

105TH CONGRESS  
1ST SESSION

# H. R. 186

To provide for the mandatory registration of handguns.

---

IN THE HOUSE OF REPRESENTATIVES

JANUARY 7, 1997

Mr. HASTINGS of Florida introduced the following bill; which was referred to  
the Committee on the Judiciary

---

## A BILL

To provide for the mandatory registration of handguns.

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 “Handgun Registration  
5       Act of 1997”.

6       **SEC. 2. FEDERAL HANDGUN REGISTRATION SYSTEM TO**  
7               **APPLY IN ALL STATES NOT ESTABLISHING**  
8               **STATE HANDGUN REGISTRATION SYSTEM**  
9               **THAT MEETS CERTAIN REQUIREMENTS.**

10       (a) IN GENERAL.—Beginning 2 years after the date  
11       of the enactment of this Act, the Federal handgun reg-  
12       istration system to be established by the Attorney General

1 under section 3(a) and the amendment made by section  
2 3(b) shall apply in any State during any period in which  
3 the Attorney General finds, after opportunity for a hearing  
4 on the record, that such State is not complying substan-  
5 tially with the requirements of subsection (b) of this sec-  
6 tion.

7 (b) REQUIREMENTS OF STATE HANDGUN REGISTRA-  
8 TION SYSTEM.—The requirements of this subsection are  
9 as follows:

10 (1) REGISTRATION REQUIREMENT.—State law  
11 must require each individual who owns, possesses, or  
12 controls a handgun in the State to register such  
13 handgun—

14 (A) in the case of handguns owned, pos-  
15 sessed, or controlled on or before the effective  
16 date of the State law—

17 (i) with a State law enforcement agen-  
18 cy; and

19 (ii) within 90 days after such effective  
20 date; and

21 (B) in the case of handguns owned, pos-  
22 sessed, or controlled after such effective date—

23 (i) with the licensed dealer (as defined  
24 in section 921(a)(11) of title 18, United

1 States Code) from whom such handgun  
2 was last purchased; and

3 (ii) at the time the handgun is first  
4 owned, possessed, or controlled by the  
5 individual.

6 (2) IMPOSITION OF PENALTIES FOR VIOLA-  
7 TIONS.—State law must impose the following pen-  
8 alties for knowing violation of the registration re-  
9 quirement specified in paragraph (1):

10 (A) NON-SERIOUS VIOLATIONS.—In the  
11 case of a violation which is not a serious viola-  
12 tion, the violator shall be imprisoned not less  
13 than 1 year.

14 (B) SERIOUS VIOLATIONS.—In the case of  
15 a violation which is a serious violation, the vio-  
16 lator shall be imprisoned not less than 12 years.

17 (3) DEFINITION OF SERIOUS VIOLATION.—  
18 State law must define a serious violation of the reg-  
19 istration requirement specified in paragraph (1) to  
20 be any violation with respect to which 2 or more of  
21 the following conditions are satisfied:

22 (A) MULTIPLE UNREGISTERED HAND-  
23 GUNS.—The violation consists of the violator  
24 possessing, owning, or controlling 2 or more un-  
25 registered handguns.

1 (B) UNREGISTERED HANDGUN IS OF HIGH  
 2 CALIBER.—The caliber of any handgun which is  
 3 the subject of the violation is greater than 0.22.

4 (C) VIOLATOR HAS PREVIOUS FELONY OR  
 5 FIREARMS CONVICTION.—The violator has been  
 6 previously convicted of a felony, or of a viola-  
 7 tion of any Federal or State law relating to  
 8 firearms.

9 (D) UNREGISTERED HANDGUN READILY  
 10 ACCESSIBLE TO VIOLATOR.—Any handgun  
 11 which is the subject of the violation was readily  
 12 accessible to the violator at the time of the vio-  
 13 lation.

14 (4) EASILY RETRIEVABLE RECORD OF HAND-  
 15 GUNS.—State law must require the State to main-  
 16 tain an easily retrievable record identifying—

17 (A) each individual who—

18 (i) resides, or regularly or frequently  
 19 appears, in the State; and

20 (ii) possesses, owns, or controls a  
 21 handgun; and

22 (B) such handgun.

23 **SEC. 3. FEDERAL HANDGUN REGISTRATION SYSTEM.**

24 (a) ESTABLISHMENT.—The Attorney General shall  
 25 establish a Federal handgun registration system which

1 contains, in an easily retrievable record, information suffi-  
2 cient to identify—

3 (1) each resident of each State to which this  
4 subsection applies who owns, possesses, or controls  
5 a handgun; and

6 (2) such handgun.

7 (b) HANDGUN REGISTRATION REQUIREMENT.—  
8 Chapter 44 of title 18, United States Code, is amended  
9 by adding at the end the following:

10 **“§ 931. Registration of handguns**

11 “(a) Each individual who owns, possesses, or controls  
12 a handgun in any State to which this section applies by  
13 reason of section 2(a) of the Handgun Registration Act  
14 of 1997 shall register such handgun—

15 “(1) in the case of handguns owned, possessed,  
16 or controlled on or before the effective date of  
17 this section—

18 “(A) with a Federal, State, or local law en-  
19 forcement agency or the licensed dealer, if any,  
20 from whom such handgun was last purchased;  
21 and

22 “(B) within 90 days after such effective  
23 date; and

24 “(2) in the case of handguns owned, possessed,  
25 or controlled after such effective date—

1           “(A) with the licensed dealer from whom  
2           such handgun was last purchased; and

3           “(B) at the time the handgun is first  
4           owned, possessed, or controlled by the individ-  
5           ual.

6           “(b) Whoever knowingly violates subsection (a) shall  
7           be fined not more than \$250,000, imprisoned not less than  
8           15 years, or both. The court shall not suspend a sentence  
9           of imprisonment imposed for an offense under this section,  
10          and shall not impose a probationary sentence for an of-  
11          fense under this section.

12          “(c) As used in subsection (a):

13               “(1) The term ‘handgun’ means a pistol or re-  
14               volver originally designed to be fired by the use of  
15               a single hand and which is designed to fire or capa-  
16               ble of firing fixed cartridge ammunition, and any  
17               other firearm originally designed to be fired by the  
18               use of a single hand.

19               “(2) The term ‘State’ includes the District of  
20               Columbia and the territories and possessions of the  
21               United States.”.

22          (c) EFFECTIVE DATE.—The amendment made by  
23          subsection (b) shall apply to conduct engaged in 2 or more  
24          years after the date of the enactment of this Act.

1 **SEC. 4. TERMINATION OF CERTAIN FEDERAL ASSISTANCE.**

2       The Attorney General shall order the termination of  
3 all assistance under each of parts D, E, and G of title  
4 I of the Omnibus Crime Control and Safe Streets Act of  
5 1968 to each State, and each recipient in such State, dur-  
6 ing any period in which the Federal handgun registration  
7 system established under section 3(a) of this Act applies  
8 to such State.

9 **SEC. 5. DEFINITIONS.**

10       As used in this Act:

11           (1) **HANDGUN.**—The term “handgun” means a  
12 pistol or revolver originally designed to be fired by  
13 the use of a single hand and which is designed to  
14 fire or capable of firing fixed cartridge ammunition,  
15 and any other firearm (as defined in section  
16 921(a)(3) of title 18, United States Code) originally  
17 designed to be fired by the use of a single hand.

18           (2) **STATE.**—The term “State” includes the  
19 District of Columbia and the territories and posses-  
20 sions of the United States.

○