

Calendar No. 3

105TH CONGRESS
1ST SESSION

S. 43

To throttle criminal use of guns.

IN THE SENATE OF THE UNITED STATES

JANUARY 21, 1997

Mr. HELMS (for himself, Mr. DEWINE, Mr. HATCH, Mr. NICKLES, Mr. ABRAHAM, and Mr. FAIRCLOTH) introduced the following bill; which was read twice and placed on the calendar

A BILL

To throttle criminal use of guns.

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. AMENDMENT TO TITLE 18, UNITED STATES**

4 **CODE.**

5 Section 924(c) of title 18, United States Code, is
6 amended—

7 (1) by striking “(c)” and all that follows
8 through “(2)” and inserting the following:

1 “(c) POSSESSION OF FIREARM DURING COMMISSION
2 OF CRIME OF VIOLENCE OR DRUG TRAFFICKING
3 CRIME.—

4 “(1) TERM OF IMPRISONMENT.—

5 “(A) IN GENERAL.—Except to the extent
6 that a greater minimum sentence is otherwise
7 provided by this subsection or by any other pro-
8 vision of law, any person who, during and in re-
9 lation to any crime of violence or drug traffick-
10 ing crime (including a crime of violence or drug
11 trafficking crime that provides for an enhanced
12 punishment if committed by the use of a deadly
13 or dangerous weapon or device) for which a per-
14 son may be prosecuted in a court of the United
15 States, uses, carries, or possesses a firearm
16 shall, in addition to the punishment provided
17 for such crime of violence or drug trafficking
18 crime—

19 “(i) be sentenced to a term of impris-
20 onment of not less than 5 years;

21 “(ii) if the firearm is discharged, be
22 sentenced to a term of imprisonment of
23 not less than 10 years; and

1 “(iii) if the death of any person re-
 2 sults, be sentenced to a term of imprison-
 3 ment for life or sentenced to death.

4 “(B) EXCEPTION FOR CERTAIN OF-
 5 FENSES.—If the firearm possessed by a person
 6 convicted of a violation of this subsection—

7 “(i) is a short-barreled rifle, short-
 8 barreled shotgun, or semiautomatic assault
 9 weapon, the person shall be—

10 “(I) sentenced to a term of im-
 11 prisonment of not less than 10 years;
 12 and

13 “(II) if the death of any person
 14 results, sentenced to a term of impris-
 15 onment for life or sentenced to death;
 16 and

17 “(ii) is a machinegun or a destructive
 18 device, or is equipped with a firearm si-
 19 lencer or firearm muffler, the person shall
 20 be—

21 “(I) sentenced to a term of im-
 22 prisonment of not less than 30 years;
 23 and

1 “(II) if the death of any person
 2 results, sentenced to a term of impris-
 3 onment for life or sentenced to death.

4 “(C) EXCEPTION FOR CERTAIN OFFEND-
 5 ERS.—In the case of a second or subsequent
 6 conviction under this subsection, a person
 7 shall—

8 “(i) be sentenced to a term of impris-
 9 onment of not less than 25 years; and

10 “(ii) if the firearm at issue is a ma-
 11 chinegun or a destructive device, or is
 12 equipped with a firearm silencer or firearm
 13 muffler, be sentenced to a term of impris-
 14 onment for life.

15 “(D) PROBATION AND CONCURRENT SEN-
 16 TENCES.—Notwithstanding any other provision
 17 of law—

18 “(i) a court shall not place on proba-
 19 tion or suspend the sentence of any person
 20 convicted of a violation of this subsection;
 21 and

22 “(ii) no term of imprisonment im-
 23 posed on a person under this subsection
 24 shall run concurrently with any other term
 25 of imprisonment imposed on the person,

1 including any term of imprisonment im-
2 posed for the crime of violence or drug
3 trafficking crime during which the firearm
4 was used, carried, or possessed.

5 “(2) DEFINITION OF ‘DRUG TRAFFICKING
6 CRIME’.—”; and

7 (2) in paragraph (3)—

8 (A) by striking “(3) For” and inserting
9 the following:

10 “(3) DEFINITION OF ‘CRIME OF VIOLENCE’.—
11 For”; and

12 (B) by indenting each of subparagraphs

13 (A) and (B) 2 ems to the right.

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