

105TH CONGRESS
2D SESSION

S. 2324

To amend section 922(t) of title 18, United States Code, to require the reporting of information to the chief law enforcement officer of the buyer's residence and to require a minimum 72-hour waiting period before the purchase of a handgun, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 16, 1998

Mr. DURBIN (for himself, Mr. CHAFEE, Mr. LAUTENBERG, Mr. TORRICELLI, Mr. REED, and Mrs. BOXER), introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To amend section 922(t) of title 18, United States Code, to require the reporting of information to the chief law enforcement officer of the buyer's residence and to require a minimum 72-hour waiting period before the purchase of a handgun, 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 referred to as the “Brady Waiting
5 Period Extension Act of 1998”.

1 **SEC. 2. ESTABLISHMENT OF MINIMUM 72-HOUR HANDGUN**
 2 **PURCHASE WAITING PERIOD.**

3 Section 922(t) of title 18, United States Code, is
 4 amended—

5 (1) in paragraph (1)—

6 (A) in subparagraph (A)—

7 (i) by striking “before the completion
 8 of the transfer, the licensee” and inserting
 9 “after the most recent proposal of the
 10 transfer by the transferee, the licensee, as
 11 expeditiously as is feasible”; and

12 (ii) by inserting “and the chief law en-
 13 forcement officer of the place of residence
 14 of the transferee” after “Act”;

15 (B) in subparagraph (B)(ii)—

16 (i) by striking “3” and inserting “5”;
 17 and

18 (ii) by striking “and” at the end;

19 (C) in subparagraph (C), by striking the
 20 period at the end and inserting “; and”; and

21 (D) by adding at the end the following:

22 “(D) if the firearm is a handgun—

23 “(i) not less than 72 hours have elapsed
 24 since the licensee contacted the system;

25 “(ii) the transferee has presented to the
 26 transferor a written statement, issued by the

chief law enforcement officer of the place of residence of the transferee during the 10-day period ending on the date of the most recent proposal of such transfer by the transferee, stating that the transferee requires access to a handgun because of a threat to the life of the transferee or of a member of the household of the transferee; or

“(iii) the law of the State in which the proposed transfer will occur requires, before any licensed importer, licensed manufacturer, or licensed dealer completes the transfer of a handgun to an individual who is not licensed under section 923, that an authorized State or local official verify that the information available to the official does not indicate that possession of a handgun by the transferee would be in violation of the law, and the authorized State or local official has provided such verification in accordance with that law.”; and

(2) by adding at the end the following:

“(7) In this subsection, the term ‘chief law enforcement officer’ means the chief of police, the sheriff, or an equivalent officer of a law enforcement agency, or the designee of any such officer.

1 “(8) A chief law enforcement officer who is contacted
2 under paragraph (1)(A) with respect to the proposed
3 transfer of a firearm shall, not later than 20 business days
4 after the date on which the contact occurs, destroy any
5 statement or other record containing information derived
6 from the contact, unless the chief law enforcement officer
7 determines that the transfer would violate Federal, State,
8 or local law.

9 “(9) The Secretary of the Treasury shall promulgate
10 regulations regarding the manner in which information
11 shall be transmitted by licensees to the national instant
12 criminal background check system under paragraph
13 (1)(A).”.

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