

105TH CONGRESS
2D SESSION

H. R. 4442

To better regulate the transfer of firearms at gun shows.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 6, 1998

Mr. DEFAZIO (for himself, Ms. FURSE, Mr. BLUMENAUER, and Ms. HOOLEY of Oregon) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To better regulate the transfer of firearms at gun shows.

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. REGULATION OF GUN SHOWS.**

4 (a) IN GENERAL.—Section 923 of title 18, United
5 States Code, is amended by adding at the end the follow-
6 ing:

7 “(m)(1) A person shall not hold a gun show unless—

8 “(A) the person is licensed to do so under this
9 subsection; and

10 “(B) at least 30 days have elapsed since the
11 person, using a form which shall be prescribed by

1 the Secretary, has notified the Secretary and the
2 chief law enforcement officer of the postal address
3 and the dates and times at which the gun show is
4 to be held.

5 “(2) A person desiring to be licensed to hold a gun
6 show shall submit to the Secretary an application which—

7 “(A) contains a certification by the applicant
8 that—

9 “(i) the applicant meets the requirements
10 of subparagraphs (A) through (D) of subsection
11 (d)(1); and

12 “(ii) any gun show to be conducted under
13 the license is not prohibited by State or local
14 law, and will be conducted in accordance with
15 the requirements of State and local law;

16 “(B) contains a photograph and fingerprints of
17 the applicant; and

18 “(C) is in such form as the Secretary shall by
19 regulation prescribe.

20 “(3)(A) The Secretary shall approve an application
21 submitted pursuant to paragraph (2) which meets the re-
22 quirements of paragraph (2). On approval of the applica-
23 tion and payment by the applicant of such fee as the Sec-
24 retary shall establish to ensure that the fees collected
25 under this subsection are sufficient to cover the costs of

1 issuing licenses under this subsection, the Secretary shall
2 issue to the applicant a license which, subject to the provi-
3 sions of this chapter and other applicable provisions of
4 law, entitles the licensee to hold gun shows in interstate
5 or foreign commerce during the 3-year period that begins
6 with the date the license is issued.

7 “(B) The Secretary shall approve or deny an applica-
8 tion submitted under paragraph (2) within 60 days after
9 the Secretary receives the application. If the Secretary
10 fails to so act within such period, the applicant may bring
11 an action under section 1361 of title 28 to compel the
12 Secretary to so act.

13 “(4)(A) Before a person not licensed under this sec-
14 tion transfers a firearm at a gun show—

15 “(i) the person shall provide to the holder of the
16 gun show written notice of—

17 “(I) the name, age, and address of the per-
18 son and of the prospective transferee (or, in the
19 case of a party who is a corporation or other
20 business entity, the identity and principal and
21 local places of business of such party);

22 “(II) the serial number, make, and model
23 of the firearm; and

24 “(III) the date and location of the trans-
25 fer; and

1 “(ii) the holder of a gun show shall comply with
 2 the requirements imposed on licensed dealers by sec-
 3 tion 922(t) and subsections (g)(1)(A) and (g)(3)(A)
 4 of this section with respect to the transfer.

5 “(B) Within 30 days after the end of a gun show
 6 for which a license is issued under this subsection, the li-
 7 censee shall deliver to the Secretary all records or docu-
 8 ments which the licensee collected pursuant to subpara-
 9 graph (A) during the gun show.

10 “(5) For purposes of this subsection, the term ‘gun
 11 show’ means an event or function that is—

12 “(A) sponsored by—

13 “(i) a national, State, or local organization
 14 devoted to the collection, competitive use, or
 15 other sporting use of firearms; or

16 “(ii) an organization or association that
 17 sponsors functions devoted to the collection,
 18 competitive use, or other sporting use of fire-
 19 arms in the community; and

20 “(B) held at a location—

21 “(i) which is not specified in any li-
 22 cense issued under subsection (b) or (c);

23 “(ii) at which a firearm is offered for
 24 sale or transfer; and

1 “(iii) at which 50 or more firearms
2 are present, 1 or more of which has been
3 shipped or transported in interstate or for-
4 eign commerce.”.

5 (b) PENALTIES.—Section 924(a) of such title is
6 amended by adding at the end the following:

7 “(7)(A) Whoever knowingly violates section
8 923(m)(1) shall be fined under this title, imprisoned not
9 more than 5 years, or both.

10 “(B) Whoever knowingly violates subparagraph (A)(i)
11 or (B) of section 923(m)(4) shall be fined under this title,
12 imprisoned not more than 1 year, or both.

13 “(C) Whoever violates section 923(m)(4)(A)(ii) by
14 knowingly failing to comply with a provision of law speci-
15 fied in such section shall be punished as otherwise pro-
16 vided under this section for knowingly violating the provi-
17 sion of law.”.

18 (c) EFFECTIVE DATE.—The amendments made by
19 this section shall apply to conduct engaged in after the
20 1-year period that begins with the date of the enactment
21 of this Act.

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