

105TH CONGRESS  
1ST SESSION

# H. R. 2769

To ensure that background checks are conducted before the transfer of  
a handgun by a firearms dealer.

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## IN THE HOUSE OF REPRESENTATIVES

OCTOBER 29, 1997

Mr. SCHUMER (for himself, Mr. MEEHAN, Mr. NADLER, Mr. McDERMOTT, Ms. LOFGREN, Mr. MENENDEZ, Mrs. MORELLA, Mr. BERMAN, Ms. KILPATRICK, Mr. GUTIERREZ, Mr. BARRETT of Wisconsin, Ms. FURSE, and Mr. BLAGOJEVICH) introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To ensure that background checks are conducted before the  
transfer of a handgun by a firearms dealer.

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 “Brady Background  
5       Check Improvement Act”.

1 **SEC. 2. BACKGROUND CHECK REQUESTS REQUIRED TO BE**  
2 **SENT TO CHIEF LAW ENFORCEMENT OFFI-**  
3 **CERS WHOSE POLICE DEPARTMENTS ARE CO-**  
4 **OPERATING IN CONDUCTING THE CHECKS.**

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

7 (1) in each of subclauses (III) and (IV) of para-  
8 graph (1)(A)(i), by striking “the chief law enforce-  
9 ment officer of the place of residence of the trans-  
10 feree” and inserting “a designated chief law enforce-  
11 ment officer with respect to the transfer”;

12 (2) by striking paragraph (2) and inserting the  
13 following:

14 “(2)(A) Upon request of a chief law enforcement offi-  
15 cer of a cooperating law enforcement agency, the Sec-  
16 retary shall certify the chief law enforcement officer as  
17 the head of a cooperating law enforcement agency.

18 “(B) For purposes of subparagraph (A) of this para-  
19 graph, a law enforcement agency is a cooperating law en-  
20 forcement agency if the agency maintains a practice, upon  
21 receipt of a notice provided pursuant to paragraph  
22 (1)(A)(i)(III) with respect to the transfer of a handgun,  
23 of making a reasonable effort to ascertain within 5 busi-  
24 ness days whether receipt or possession of the handgun  
25 by the transferee would be in violation of Federal, State,  
26 or local law, including research in whatever State and local

1 record keeping systems are available and in a national sys-  
2 tem designated by the Attorney General.

3 “(C)(i) Not later than 90 days after the date of the  
4 enactment of this paragraph and periodically thereafter,  
5 the Secretary shall provide to each licensed dealer and  
6 shall cause to have published in the Federal Register a  
7 list of the chief law enforcement officers certified under  
8 subparagraph (A).

9 “(ii) From time to time, the Secretary may cause to  
10 have published in the Federal Register and may provide  
11 to each licensed dealer, or to each licensed dealer within  
12 a State, a list of chief law enforcement officers previously  
13 certified under subparagraph (A) who the Secretary deter-  
14 mines are no longer the head of a cooperating law enforce-  
15 ment agency.”;

16 (3) in paragraph (8)—

17 (A) by inserting “(A)” after “(8)”; and

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

19 “(B) For purposes of this subsection, the term ‘des-  
20 ignated chief law enforcement officer’ means, with respect  
21 to a handgun transfer, any of the following who is a listed  
22 chief law enforcement officer:

23 (i) The chief law enforcement officer of the  
24 place of residence of the transferee.

1               “(ii) The chief law enforcement officer of the  
2       place of business of the transferor at which the  
3       handgun transfer is to be made.

4               “(iii) The chief law enforcement officer of the  
5       State in which the place of business described in  
6       clause (ii) is located.

7               “(C) For purposes of this subsection, the term ‘listed  
8       chief law enforcement officer’ means, with respect to a  
9       handgun transferor, a chief law enforcement officer who—

10               “(i) has been identified, in the list of chief law  
11       enforcement officers most recently distributed to the  
12       transferor under paragraph (2)(C)(i), as the head of  
13       a cooperating law enforcement agency; and

14               “(ii) has not been identified, in a list of chief  
15       law enforcement officers subsequently distributed to  
16       the transferor under paragraph (2)(C)(ii), as the  
17       head of a law enforcement agency that has ceased  
18       to be a cooperating law enforcement agency.”; and

19               (4) by adding at the end the following:

20               “(10) In the absence of an express provision of State  
21       law that prohibits a State or local law enforcement officer  
22       from conducting a background check on a handgun pur-  
23       chaser, a chief law enforcement officer may make a rea-  
24       sonable effort to ascertain, within 5 business days after  
25       receipt of a notice provided pursuant to paragraph

1 (1)(A)(i)(III), whether receipt or possession of the hand-  
2 gun involved would violate the law, including research in  
3 whatever State and local recordkeeping systems are avail-  
4 able and in a national system designated by the Attorney  
5 General.”.

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