

119TH CONGRESS  
1ST SESSION

# S. 2813

To amend chapter 44 of title 18, United States Code, to prohibit capacity-based restrictions on firearm magazines, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

SEPTEMBER 16, 2025

Mr. RISCH (for himself, Mr. COTTON, Mr. CRAPO, Mrs. HYDE-SMITH, Mr. JUSTICE, Ms. LUMMIS, Mr. MULLIN, Mr. TILLIS, and Mr. BUDD) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## A BILL

To amend chapter 44 of title 18, United States Code, to prohibit capacity-based restrictions on firearm magazines, 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 “Freedom from Im-  
5       proper Regulation and Enforcement Act” or the “FIRE  
6       Act”.

1 **SEC. 2. PROHIBITIONS RELATING TO CAPACITY-BASED RE-**  
 2 **STRICTIONS ON FIREARM MAGAZINES.**

3 (a) FEDERAL RESTRICTIONS.—Section 926 of title  
 4 18, United States Code, is amended by adding at the end  
 5 the following:

6 “(d) CAPACITY-BASED RESTRICTIONS ON FIREARM  
 7 MAGAZINES.—An officer or employee of the Federal Gov-  
 8 ernment may not prescribe or enforce any regulation that  
 9 imposes any limitation or prohibition in relation to a fire-  
 10 arm magazine based on the capacity of the magazine.”.

11 (b) STATE AND LOCAL RESTRICTIONS.—Section 927  
 12 of title 18, United States Code, is amended—

13 (1) by inserting “(a) IN GENERAL.—” before  
 14 “No”; and

15 (2) by adding at the end the following:

16 “(b) CAPACITY-BASED RESTRICTIONS ON FIREARM  
 17 MAGAZINES.—A State or local law that imposes any limi-  
 18 tation, prohibition, or penalty in relation to a firearm mag-  
 19 azine based on the capacity of the magazine shall have  
 20 no force or effect.”.

21 (c) FIREARM MAGAZINE DEFINED.—Section 921(a)  
 22 of title 18, United States Code, is amended by adding at  
 23 the end the following:

24 “(39)(A) The term ‘firearm magazine’ means a fixed  
 25 or detachable device used to store ammunition and feed  
 26 ammunition into a firearm.

1       “(B) The term ‘capacity’ means, with respect to a  
2 firearm magazine, the number of rounds of ammunition  
3 that can be stored in the magazine.”.

4       (d) EFFECTIVE DATE.—The amendments made by  
5 this section shall apply with respect to conduct engaged  
6 in on or after the date that is 30 days after the date of  
7 enactment of this Act.

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