

107TH CONGRESS  
1ST SESSION

# H. R. 138

To amend title 18, United States Code, to require persons to obtain a State license before receiving a handgun or handgun ammunition.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 3, 2001

Mr. NADLER (for himself, Mr. WEINER, Mrs. JONES of Ohio, Ms. LEE, Mr. ENGEL, Mr. CROWLEY, and Ms. SCHAKOWSKY) introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To amend title 18, United States Code, to require persons to obtain a State license before receiving a handgun or handgun ammunition.

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 “Handgun Licensing  
5       Act of 2001”.

1 **SEC. 2. STATE LICENSE REQUIRED TO RECEIVE A HAND-**  
2 **GUN OR HANDGUN AMMUNITION.**

3 (a) IN GENERAL.—Section 922 of title 18, United  
4 States Code, is amended by adding at the end the fol-  
5 lowing:

6 “(z)(1) It shall be unlawful for any person to sell,  
7 deliver, or otherwise transfer a handgun or handgun am-  
8 munition to an individual who is not licensed under section  
9 923 unless—

10 “(A) the transferor (or a licensed dealer, if  
11 State law so directs or allows)—

12 “(i) has examined a valid handgun license  
13 issued to the individual by the State in which  
14 the transaction takes place, and an additional  
15 valid identification document (as defined in sec-  
16 tion 1028) containing a photograph of the indi-  
17 vidual; and

18 “(ii) has contacted the chief law enforce-  
19 ment officer of the State, and been informed by  
20 the officer that the handgun license has not  
21 been revoked; and

22 “(B)(i) 3 business days (meaning a day on  
23 which State offices are open) have elapsed from the  
24 date on which the transferor (or licensed dealer) re-  
25 ceived the information described in subparagraph  
26 (A)(ii); or

1           “(ii) the individual has presented to the trans-  
2           feror (or licensed dealer) a written document, issued  
3           not less than 10 days earlier by the chief law en-  
4           forcement officer of the State in which the individual  
5           resides, stating that the transferee requires access to  
6           a handgun because of a threat to the life of the  
7           transferee or any member of the household of the  
8           transferee.

9           “(2)(A) It shall be unlawful for an individual who is  
10          not licensed under section 923 to receive a handgun or  
11          handgun ammunition in a State unless the individual pos-  
12          sesses a valid handgun license issued to the individual by  
13          the State.

14          “(B) Beginning 2 years after the date of the enact-  
15          ment of this subsection, it shall be unlawful for an indi-  
16          vidual who is not licensed under section 923 to possess  
17          a handgun or handgun ammunition in a State unless the  
18          individual possesses a valid handgun license issued to the  
19          individual by the State.

20          “(3)(A) For purposes of this subsection, the term  
21          ‘handgun license’ means a license issued under a State  
22          law that—

23                 “(i) provides for the issuance and revocation of  
24                 licenses permitting persons to receive handguns and  
25                 handgun ammunition, and for the reporting of losses

1       and thefts of handguns and handgun ammunition;  
2       and

3               “(ii) at a minimum, meets the requirements of  
4       this paragraph.

5       “(B) The State law referred to in subparagraph (A)  
6       shall provide that a handgun license shall—

7               “(i) be issued by the chief law enforcement offi-  
8       cer of the State;

9               “(ii) contain the licensee’s name, address, date  
10       of birth, and physical description, a unique license  
11       number, and a photograph of the licensee; and

12               “(iii) remain valid for not more than 2 years,  
13       unless revoked.

14       “(C) The State law referred to in subparagraph (A)  
15       shall provide that, before a handgun license is issued to  
16       an applicant, the chief law enforcement officer of the State  
17       determine that the applicant—

18               “(i) has attained 21 years of age;

19               “(ii) is a resident of the State, by examining,  
20       in addition to a valid identification document (as de-  
21       fined in section 1028), a utility bill or lease agree-  
22       ment;

23               “(iii) is not prohibited from possessing or re-  
24       ceiving a handgun under Federal, State, or local  
25       law, based upon name- and fingerprint-based re-

1 search in all available Federal, State, and local rec-  
2 ordkeeping systems, including the national instant  
3 criminal background check system established under  
4 section 103 of the Brady Handgun Violence Preven-  
5 tion Act; and

6 “(iv) has been issued a handgun safety certifi-  
7 cate by the State.

8 “(D) The State law referred to in subparagraph (A)  
9 shall provide that, if the chief law enforcement officer of  
10 the State determines that an individual is ineligible to re-  
11 ceive a handgun license, the officer shall provide the rea-  
12 sons for the determination to the individual, in writing,  
13 within 20 business days after making the determination.

14 “(E)(i) The State law referred to in subparagraph  
15 (A) shall provide that a handgun license issued by the  
16 State shall be revoked if the chief law enforcement officer  
17 of the State determines that the licensee no longer meets  
18 the requirements of subparagraph (C).

19 “(ii) The State law shall provide that, within 10 days  
20 after a person receives notice from the State that the  
21 handgun license issued to the person has been revoked,  
22 the person shall return the license to the chief law enforce-  
23 ment officer of the State in which the licensee resides.

24 “(F) The State law referred to in subparagraph (A)  
25 shall provide that, within 24 hours after a handgun li-

1 censee discovers the theft of any firearm from, or the loss  
2 of any firearm by the licensee, the licensee shall report  
3 the theft or loss to—

4 “(i) the Secretary;

5 “(ii) the chief law enforcement officer of the  
6 State; and

7 “(iii) appropriate local authorities,

8 and shall provide that any failure to make such a report  
9 shall be punishable by a civil penalty as provided by State  
10 law, with a maximum penalty of at least \$1,000.

11 “(4)(A) For purposes of paragraph (3)(C)(iv), the  
12 term ‘handgun safety certificate’ means a certificate  
13 issued under a State law that—

14 “(i) provides for the issuance of certificates at-  
15 testing to the completion of a course of instruction  
16 and examination in handgun safety, consistent with  
17 this paragraph; and

18 “(ii) at a minimum, meets the requirements of  
19 this paragraph.

20 “(B) The State law referred to in subparagraph (A)  
21 shall provide that the chief law enforcement officer of a  
22 State shall issue the handgun safety certificate.

23 “(C) The State law referred to in subparagraph (A)  
24 shall provide that a handgun safety certificate shall not

1 be issued to an applicant unless the chief law enforcement  
 2 officer of the State determines that the applicant—

3 “(i) has completed a course, taught by law en-  
 4 forcement officers and designed by the chief law en-  
 5 forcement officer, of not less than 2 hours of in-  
 6 struction in handgun safety; and

7 “(ii) has passed an examination, designed by  
 8 the chief law enforcement officer, testing the appli-  
 9 cant’s knowledge of handgun safety.

10 “(5) For purposes of this subsection, the term ‘chief  
 11 law enforcement officer’ means, with respect to a State,  
 12 the chief, or equivalent officer, of the State police force,  
 13 or the designee of that officer.”.

14 (b) DEFINITION OF HANDGUN AMMUNITION.—Sec-  
 15 tion 921(a) of such title is amended by adding at the end  
 16 the following:

17 “(35) The term ‘handgun ammunition’ means—

18 “(A) a centerfire cartridge or cartridge case less  
 19 than 1.3 inches in length; or

20 “(B) a primer, bullet, or propellant powder de-  
 21 signed specifically for use in a handgun.”.

22 (c) PENALTY.—Section 924(a)(1)(B) of such title is  
 23 amended by inserting “, or (z)” before “of section 922”.

1           (d)           TECHNICAL           CORRECTION.—Section  
 2   922(t)(1)(B)(ii) of such title is amended by inserting “or  
 3   State law” after “section”.

4           (e) FUNDING.—

5                   (1) GRANTS FOR ESTABLISHING SYSTEMS OF  
 6   LICENSING AND REGISTRATION.—Subject to the  
 7   availability of appropriations, the Attorney General  
 8   shall make a grant to each State (as defined in sec-  
 9   tion 921(a)(2) of title 18, United States Code), to  
 10   cover the initial startup costs associated with estab-  
 11   lishing a system of licensing pursuant to section  
 12   922(z) of title 18, United States Code.

13                   (2) AUTHORIZATION OF APPROPRIATIONS.—For  
 14   grants under paragraph (1), there is authorized to  
 15   be appropriated a total of \$200,000,000 for fiscal  
 16   year 2002 and all fiscal years thereafter.

17           (f) EFFECTIVE DATE.—The amendments made by  
 18   this section shall take effect 180 days after the date of  
 19   the enactment of this Act.

20   **SEC. 3. REQUIREMENT OF BUSINESS LIABILITY INSUR-**  
 21                   **ANCE.**

22           Section 923(d)(1) of title 18, United States Code, is  
 23   amended—

24                   (1) by striking the period at the end of sub-  
 25   paragraph (F) and inserting a semicolon;



1           (2) by striking the period at the end of sub-  
2 paragraph (G) and inserting “; and”; and

3           (3) by adding at the end the following new sub-  
4 paragraph:

5           “(H) the applicant certifies that the busi-  
6 ness is covered by an insurance policy which  
7 provides personal injury protection, to a limit of  
8 \$100,000, to any person who, while engaged in  
9 lawful activity, suffers bodily injury or death  
10 through the use of a handgun obtained as a re-  
11 sult of the negligence of the applicant.”.

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