAR, or FNC;

23 “(viii) Hi-Point Carbine;

24 “(ix) HK–91, HK–93, HK–94, or HK–
25 PSG–1;

26 “(x) Kel-Tec Sub Rifle;

- 1 “(xi) M1 Carbine;
- 2 “(xii) Saiga;
- 3 “(xiii) SAR–8, SAR–4800;
- 4 “(xiv) SKS with detachable magazine;
- 5 “(xv) SLG 95;
- 6 “(xvi) SLR 95 or 96;
- 7 “(xvii) Steyr AUG;
- 8 “(xviii) Sturm, Ruger Mini–14;
- 9 “(xix) Tavor;
- 10 “(xx) Thompson 1927, Thompson M1, or
- 11 Thompson 1927 Commando; or
- 12 “(xxi) Uzi, Galil and Uzi Sporter, Galil
- 13 Sporter, or Galil Sniper Rifle (Galatz).
- 14 “(B) The following pistols or copies or dupli-
- 15 cates thereof:
- 16 “(i) Calico M–110;
- 17 “(ii) MAC–10, MAC–11, or MPA3;
- 18 “(iii) Olympic Arms OA;
- 19 “(iv) TEC–9, TEC–DC9, TEC–22 Scor-
- 20 pion, or AB–10; or
- 21 “(v) Uzi.
- 22 “(C) The following shotguns or copies or dupli-
- 23 cates thereof:
- 24 “(i) Armscor 30 BG;
- 25 “(ii) SPAS 12 or LAW 12;

1 “(iii) Striker 12; or

2 “(iv) Streetsweeper.

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

5 “(i) a folding or telescoping stock;

6 “(ii) a threaded barrel;

7 “(iii) a pistol grip;

8 “(iv) a forward grip; or

9 “(v) a barrel shroud.

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

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

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

18 “(i) a second pistol grip;

19 “(ii) a threaded barrel;

20 “(iii) a barrel shroud; or

21 “(iv) the capacity to accept a detachable
22 magazine at a location outside of the pistol
23 grip.

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

4 “(H) A semiautomatic shotgun that has—

5 “(i) a folding or telescoping stock;

6 “(ii) a pistol grip;

7 “(iii) the ability to accept a detachable
8 magazine; or

9 “(iv) a fixed magazine capacity of more
10 than 5 rounds.

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

12 “(J) A frame or receiver that is identical to, or
13 based substantially on the frame or receiver of, a
14 firearm described in any of subparagraphs (A)
15 through (I) or (L).

16 “(K) A conversion kit.

17 “(L) A semiautomatic rifle or shotgun origi-
18 nally designed for military or law enforcement use,
19 or a firearm based on the design of such a firearm,
20 that is not particularly suitable for sporting pur-
21 poses, as determined by the Attorney General. In
22 making the determination, there shall be a rebut-
23 table presumption that a firearm procured for use
24 by the United States military or any Federal law en-
25 forcement agency is not particularly suitable for

1 sporting purposes, and a firearm shall not be deter-
2 mined to be particularly suitable for sporting pur-
3 poses solely because the firearm is suitable for use
4 in a sporting event.”.

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

7 “(36) BARREL SHROUD.—The term ‘barrel shroud’
8 means a shroud that is attached to, or partially or com-
9 pletely encircles, the barrel of a firearm so that the shroud
10 protects the user of the firearm from heat generated by
11 the barrel, but does not include a slide that encloses the
12 barrel, and does not include an extension of the stock
13 along the bottom of the barrel which does not encircle or
14 substantially encircle the barrel.

15 “(37) CONVERSION KIT.—The term ‘conversion kit’
16 means any part or combination of parts designed and in-
17 tended for use in converting a firearm into a semiauto-
18 matic assault weapon, and any combination of parts from
19 which a semiautomatic assault weapon can be assembled
20 if the parts are in the possession or under the control of
21 a person.

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

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

4 “(40) FOLDING OR TELESCOPING STOCK.—The term
5 ‘folding or telescoping stock’ means a stock that folds,
6 telescopes, or otherwise operates to reduce the length, size,
7 or any other dimension, or otherwise enhances the
8 concealability, of a firearm.

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

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

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

20 **SEC. 3. ELIMINATION OF SUNSET.**

21 Section 110105 of the Violent Crime Control and
22 Law Enforcement Act of 1994 is amended—

23 (1) by striking “—” and all that follows
24 through “(1)”; and

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

3 **SEC. 4. GRANDFATHER PROVISIONS.**

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

6 (1) by inserting “(A)” after “(2)”;

7 (2) by striking “on the date of the enactment
8 of this subsection” and inserting “as of September
9 13, 1994”; and

10 (3) by adding after and below the end the fol-
11 lowing:

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

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

18 Section 922(v)(3) of title 18, United States Code, is
19 amended by striking “(3)” and all that follows through
20 the 1st sentence and inserting the following:

21 “(3) Paragraph (1) shall not apply to any firearm
22 that—

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

1 “(B) has been rendered permanently inoperable;

2 or

3 “(C) is an antique firearm.”.

4 **SEC. 6. REQUIRING BACKGROUND CHECKS FOR THE**
5 **TRANSFER OF LAWFULLY POSSESSED SEMI-**
6 **AUTOMATIC ASSAULT WEAPONS.**

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

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

12 “(A) a licensed dealer, and for purposes of sub-
13 section (t) in the case of such a transfer, the weapon
14 shall be considered to be transferred from the busi-
15 ness inventory of the licensed dealer and the dealer
16 shall be considered to be the transferor; or

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

21 “(6) The Attorney General shall establish and main-
22 tain, in a timely manner, a record of the make, model,
23 and date of manufacture of any semiautomatic assault
24 weapon which the Attorney General is made aware has
25 been used in relation to a crime under Federal or State

1 law, and the nature and circumstances of the crime in-
2 volved, including the outcome of relevant criminal inves-
3 tigations and proceedings. The Attorney General shall an-
4 nually submit the record to the Congress and make the
5 record available to the general public.”.

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

9 (a) BAN ON TRANSFER OF SEMIAUTOMATIC ASSAULT
10 WEAPON WITH LARGE CAPACITY AMMUNITION FEEDING
11 DEVICE.—

12 (1) IN GENERAL.—Section 922 of title 18,
13 United States Code, is amended by inserting after
14 subsection (y) the following:

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

18 (2) PENALTIES.—Section 924(a) of such title is
19 amended by adding at the end the following:

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

23 (b) CERTIFICATION REQUIREMENT.—

24 (1) IN GENERAL.—Section 922(w) of such title
25 is amended—

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

5 (B) in paragraph (3)—

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

8 (ii) by striking subparagraph (C) and
9 redesignating subparagraph (D) as sub-
10 paragraph (C); and

11 (C) by striking paragraph (4) and insert-
12 ing the following:

13 “(4) It shall be unlawful for a licensed manufacturer,
14 licensed importer, or licensed dealer who transfers a large
15 capacity ammunition feeding device that was manufac-
16 tured on or before September 13, 1994, to fail to certify
17 to the Attorney General before the end of the 60-day pe-
18 riod that begins with the date of the transfer, in accord-
19 ance with regulations prescribed by the Attorney General,
20 that the device was manufactured on or before September
21 13, 1994.”.

22 (2) PENALTIES.—Section 924(a) of such title is
23 further amended by adding at the end the following:

1 “(9) Whoever knowingly violates section 922(w)(4)
2 shall be fined under this title, imprisoned not more than
3 5 years, or both.”.

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

5 Section 922(x) of title 18, United States Code, is
6 amended—

7 (1) in paragraph (1)—

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

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

11 “(C) a semiautomatic assault weapon; or

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

14 (2) in paragraph (2)—

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

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

18 “(C) a semiautomatic assault weapon; or

19 “(D) a large capacity ammunition feeding de-
20 vice.”.

21 **SEC. 9. BAN ON IMPORTATION OF LARGE CAPACITY AMMU-**
22 **NITION FEEDING DEVICE.**

23 (a) IN GENERAL.—Section 922(w) of title 18, United
24 States Code, as amended by section 7(b)(1) of this Act,
25 is further amended—

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

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

7 (3) by inserting before paragraph (3) the fol-
8 lowing:

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

12 (b) CONFORMING AMENDMENT.—Section
13 921(a)(31)(A) of such title is amended by striking “manu-
14 factured after the date of enactment of the Violent Crime
15 Control and Law Enforcement Act of 1994”.

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