

105TH CONGRESS  
1ST SESSION

# H. R. 27

To protect the right to obtain firearms for security, and to use firearms in defense of self, family, or home, and to provide for the enforcement of such right.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 7, 1997

By Mr. BARTLETT of Maryland (for himself, Mr. BARTON of Texas, Mr. SOLOMON, Mr. COBLE, Mr. CALLAHAN, Mr. CUNNINGHAM, Mr. CALVERT, Mr. BARCIA, Mr. YOUNG of Alaska, Mr. DOOLITTLE, Mr. STUMP, Mr. COLLINS, Mrs. CHENOWETH, Mr. COBURN, Mr. CONDIT, Mr. BURTON of Indiana, Mr. HOLDEN, Mr. SKEEN, Mr. CRANE, and Mr. HALL of Texas) introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To protect the right to obtain firearms for security, and to use firearms in defense of self, family, or home, and to provide for the enforcement of such right.

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 “Citizens’ Self-Defense  
5 Act of 1997”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds the following:



1           (1) Police cannot protect, and are not legally  
2       liable for failing to protect, individual citizens, as  
3       evidenced by the following:

4           (A) The courts have consistently ruled that  
5       the police do not have an obligation to protect  
6       individuals, only the public in general. For ex-  
7       ample, in Warren v. District of Columbia Met-  
8       ropolitan Police Department, 444 A.2d 1 (D.C.  
9       App. 1981), the court stated: “[C]ourts have  
10      without exception concluded that when a mu-  
11      nicipality or other governmental entity under-  
12      takes to furnish police services, it assumes a  
13      duty only to the public at large and not to indi-  
14      vidual members of the community.”.

15          (B) Former Florida Attorney General Jim  
16      Smith told Florida legislators that police re-  
17      sponded to only 200,000 of 700,000 calls for  
18      help to Dade County authorities.

19          (C) The United States Department of Jus-  
20      tice found that, in 1989, there were 168,881  
21      crimes of violence for which police had not re-  
22      sponded within 1 hour.

23          (D) Currently, there are about 150,000 po-  
24      lice officers on duty at any one time.

1           (2) Citizens frequently must use firearms to de-  
2 fend themselves, as evidenced by the following:

3           (A) Every year, more than 2,400,000 peo-  
4 ple in the United States use a gun to defend  
5 themselves against criminals—or more than  
6 6,500 people a day. This means that, each year,  
7 firearms are used 60 times more often to pro-  
8 tect the lives of honest citizens than to take  
9 lives.

10          (B) Of the 2,400,000 self-defense cases,  
11 more than 192,000 are by women defending  
12 themselves against sexual abuse.

13          (C) Of the 2,400,000 times citizens use  
14 their guns to defend themselves every year, 92  
15 percent merely brandish their gun or fire a  
16 warning shot to scare off their attackers. Less  
17 than 8 percent of the time, does a citizen kill  
18 or wound his or her attacker.

19          (3) Law-abiding citizens, seeking only to pro-  
20 vide for their families' defense, are routinely pros-  
21 ecuted for brandishing or using a firearm in self-  
22 defense. For example:

1           (A) In 1986, Don Bennett of Oak Park, Il-  
2           linois, was shot at by 2 men who had just sto-  
3           len \$1,200 in cash and jewelry from his subur-  
4           ban Chicago service station. The police arrested  
5           Bennett for violating Oak Park’s handgun ban.  
6           The police never caught the actual criminals.

7           (B) Ronald Biggs, a resident of Goldsboro,  
8           North Carolina, was arrested for shooting an  
9           intruder in 1990. Four men broke into Biggs’  
10          residence one night, ransacked the home and  
11          then assaulted him with a baseball bat. When  
12          Biggs attempted to escape through the back  
13          door, the group chased him and Biggs turned  
14          and shot one of the assailants in the stomach.  
15          Biggs was arrested and charged with assault  
16          with a deadly weapon—a felony. His assailants  
17          were charged with misdemeanors.

18          (C) Don Campbell of Port Huron, Michi-  
19          gan, was arrested, jailed, and criminally  
20          charged after he shot a criminal assailant in  
21          1991. The thief had broken into Campbell’s  
22          store and attacked him. The prosecutor plea-  
23          bargained with the assailant and planned to use  
24          him to testify against Campbell for felonious  
25          use of a firearm. Only after intense community

1           pressure did the prosecutor finally drop the  
2           charges.

3           (4) The courts have granted immunity from  
4           prosecution to police officers who use firearms in the  
5           line of duty. Similarly, law-abiding citizens who use  
6           firearms to protect themselves, their families, and  
7           their homes against violent felons should not be sub-  
8           ject to lawsuits by the violent felons who sought to  
9           victimize them.

10 **SEC. 3. RIGHT TO OBTAIN FIREARMS FOR SECURITY, AND**  
11 **TO USE FIREARMS IN DEFENSE OF SELF,**  
12 **FAMILY, OR HOME; ENFORCEMENT.**

13           (a) REAFFIRMATION OF RIGHT.—A person not pro-  
14           hibited from receiving a firearm by Public Law 90–351  
15           shall have the right to obtain firearms for security, and  
16           to use firearms—

17           (1) in defense of self or family against a rea-  
18           sonably perceived threat of imminent and unlawful  
19           infliction of serious bodily injury.

20           (2) in defense of self or family in the course of  
21           the commission by another person of a violent felony  
22           against the person or a member of the person’s fam-  
23           ily; and

1           (3) in defense of the person’s home in the  
2           course of the commission of a felony by another per-  
3           son.

4           (b) FIREARM DEFINED.—As used in subsection (a),  
5           the term “firearm” means—

6           (1) a shotgun (as defined in section 921(a)(5)  
7           of title 18, United States Code);

8           (2) a rifle (as defined in section 921(a)(7) of  
9           title 18, United States Code); or

10          (3) a handgun (as defined in section 10 of Pub-  
11          lic Law 99–408).

12          (c) ENFORCEMENT OF RIGHT.—

13          (1) IN GENERAL.—A person whose right under  
14          subsection (a) is violated in any manner may bring  
15          an action in any United States district court against  
16          the United States, any State, or any person for  
17          damages, injunctive relief, and such other relief as  
18          the court deems appropriate.

19          (2) AUTHORITY TO AWARD A REASONABLE AT-  
20          TORNEY’S FEE.—In an action brought under para-  
21          graph (1), the court, in its discretion, may allow the  
22          prevailing plaintiff a reasonable attorney’s fee as  
23          part of the costs.

24          (3) STATUTE OF LIMITATIONS.—An action may  
25          not be brought under paragraph (1) after the 5-year

- 1 period that begins with the date the violation de-
- 2 scribed in paragraph (1) is discovered.

