

106TH CONGRESS  
1ST SESSION

# S. 994

Entitled the “Juvenile Misuse of Firearms Prevention Act”.

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IN THE SENATE OF THE UNITED STATES

MAY 10, 1999

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

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## A BILL

Entitled the “Juvenile Misuse of Firearms Prevention Act”.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **TITLE I—SHORT TITLE**

4 This Act may be cited as the “Juvenile Misuse of  
5 Firearms Prevention Act”.

6 **TITLE II—RESTRICTING JUVENILE ACCESS TO CERTAIN**  
7 **FIREARMS**  
8 **FIREARMS**

9 **SECTION 1. PENALTIES FOR UNLAWFUL ACTS BY JUVENILES.**  
10 **NILES.**

11 (a) **JUVENILE WEAPONS PENALTIES.**—Section  
12 924(a) of title 18, United States Code, is amended—

1 (1) in paragraph (4) by striking “Whoever” at  
2 the beginning of the first sentence, and inserting in  
3 lieu thereof, “Except as provided in paragraph (6)  
4 of this subsection, whoever”; and

5 (2) in paragraph (6), by amending it to read as  
6 follows:—

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

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

14 “(I) the offense of which the juvenile  
15 is charged is possession of a handgun, am-  
16 munition, or a semiautomatic assault  
17 weapon in violation of section 922(x)(2);  
18 and

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

1           linquent for conduct that if engaged in by  
2           an adult would constitute an offense; or

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

6                   “(I) the offense of which the juvenile  
7                   is charged is possession of a handgun, am-  
8                   munition, or a semiautomatic assault  
9                   weapon in violation of section 922(x)(2);  
10                  and

11                   “(II) during the same course of con-  
12                   duct in violating 922(x)(2), the juvenile  
13                   violated section 922(q), with the intent to  
14                   carry or otherwise possess or discharge or  
15                   otherwise use the handgun, ammunition, or  
16                   semiautomatic assault weapon in the com-  
17                   mission of a violent felony.

18           (B) A person other than a juvenile who know-  
19           ingly violates section 922(x)—

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

22                   “(ii) if the person sold, delivered, or other-  
23                   wise transferred a handgun, ammunition or  
24                   semiautomatic assault weapon to a juvenile  
25                   knowing or having reasonable cause to know

1           that the juvenile intended to carry or otherwise  
2           possess or discharge or otherwise use the hand-  
3           gun, ammunition, or semiautomatic assault  
4           weapon in the commission of a violent felony,  
5           shall be fined under this title, imprisoned not  
6           more than 20 years, or both.

7           “(C) For purposes of this paragraph a ‘violent  
8           felony’ means conduct as described in section  
9           924(e)(2)(B) of this title.

10          “(D) Except as otherwise provided in this chap-  
11          ter, in any case in which a juvenile is prosecuted in  
12          a district court of the United States, and the juve-  
13          nile is subject to the penalties under clause (ii) of  
14          paragraph (A), the juvenile shall be subject to the  
15          same laws, rules, and proceedings regarding sen-  
16          tencing (including the availability of probation, res-  
17          titution, fines, forfeiture, imprisonment, and super-  
18          vised release) that would be applicable in the case of  
19          an adult. No juvenile sentenced to a term of impris-  
20          onment shall be released from custody simply be-  
21          cause the juvenile reaches the age of 18 years.”.

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

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

4               “(A) a handgun;

5               “(B) ammunition that is suitable for use only  
6 in a handgun;

7               “(C) a semiautomatic assault weapon; or

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

10              “(A) a handgun;

11              “(B) ammunition that is suitable for use only  
12 in a handgun;

13              “(C) a semiautomatic assault weapon; or

14       “(3) This subsection does not apply to—

15              “(A) a temporary transfer of a handgun, am-  
16 muniton, or a semiautomatic assault weapon to a  
17 juvenile or to the possession or use of a handgun,  
18 ammunition, or a semiautomatic assault weapon by  
19 a juvenile—

20                      “(i) if the handgun, ammunition, or semi-  
21 automatic assault weapon are possessed and  
22 used by the juvenile—

23                              “(I) in the course of employment,

24                              “(II) in the course of ranching or  
25 farming related to activities at the resi-

1            dence of the juvenile (or on property used  
2            for ranching or farming at which the juve-  
3            nile, with the permission of the property  
4            owner or lessee, is performing activities re-  
5            lated to the operation of the farm or  
6            ranch),

7            “(III) for target practice,

8            “(IV) for hunting, or

9            “(V) for a course of instruction in the  
10           safe and lawful use of a firearm.

11           “(ii) Clause (i) shall apply only if the juve-  
12           nile’s possession and use of a handgun, ammu-  
13           nition, or a semiautomatic assault weapon  
14           under this subparagraph are in accordance with  
15           State and local law, and the following condi-  
16           tions are met—

17           “(I) except when a parent or guardian  
18           of the juvenile is in the immediate and su-  
19           pervisory presence of the juvenile, the juve-  
20           nile shall have in the juvenile’s possession  
21           at all times when a handgun, ammunition,  
22           or a semiautomatic assault weapons is in  
23           the possession of the juvenile, the prior  
24           written consent of the juvenile’s parent or  
25           guardian who is not prohibited by Federal,

1 State, or local law from possessing a fire-  
2 arm or ammunition; and

3 “(II) during transportation by the ju-  
4 venile directly from the place of transfer to  
5 a place at which an activity described in  
6 clause (i) is to take place the firearm shall  
7 be unloaded and in a locked container or  
8 case, and during the transportation by the  
9 juvenile of that firearm, directly from the  
10 place at which such an activity took place  
11 to the transferor, the firearm shall also be  
12 unloaded and in a locked container or case;  
13 or

14 “(III) with respect to ranching or  
15 farming activities as described in clause  
16 (i), a juvenile may possess and use a hand-  
17 gun, ammunition, or a semiautomatic as-  
18 sault weapon with the prior written ap-  
19 proval of the juvenile’s parent or legal  
20 guardian, if such approval is on file with  
21 the adult who is not prohibited by Federal,  
22 State or local law from possessing a fire-  
23 arm and that person is directing the  
24 ranching or farming activities of the juve-  
25 nile.

1           “(B) a juvenile who is a member of the Armed  
2           Forces of the United States or the National Guard  
3           who possesses or is armed with a handgun or a  
4           semiautomatic assault weapon in the line of duty;

5           “(C) a transfer by inheritance of title (but not  
6           possession) of a handgun, ammunition, or a semi-  
7           automatic assault weapon to a juvenile; or

8           “(D) the possession of a handgun, ammunition,  
9           or a semiautomatic assault weapon taken in defense  
10          of the juvenile or other persons in the residence of  
11          the juvenile or a residence in which the juvenile is  
12          an invited guest.

13          “(4) A handgun, ammunition, or a semiautomatic as-  
14          sault weapon, the possession of which is transferred to a  
15          juvenile in circumstances in which the transferor is not  
16          in violation of this subsection shall not be subject to per-  
17          manent confiscation by the Government if its possession  
18          by the juvenile subsequently becomes unlawful because of  
19          the conduct of the juvenile, but shall be returned to the  
20          lawful owner when such handgun, ammunition, or a semi-  
21          automatic assault weapon no longer required by the Gov-  
22          ernment for the purposes of investigation or prosecution.

23          “(5) For purposes of this subsection, the term ‘juve-  
24          nile’ means a person who is less than 18 years of age.



1 “(6)(A) in a prosecution of a violation of this sub-  
 2 section, the court shall require the presence of a juvenile  
 3 defendant’s parent or legal guardian at all proceedings.

4 “(B) The court may use the contempt power to en-  
 5 force subparagraph (A).

6 “(C) The court may excuse attendance of a parent  
 7 or legal guardian of a juvenile defendant at a proceeding  
 8 in a prosecution of a violation of this subsection for good  
 9 cause shown.”.

10 **SEC. 2. EFFECTIVE DATE.**

11 This Act and the amendments made by this Act shall  
 12 take effect 180 days after the date of enactment of this  
 13 Act.

14 **TITLE III—ENHANCED PEN-**  
 15 **ALTIES FOR FEDERAL**  
 16 **CRIMES INVOLVING FIRE-**  
 17 **ARMS**

18 (a) PENALTIES.—

19 (1) Section 924(c)(1)(A) of title 18, United  
 20 States Code, is amended—

21 (A) in subsection (ii) by striking “7 years”  
 22 and inserting “10 years”;

23 (B) in subsection (iii) by striking “10  
 24 years” and inserting “12 years”;

1 (C) by inserting after subsection (iii) the  
 2 following:

3 “(iv) if the firearm is used to wound,  
 4 injure or maim another person be sen-  
 5 tenced to a term of imprisonment of not  
 6 less than 15 years.”.

7 (2) Section 924(h) of title 18, United States  
 8 Code, is amended—

9 (A) by striking “imprisoned” and inserting  
 10 “sentenced to a term of imprisonment of not  
 11 less than 5 years, but” after “shall be”.

12 **TITLE IV—PROVIDING INCEN-**  
 13 **TIVES TO STATES THAT PROS-**  
 14 **ECUTE JUVENILES AS**  
 15 **ADULTS FOR CERTAIN OF-**  
 16 **FENSES INVOLVING FIRE-**  
 17 **ARMS**

18 (a) REQUIREMENTS.—No State shall be eligible to re-  
 19 ceive funding from the Office of Juvenile Justice Delin-  
 20 quency Prevention funds unless it demonstrates that the  
 21 State has in effect or has implemented (or will have in  
 22 effect or will have implemented not later than 1 year after  
 23 the date on which the State submits the application) laws,  
 24 policies, or programs that provide for: “PROSECUTION  
 25 OF JUVENILES AS ADULTS FOR CERTAIN OF-

1 FENSES INVOLVING FIREARMS.” The State shall  
2 prosecute juveniles who are not less than 14 years of age  
3 as adults in criminal court, rather than in juvenile delin-  
4 quency proceedings, if the juvenile used, carried or pos-  
5 sessed a firearm during the commission of conduct  
6 constituting—

7 (1) murder;

8 (2) robbery while armed with a dangerous or  
9 deadly weapon;

10 (3) battery or assault while armed with a dan-  
11 gerous or deadly weapon;

12 (4) forcible rape; or

13 (5) any serious drug offense that, if committed  
14 by an adult subject to Federal jurisdiction, would be  
15 punishable under section 401(b)(1)(A) of the Con-  
16 trolled Substances Import and Export Act (21  
17 U.S.C. 960(b)(1)(A)).

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