To ensure that all individuals who should be prohibited from buying a firearm are listed in the national instant criminal background check system and require a background check for every firearm sale.

---

A BILL

To ensure that all individuals who should be prohibited from buying a firearm are listed in the national instant criminal background check system and require a background check for every firearm sale.

1  
Be it enacted by the Senate and House of Representa-
2    tives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

4  
This Act may be cited as the “Protecting Responsible

5  
Gun Sellers Act of 2013”.
SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Congress supports and respects the right to bear arms found in the Second Amendment to the Constitution of the United States:

(2) Congress supports the existing prohibition on a national firearms registry:

(3) There are deficits in the background check system in effect before the date of enactment of this Act and the Department of Justice should make it a top priority to work with States to swiftly input missing records, including mental health records:

(4) If the citizens of the United States agree that in order to promote safe and responsible gun ownership criminals and the mentally ill should be prohibited from possessing firearms, it should be incumbent upon all citizens to ensure weapons are not being transferred to such people:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Fix Gun Checks Act of 2013”.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:
TITLE I—ENSURING THAT ALL INDIVIDUALS WHO SHOULD BE PROHIBITED FROM BUYING A GUN ARE LISTED IN THE NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM

Sec. 1. Short title; table of contents.

Sec. 1. Short title; table of contents.

Sec. 101. Reauthorization of NICS Act Record Improvement Program grants.
Sec. 102. Penalties for States that do not make data electronically available to the National Instant Criminal Background Check System.
Sec. 103. Clarification that Federal court information is to be made available to the National Instant Criminal Background Check System.

TITLE II—REQUIRING A BACKGROUND CHECK FOR EVERY FIREARM SALE

Sec. 201. Purpose.
Sec. 202. Firearms transfers.
Sec. 203. Lost and stolen reporting.
Sec. 204. Effective date.

1 TITLE I—ENSURING THAT ALL INDIVIDUALS WHO SHOULD BE PROHIBITED FROM BUYING A GUN ARE LISTED IN THE NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM

8 SEC. 101. REAUTHORIZATION OF NICS ACT RECORD IMPROVEMENT PROGRAM GRANTS.

(a) In general.—Section 102(b) of the NICS Improvement Amendments Act of 2007 (18 U.S.C. 922 note) is amended—

(1) in paragraph (1)(C)—

(A) by striking clauses (ii) and (iii); and

(B) by redesignating clauses (iv), (v), and (vi) as clauses (ii), (iii), and (iv), respectively; and
(2) by striking paragraph (2) and inserting the following:

“(2) SCOPE.—

“(A) IN GENERAL.—The Attorney General, in determining the compliance of a State under this section or section 104 for the purpose of granting a waiver or imposing a loss of Federal funds, shall assess the total percentage of records provided by the State concerning any event occurring within the time period established by the Attorney General under subparagraph (B), which would disqualify a person from possessing a firearm under subsection (g) or (n) of section 922 of title 18, United States Code.

“(B) REGULATIONS.—Not later than 1 year after the date of enactment of the Fix Gun Checks Act of 2013, the Attorney General shall, through regulation, establish the time period described in subparagraph (A).”.

(b) IMPLEMENTATION ASSISTANCE TO STATES.—Section 103 of the NICS Improvement Amendments Act of 2007 (18 U.S.C. 922 note) is amended—

(1) by striking subsection (a)(1) and inserting the following:
“(1) IN GENERAL.—From amounts made available to carry out this section and subject to section 102(b)(1)(B), the Attorney General shall make grants to States and Indian tribal governments, in a manner consistent with the National Criminal History Improvement Program, which shall be used by the States and Indian tribal governments, in conjunction with units of local government and State and local courts to—

“(A) establish and plan information and identification technologies for firearms eligibility determinations; and

“(B) make improvements or upgrade information and identification technologies for firearms eligibility determinations.”;

(2) by striking subsections (b) and (c) and inserting the following:

“(b) USE OF GRANT AMOUNTS.—

“(1) IN GENERAL.—Grants awarded to States or Indian tribes under subsection (a)(1) may only be used to—

“(A) create electronic systems, which provide accurate and up-to-date information that is directly related to checks under the National Instant Criminal Background Check System (re-
ferred to in this section as ‘NICS’), including court disposition and corrections records;

“(B) assist States in establishing or enhancing their own capacities to perform NICS background checks;

“(C) supply accurate and timely information to the Attorney General concerning final dispositions of criminal records to databases accessed by NICS;

“(D) supply accurate and timely information to the Attorney General concerning the identity of persons who are prohibited from obtaining a firearm under section 922(g)(4) of title 18, United States Code, to be used by the Federal Bureau of Investigation solely to conduct NICS background checks;

“(E) supply accurate and timely court orders and records of misdemeanor crimes of domestic violence for inclusion in Federal and State law enforcement databases used to conduct NICS background checks; and

“(F) collect and analyze data needed to demonstrate levels of State compliance with this Act.

“(2) ADDITIONAL USES.—
“(A) IN GENERAL.—In addition to the uses described in paragraph (1)—

“(i) a grant awarded under subsection (a)(1)(A) may be used to assist States in establishing or enhancing a relief from disabilities program in accordance with section 105; and

“(ii) a grant awarded under subsection (a)(1)(B) may be used to maintain the relief from disabilities program in accordance with section 105.

“(B) LIMITATION.—Not less than 3 percent and no more than 10 percent of each grant awarded under subsection (a)(1)(B) shall be used for the purpose described in subparagraph (A)(i).

“(c) ELIGIBILITY.—To be eligible for a grant under section 103(a)(1)(B), a State shall certify, to the satisfaction of the Attorney General, that the State has implemented a relief from disabilities program in accordance with section 105.”; and

(3) by striking subsection (e) and inserting the following:

“(e) AUTHORIZATION OF APPROPRIATIONS.—

“(1) IN GENERAL.—There are to be authorized to be appropriated to carry out this section
$100,000,000 for each of fiscal years 2014 through 2018.

“(2) LIMITATIONS.—

“(A) USE OF AMOUNTS AUTHORIZED.—Of the amounts authorized to be appropriated for each fiscal year under paragraph (1), not more than 30 percent may be used to carry out subsection (a)(1)(B).

“(B) ALLOCATIONS.—A State may not be awarded more than 2 grants under subsection (a)(1)(B).”.

SEC. 102. PENALTIES FOR STATES THAT DO NOT MAKE DATA ELECTRONICALLY AVAILABLE TO THE NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM.

(a) IN GENERAL.—Section 104(b) of the NICS Improvement Amendments Act of 2007 (18 U.S.C. 922 note) is amended by striking paragraphs (1) and (2) and inserting the following:

“(1) DISCRETIONARY REDUCTION.—

“(A) During the 2-year period beginning on the date on which the Attorney General publishes final rules required under section 102(b)(2)(B), the Attorney General may withhold not more than 3 percent of the amount that would other-
wise be allocated to a State under section 505 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3755) if the State provides less than 50 percent of the records required to be provided under sections 102 and 103.

“(B) During the 3-year period after the expiration of the period described in subparagraph (A), the Attorney General may withhold 4 percent of the amount that would otherwise be allocated to a State under section 505 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3755) if the State provides less than 70 percent of the records required to be provided under sections 102 and 103.

“(2) MANDATORY REDUCTION.—After the expiration of the period referred to in paragraph (1)(B), the Attorney General shall withhold 5 percent of the amount that would otherwise be allocated to a State under section 505 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3755), if the State provides less than 90 percent of the records required to be provided under sections 102 and 103.”

(b) REPORTING OF STATE COMPLIANCE.—Not later than 1 year after the date of enactment of this Act, and every year thereafter, the Attorney General shall publish,
and make available on a publicly accessible website, a re-
port that ranks the States by the ratio of number of records
submitted by each State under sections 102 and 103 of the
NICS Improvement Amendments Act of 2007 (18 U.S.C.
922 note) to the estimated total number of available records
of the State.

SEC. 103. CLARIFICATION THAT FEDERAL COURT INFOR-
RATION IS TO BE MADE AVAILABLE TO THE NA-
TIONAL INSTANT CRIMINAL BACKGROUND
CHECK SYSTEM.

Section 103(e)(1) of the Brady Handgun Violence Pre-
vention Act (18 U.S.C. 922 note), is amended by adding
at the end the following:

“(F) APPLICATION TO FEDERAL COURTS.—

In this paragraph—

“(i) the terms ‘department of agency of
the United States’ and ‘Federal department
or agency’ include a Federal court; and

“(ii) for purposes of any request, sub-
mission, or notification, the Director of the
Administrative Office of the United States
Courts shall perform the functions of the
head of the department or agency.”.
TITLE II—REQUIRING A BACKGROUND CHECK FOR EVERY FIREARM SALE

SEC. 201. PURPOSE.

The purpose of this title is to extend the Brady Law background check procedures to all sales and transfers of firearms.

SEC. 202. FIREARMS TRANSFERS.

(a) In General.—Section 922 of title 18, United States Code, is amended—

(1) by repealing subsection (s);

(2) by redesignating subsection (t) as subsection (s);

(3) in subsection (s), as redesignated—

(A) in paragraph (3)(C)(ii), by striking “(as defined in subsection (s)(8))”; and

(B) by adding at the end the following:

“(7) In this subsection, the term ‘chief law enforcement officer’ means the chief of police, the sheriff, or an equivalent officer or the designee of any such individual.”; and

(4) by inserting after subsection (s), as redesignated, the following:

“(t)(1) Beginning on the date that is 180 days after the date of enactment of this subsection, it shall be unlawful
for any person who is not licensed under this chapter to
transfer a firearm to any other person who is not licensed
under this chapter, unless a licensed importer, licensed
manufacturer, or licensed dealer has first taken possession
of the firearm for the purpose of complying with subsection
(s). Upon taking possession of the firearm, the licensee shall
comply with all requirements of this chapter as if the li-
censee were transferring the firearm from the licensee’s in-
ventory to the unlicensed transferee.

“(2) Paragraph (1) shall not apply to—

“(A) bona fide gifts between spouses, between
parents and their children, between siblings, or be-
tween grandparents and their grandchildren;

“(B) a transfer made from a decedent’s estate,
pursuant to a legal will or the operation of law;

“(C) a temporary transfer of possession that oc-
curs between an unlicensed transferor and an unli-
censed transferee, if —

“(i) the temporary transfer of possession oc-
curs in the home or curtilage of the unlicensed
transferor;

“(ii) the firearm is not removed from that
home or curtilage during the temporary transfer; and
“(iii) the transfer has a duration of less than 7 days; and

“(D) a temporary transfer of possession without transfer of title made in connection with lawful hunting or sporting purposes if the transfer occurs—

“(i) at a shooting range located in or on premises owned or occupied by a duly incorporated organization organized for conservation purposes or to foster proficiency in firearms and the firearm is, at all times, kept within the premises of the shooting range;

“(ii) at a target firearm shooting competition under the auspices of or approved by a State agency or nonprofit organization and the firearm is, at all times, kept within the premises of the shooting competition; and

“(iii) while hunting or trapping, if—

“(I) the activity is legal in all places where the unlicensed transferee possesses the firearm;

“(II) the temporary transfer of possession occurs during the designated hunting season; and

“(III) the unlicensed transferee holds any required license or permit.
“(3) For purposes of this subsection, the term ‘transfer’—

“(A) shall include a sale, gift, loan, return from pawn or consignment, or other disposition; and

“(B) shall not include temporary possession of the firearm for purposes of examination or evaluation by a prospective transferee while in the presence of the prospective transferee.

“(4)(A) Notwithstanding any other provision of this chapter, the Attorney General may implement this subsection with regulations.

“(B) Regulations promulgated under this paragraph—

“(i) shall include a provision setting a maximum fee that may be charged by licensees for services provided in accordance with paragraph (1); and

“(ii) shall include a provision requiring a record of transaction of any transfer that occurred between an unlicensed transferor and unlicensed transferee accordance with paragraph (1).”.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) SECTION 922.—Section 922(y)(2) of title 18, United States Code, is amended, in the matter preceding subparagraph (A), by striking “, (g)(5)(B), and (s)(3)(B)(v)(II)” and inserting “and (g)(5)(B)”.
(2) SECTION 925A.—Section 925A of title 18, United States Code, is amended, in the matter preceding paragraph (1), by striking “subsection (s) or (t) of section 922” and inserting “section 922(s)”.  

SEC. 203. LOST AND STOLEN REPORTING.  

(a) In General.—Section 922 of title 18, United States Code, is amended by adding at the end—

“(aa) It shall be unlawful for any person who lawfully possesses or owns a firearm that has been shipped or transported in, or has been possessed in or affecting, interstate or foreign commerce, to fail to report the theft or loss of the firearm, within 24 hours after the person discovers the theft or loss, to the Attorney General and to the appropriate local authorities.”.

(b) Penalty.—Section 924(a)(1) of title 18, United States Code, is amended by striking subparagraph (B) and inserting the following:

“(B) knowingly violates subsection (a)(4), (f), (k), (q), or (aa) of section 922;”.

SEC. 204. EFFECTIVE DATE.  

The amendments made by this Act shall take effect 180 days after the date of enactment of this Act.
A BILL

S. 374

113TH CONGRESS

To ensure that all individuals who should be pre-
vented from acquiring a firearm are listed in the
national instant criminal background check sys-
tem and require a background check for every
firearm sale.

March 12, 2013

Reported with an amendment