

106TH CONGRESS
1ST SESSION

S. 991

To prohibit the receipt, transfer, transportation, or possession of a firearm or ammunition by certain violent juvenile offenders, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 6, 1999

Mr. MCCAIN introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To prohibit the receipt, transfer, transportation, or possession of a firearm or ammunition by certain violent juvenile offenders, 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 cited as the “Youth Violence Preven-

5 tion Act of 1999”.

6 **SEC. 2. PROHIBITION ON FIREARMS OR AMMUNITION POS-**
7 **SESSION BY VIOLENT JUVENILE OFFENDERS.**

8 (a) DEFINITION.—Section 921(a)(20) of title 18,
9 United States Code, is amended by—

10 (1) inserting “(A)” after “(20)”;

1 (2) redesignating subparagraphs (A) and (B) as
2 clauses (i) and (ii), respectively;

3 (3) inserting after clause (ii) the following:

4 “(B) For purposes of section 922(d) and
5 (g) of this title, the term ‘act of violent juvenile
6 delinquency’ means an adjudication of delin-
7 quency in Federal or State court, based on a
8 finding of the commission of an act by a person
9 prior to his or her eighteenth birthday that, if
10 committed by an adult, would be a serious vio-
11 lent felony, as defined in section
12 3559(c)(2)(F)(i) of this title, had Federal juris-
13 diction been exercised (except that section
14 3559(c)(3) shall not apply to this subpara-
15 graph):”; and

16 (4) striking “What constitutes” through “this
17 chapter,” and inserting:

18 “(C) What constitutes a conviction of such
19 a crime or an adjudication of an act of violent
20 juvenile delinquency shall be determined in ac-
21 cordance with the law of the jurisdiction in
22 which the proceedings were held. Any State
23 conviction or adjudication of an act of violent
24 juvenile delinquency that has been expunged or
25 set aside, or for which a person has been par-

1 done or has had civil rights restored, by the
 2 jurisdiction in which the conviction or adjudica-
 3 tion of an act of violent juvenile delinquency oc-
 4 curred shall not be considered a conviction or
 5 adjudication of an act of violent juvenile delin-
 6 quency for purposes of this chapter.”.

7 (b) PROHIBITION.—Section 922 of title 18, United
 8 States Code is amended—

9 (1) in subsection (d)—

10 (A) in paragraph (8), by striking “or” at
 11 the end;

12 (B) in paragraph (9), by striking the pe-
 13 riod at the end and inserting “; or” ; and

14 (C) by inserting after paragraph (9) the
 15 following:

16 “(10) has committed an act of violent juvenile
 17 delinquency.”; and

18 (2) in subsection (g)—

19 (A) in paragraph (8), by striking “or” at
 20 the end;

21 (B) in paragraph (9), by striking the pe-
 22 riod at the end and inserting “; or” ; and

23 (C) by inserting after paragraph (9) the
 24 following:

1 “(10) has committed an act of violent juvenile
2 delinquency.”.

3 (c) EFFECTIVE DATE OF ADJUDICATION PROVI-
4 SIONS.—The amendments made by this section shall apply
5 only to an adjudication of an act of violent juvenile delin-
6 quency that occurs after the date that is 30 days after
7 the date on which the Attorney General notifies Federal
8 firearms licensees, through publication in the Federal Reg-
9 ister by the Secretary of the Treasury, that the records
10 of such adjudications are routinely available in the na-
11 tional instant criminal background check system estab-
12 lished under section 103(b) of the Brady Handgun Vio-
13 lence Prevention Act.

14 **SEC. 3. STRAW PURCHASE PENALTIES.**

15 (a) STRAW PURCHASE PENALTIES.—Section
16 924(a)(2) of title 18, United States Code, is amended to
17 read as follows:

18 “(2) Whoever knowingly violates—

19 “(A) subsection (d), (g), (h), (i), (j) or (o)
20 of section 922 shall be fined as provided in this
21 title, imprisoned not more than 10 years, or
22 both; and

23 “(B) section 922(a)(6) shall be fined as
24 provided in this title, imprisoned not more than
25 10 years, or both, except—

“(i) whoever knowingly violates subsection (a)(6) for the purpose of selling, delivering, or otherwise transferring a firearm knowing or having reasonable cause to know that another will carry or otherwise possess or discharge or otherwise use the firearm in the commission of a violent felony, shall be—

“(I) fined under this title, imprisoned not more than 15 years, or both; or

“(II) fined under this title, imprisoned not more than 20 years, or both where the procurement is for a juvenile; and

“In this paragraph, the term ‘violent felony’ means conduct described in section 924(e)(2)(B) of this title and the term ‘juvenile’ has the same meaning as in section 922(x).”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall take effect 180 days after the date of enactment of this Act.

SEC. 4. JUVENILE WEAPONS PENALTIES.

(a) **JUVENILE WEAPONS PENALTIES.**—Section 924(a) of title 18 United States Code, is amended—

1 (1) in paragraph (4), by striking “Whoever”
2 and inserting “Except as provided in paragraph (6),
3 whoever”; and

4 (2) by striking paragraph (6) and inserting the
5 following:

6 “(6)(A) A juvenile who violates section 922(x)
7 shall be fined under this title, imprisoned not more
8 than 1 year, or both, except—

9 “(i) a juvenile shall be sentenced to proba-
10 tion on appropriate conditions and shall not be
11 incarcerated unless the juvenile fails to comply
12 with a condition of probation, if—

13 “(I) the offense of which the juvenile
14 is charged is possession of a handgun or
15 ammunition in violation of section
16 922(x)(2); and

17 “(II) the juvenile has not been con-
18 victed in any court of an offense (including
19 an offense under section 922(x) or a simi-
20 lar State law, but not including any other
21 offense consisting of conduct that if en-
22 gaged in by an adult would not constitute
23 an offense) or adjudicated as a juvenile de-
24 linquent for conduct that if engaged in by
25 an adult would constitute an offense; or

1 “(ii) a juvenile shall be fined under this
2 title, imprisoned not more than 20 years, or
3 both, if—

4 “(I) the offense of which the juvenile
5 is charged is possession of a handgun or
6 ammunition in violation of section
7 922(x)(2); and

8 “(II) during the same course of con-
9 duct in violating section 992(x)(2), the ju-
10 venile violated section 922(q), with the in-
11 tent to carry or otherwise possess or dis-
12 charge or otherwise use the handgun or
13 ammunition in the commission of a violent
14 felony.

15 “(B) A person other than a juvenile who know-
16 ingly violates section 922(x)—

17 “(i) shall be fined under this title, impris-
18 oned not more than 1 year, or both; and

19 “(ii) if the person sold, delivered, or other-
20 wise transferred a handgun or ammunition to a
21 juvenile knowing or having reasonable cause to
22 know that the juvenile intended to carry or oth-
23 erwise possess or discharge or otherwise use the
24 handgun or ammunition in the commission of a

1 violent felony, shall be fined under this title, im-
 2 prisoned not more than 20 years, or both.

3 “(C) In this paragraph, the term ‘violent felony’
 4 means conduct as described in section 924(e)(2)(B)
 5 of this title.

6 “(D) Except as otherwise provided in this chap-
 7 ter, in any case in which a juvenile is prosecuted in
 8 a district court of the United States, and the juve-
 9 nile is subject to the penalties under paragraph
 10 (A)(ii), the juvenile shall be subject to the same
 11 laws, rules, and proceedings regarding sentencing
 12 (including the availability of probation, restitution,
 13 fines, forfeiture, imprisonment, and supervised re-
 14 lease) that would be applicable in the case of an
 15 adult. No juvenile sentenced to a term of imprison-
 16 ment shall be released from custody simply because
 17 the juvenile reaches the age of 18 years.”.

18 (b) UNLAWFUL WEAPONS TRANSFERS TO JUVE-
 19 NILES.—Section 922(x) of title 18, United States Code,
 20 is amended to read as follows:

21 “(x)(1) It shall be unlawful for a person to sell, de-
 22 liver, or otherwise transfer to a person who the transferor
 23 knows or has reasonable cause to believe is a juvenile—

24 “(A) a handgun; or

1 “(B) ammunition that is suitable for use only
2 in a handgun.

3 “(2) It shall be unlawful for any person who is a juve-
4 nile to knowingly possess—

5 “(A) a handgun; or

6 “(B) ammunition that is suitable for use only
7 in a handgun.

8 “(3) This subsection does not apply to the following:

9 “(A)(i) A temporary transfer of a handgun or
10 ammunition to a juvenile or to the possession or use
11 of a handgun or ammunition by a juvenile if the
12 handgun or ammunition are possessed and used by
13 the juvenile—

14 “(I) in the course of employment;

15 “(II) in the course of ranching or farming
16 related to activities at the residence of the juve-
17 nile (or on property used for ranching or farm-
18 ing at which the juvenile, with the permission
19 of the property owner or lessee, is performing
20 activities related to the operation of the farm or
21 ranch);

22 “(III) for target practice;

23 “(IV) for hunting; or

24 “(V) for a course of instruction in the safe
25 and lawful use of a handgun.

1 “(ii) Clause (i) shall apply only if the juvenile’s
2 possession and use of a handgun or ammunition
3 under this subparagraph are in accordance with
4 State and local law and the following conditions are
5 met:

6 “(I)(aa) Except when a parent or guardian
7 of the juvenile is in the immediate and super-
8 visory presence of the juvenile, the juvenile shall
9 have in the juvenile’s possession at all times
10 when a handgun or ammunition is in the pos-
11 session of the juvenile, the prior written consent
12 of the juvenile’s parent or guardian who is not
13 prohibited by Federal, State, or local law from
14 possessing a firearm or ammunition; and

15 “(bb) during transportation by the juvenile
16 directly from the place of transfer to a place at
17 which an activity described in division (aa) is to
18 take place the handgun shall be unloaded and
19 in a locked container or case, and during the
20 transportation by the juvenile of that firearm,
21 directly from the place at which such an activity
22 took place to the transferor, the handgun shall
23 also be unloaded and in a locked container or
24 case; or

1 “(II) With respect to ranching or farming
2 activities as described in subparagraph (A), a
3 juvenile may possess and use a handgun or am-
4 munition with the prior written approval of the
5 juvenile’s parent or legal guardian, if such ap-
6 proval is on file with the adult who is not pro-
7 hibited by Federal, State, or local law from pos-
8 sessing a firearm or ammunition and that per-
9 son is directing the ranching or farming activi-
10 ties of the juvenile.

11 “(B) A juvenile who is a member of the Armed
12 Forces of the United States or the National Guard
13 who possesses or is armed with a handgun or ammu-
14 nition in the line of duty.

15 “(C) A transfer by inheritance of title (but not
16 possession) of a handgun or ammunition to a juve-
17 nile.

18 “(D) The possession of a handgun or ammuni-
19 tion taken in defense of the juvenile or other persons
20 against an intruder into the residence of the juvenile
21 or a residence in which the juvenile is an invited
22 guest.

23 “(4) A handgun or ammunition, the possession of
24 which is transferred to a juvenile in circumstances in
25 which the transferor is not in violation of this subsection,

1 shall not be subject to permanent confiscation by the Gov-
 2 ernment if its possession by the juvenile subsequently be-
 3 comes unlawful because of the conduct of the juvenile, but
 4 shall be returned to the lawful owner when such handgun
 5 or ammunition is no longer required by the Government
 6 for the purposes of investigation or prosecution.

7 “(5) In this subsection, the term ‘juvenile’ means a
 8 person who is less than 18 years of age.

9 “(6) In a prosecution of a violation of this subsection,
 10 the court—

11 “(A) shall require the presence of a juvenile de-
 12 fendant’s parent or legal guardian at all proceedings;

13 “(B) may use the contempt power to enforce
 14 subparagraph (A); and

15 “(C) may excuse attendance of a parent or legal
 16 guardian of a juvenile defendant at a proceeding in
 17 a prosecution of a violation of this subsection for
 18 good cause shown.”.

19 (c) EFFECTIVE DATE.—The amendment made by
 20 this section shall take effect 180 days after the date of
 21 enactment of this Act.

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