

116TH CONGRESS  
1ST SESSION

# H. R. 3435

To encourage States to allow local governments to implement laws to reduce gun violence, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 24, 2019

Mr. CLAY (for himself, Ms. KELLY of Illinois, Mrs. DEMINGS, Mr. RUSH, Mr. CARSON of Indiana, Ms. SCHAKOWSKY, and Ms. NORTON) introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To encourage States to allow local governments to implement laws to reduce gun violence, 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 “Local Public Health  
5 And Safety Protection Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) When it comes to gun violence, local laws  
9 serve the important purpose of addressing the

1 unique issues and dangers facing each different com-  
2 munity.

3 (2) Most State constitutions generally allocate  
4 authority to local governments to regulate in the in-  
5 terests of the public health, safety, and welfare.  
6 States that have removed authority from local gov-  
7 ernments to regulate guns and ammunition have cre-  
8 ated a dangerous exception to the traditional rule of  
9 local authority.

10 (3) Broad State preemption statutes ignore im-  
11 portant local variations that may necessitate distinct  
12 approaches to the problem of gun violence. State  
13 preemption statutes threaten public safety because  
14 they prevent local governments from implementing  
15 customized solutions to gun violence in their commu-  
16 nities.

17 (4) By mandating a one-size-fits-all approach to  
18 firearms regulation, preemption statutes deprive the  
19 public of a critical problem-solving resource—local  
20 innovation. Local governments are often the source  
21 of cutting-edge laws to reduce gun violence, which  
22 are proven successful and later adopted at the state-  
23 wide level.

24 (5) State preemption statutes impede local gov-  
25 ernment’s ability to fill regulatory gaps created by

1 inaction at the State and Federal level. Restrictions  
2 on State and Federal resources also make an extra  
3 level of local involvement necessary to properly en-  
4 force many gun laws. For example, local law en-  
5 forcement may provide much needed oversight of  
6 gun businesses, which the Bureau of Alcohol, To-  
7 bacco, Firearms & Explosives is too underfunded to  
8 provide.

9 (6) States should not prohibit or restrict a local  
10 government from imposing or implementing laws  
11 that are more restrictive than the laws of the rel-  
12 evant State with respect to—

13 (A) any background check requirement in  
14 relation to any firearm transaction;

15 (B) the ability to carry a firearm in public  
16 places or in locations owned or controlled by a  
17 unit of local government;

18 (C) any requirement relating to the sale of  
19 ammunition, such as a limitation on the  
20 amount an individual is allowed to purchase at  
21 one time;

22 (D) any additional requirements relating to  
23 licensing or permitting the purchase of a fire-  
24 arm;

1 (E) any requirement that firearm owners  
2 safely store their firearms, or prevent children  
3 or any other unauthorized person from access-  
4 ing their firearms;

5 (F) taxes on the sale of firearms and am-  
6 munition, unless the State prohibits or restricts  
7 local governments from imposing such taxes on  
8 most other consumer products;

9 (G) the sale, transfer, or possession of spe-  
10 cific types of unusually dangerous firearms and  
11 accessories, such as assault weapons, bump  
12 stocks, and high capacity magazines;

13 (H) the discharge of firearms in public  
14 parks and other public places;

15 (I) zoning restrictions on gun dealers; and

16 (J) purchasing or obtaining a firearm on  
17 behalf of a third party.

18 **SEC. 3. GRANTS TO REDUCE GUN VIOLENCE THROUGH**

19 **LOCAL REGULATION.**

20 (a) **IN GENERAL.**—The Attorney General may make  
21 grants to States that meet the eligibility requirements of  
22 subsection (b) for the purposes described in subsection  
23 (c)(4).

24 (b) **ELIGIBILITY.**—

1           (1) IN GENERAL.—To be eligible for a grant  
2 under this section, a State may not through statute  
3 or regulation prohibit or restrict a local government  
4 from imposing laws that are more restrictive than  
5 the laws of the relevant State with respect to—

6                   (A) any background check requirement in  
7 relation to any firearm transaction;

8                   (B) the ability to carry a firearm in public  
9 places or in locations owned or controlled by a  
10 unit of local government;

11                   (C) any requirement relating to the sale of  
12 ammunition, such as a limitation on the  
13 amount an individual is allowed to purchase at  
14 one time;

15                   (D) any additional requirements relating to  
16 licensing or permitting the purchase of a fire-  
17 arm;

18                   (E) any requirement that firearm owners  
19 safely store their firearms, or prevent children  
20 or any other unauthorized person from access-  
21 ing their firearms;

22                   (F) taxes on the sale of firearms and am-  
23 munition, unless the State prohibits or restricts  
24 local governments from imposing such taxes on  
25 most other consumer products;

1 (G) the sale, transfer, or possession of spe-  
2 cific types of unusually dangerous firearms and  
3 accessories, such as assault weapons, bump  
4 stocks, and high capacity magazines;

5 (H) the discharge of firearms in public  
6 parks and other public places;

7 (I) zoning restrictions on gun dealers; and

8 (J) purchasing or obtaining a firearm on  
9 behalf of a third party.

10 (2) APPLICATION.—To receive a grant under  
11 this section, a State shall submit to the Attorney  
12 General an application at such time, in such man-  
13 ner, and containing such information as the Attor-  
14 ney General may reasonably require.

15 (c) SUBGRANTS.—

16 (1) IN GENERAL.—A State that receives a  
17 grant under this section shall use the grant to make  
18 subgrants to any local government that has enacted  
19 a law that is more restrictive than the laws of the  
20 State with respect to at least 1 of the following:

21 (A) Any background check requirement in  
22 relation to any firearm transaction.

23 (B) The ability to carry a firearm in public  
24 places or in locations owned or controlled by a  
25 unit of local government.

1           (C) Any requirement relating to the sale of  
2 ammunition, such as a limitation on the  
3 amount an individual is allowed to purchase at  
4 one time.

5           (D) Any additional requirements relating  
6 to licensing or permitting the purchase of a  
7 firearm.

8           (E) Any requirement that firearm owners  
9 safely store their firearms, or prevent children  
10 or any other unauthorized person from access-  
11 ing their firearms.

12           (F) Taxes on the sale of firearms and am-  
13 munition, unless the State prohibits or restricts  
14 local governments from imposing such taxes on  
15 most other consumer products.

16           (G) The sale, transfer, or possession of  
17 specific types of unusually dangerous firearms  
18 and accessories, such as assault weapons, bump  
19 stocks, and high capacity magazines.

20           (H) The discharge of firearms in public  
21 parks and other public places.

22           (I) Zoning restrictions on gun dealers.

23           (J) Purchasing or obtaining a firearm on  
24 behalf of a third party.

1           (2) ELIGIBILITY.—To be eligible for a subgrant  
2           under this subsection, a local government shall sub-  
3           mit to the State an application for the subgrant, at  
4           such time, in such manner, and containing such in-  
5           formation as the State may reasonably require.

6           (3) PREFERENCE IN AWARDS.—A State shall  
7           give preference in the awarding of the subgrants to  
8           local governments that have disproportionate levels  
9           of gun violence or gun homicide.

10          (4) USE OF FUNDS.—A subgrantee under this  
11          section shall use the subgrant to implement and en-  
12          force any requirement referred to in paragraph (1),  
13          including through the development of protocols, poli-  
14          cies, procedures, or training for law enforcement,  
15          and the development or use of technology by law en-  
16          forcement, in connection with the implementation or  
17          enforcement of any such requirement.

18          (d) ADMINISTRATION.—A State that receives a grant  
19          under this section may use not more than 5 percent of  
20          the grant for the administration of subgrants under sub-  
21          section (c) .

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