107TH CONGRESS
2D SESSION

S. 2581

To conduct a study on the effectiveness of ballistic imaging technology and evaluate its effectiveness as a law enforcement tool.

IN THE SENATE OF THE UNITED STATES

JUNE 5, 2002

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

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A BILL

To conduct a study on the effectiveness of ballistic imaging technology and evaluate its effectiveness as a law enforcement tool.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Ballistic Imaging Evaluation and Study Act of 2002''.

SEC. 2. PURPOSES.

The purposes of this Act are the following:

(1) To conduct a comprehensive study of ballistic imaging technology and evaluate design param-

eters for packing and shipping of fired cartridge cases and projectiles.

(2) To determine the effectiveness of the National Integrated Ballistic Information Network (NIBIN) as a tool in investigating crimes committed with handguns and rifles.

(3) To establish the cost and overall effectiveness of State-mandated ballistic imaging systems and the sharing and retention of the data collected by the systems.

SEC. 3. STUDY.

(a) IN GENERAL.—Not later than 12 months after the date of the enactment of this Act, the Attorney General shall enter into an arrangement with the National Research Council of the National Academy of Sciences, which shall have sole responsibility for conducting under the arrangement a study to determine the following:

(1) The design parameters for an effective and uniform system for packing fired cartridge cases and projectiles, and for collecting information that will accompany a fired cartridge case and projectile and be entered into a ballistic imaging system.

(2) The most effective method for projectile recovery that can be used to collect fired projectiles for

entry into a ballistic imaging system and the cost of such recovery equipment.

(3) Which countries are employing ballistic imaging systems and the results of the systems as a tool in investigating crimes committed with handguns and rifles.

(4) The comprehensive cost, to date, for Federal, State, and local jurisdictions that have implemented a ballistic imaging system to include startup, operating costs, and outlays for personnel and administration.

(5) The estimated yearly cost for administering a ballistic imaging system, the storage of cartridge cases and projectiles on a nationwide basis, and the costs to industry and consumers of doing so.

(6) How many revolvers, manually operated handguns, semiautomatic handguns, manually operated rifles, and semiautomatic rifles are sold in the United States each year, the percentage of crimes committed with revolvers, other manually operated handguns, and manually operated rifles as compared with semiautomatic handguns and semiautomatic rifles, and the percentage of each currently on record in the NIBIN system.

(7) Whether in countries where ballistic identification has been implemented, a shift has occurred in the number of semiautomatic handguns and semiautomatic rifles, compared with revolvers, other manually operated handguns, and manually operated rifles that are used to commit a crime.

(8) A comprehensive list of environmental and nonenvironmental factors, including modifications to a firearm, that can substantially alter or change the identifying marks on a cartridge case and projectile so as to preclude a scientifically reliable comparison between specimens and the stored image from the same firearm being admissible as evidence in a court of law.

(9) The technical improvements in database management that will be necessary to keep pace with system growth and the estimated cost of the improvements.

(10) What redundant or duplicate systems exist, or have existed, the ability of the various systems to share information, and the cost and time it will take to integrate operating systems.

(11) Legal issues that need to be addressed at the Federal and State levels to codify the type of information that would be captured and stored as part

of a national ballistic identification program and the sharing of the information between State systems and NIBIN.

(12) What storage and retrieval procedures guarantee the integrity of cartridge cases and projectiles for indefinite periods of time and insure proper chain of custody and admissibility of ballistic evidence or images in a court of law.

(13) The time, cost, and resources necessary to enter images of fired cartridge cases and fired projectiles into a ballistic imaging identification system of all new handguns and rifles sold in the United States and those possessed lawfully by firearms owners.

(14) Whether an effective procedure is available to collect fired cartridge cases and projectiles from privately owned handguns and rifles.

(15) Whether the cost of ballistic imaging technology is worth the investigative benefit to law enforcement officers.

(16) Whether State-based ballistic imaging systems, or a combination of State and Federal ballistic imaging systems that record and store cartridge cases and projectiles can be used to create a centralized list of firearms owners.

(17) The cost-effectiveness of using a Federal, NIBIN-based approach to using ballistic imaging technology as opposed to State-based initiatives.

SEC. 4. CONSULTATION.

In carrying out this Act, the National Research Council of the National Academy of Sciences shall consult with—

(1) Federal, State, and local officials with expertise in budgeting, administering, and using a ballistic imaging system, including the Bureau of Alcohol, Tobacco and Firearms, the Federal Bureau of Investigation, and the Bureau of Forensic Services at the California Department of Justice;

(2) law enforcement officials who use ballistic imaging systems;

(3) entities affected by the actual and proposed uses of ballistic imaging technology, including manufacturers, distributors, importers, and retailers of firearms and ammunition, firearms purchasers and owners and their organized representatives, the Sporting Arms and Ammunition Manufacturers' Institute, Inc., and the National Shooting Sports Foundation, Inc.;

(4) experts in ballistics imaging and related fields, such as the Association of Firearm and Tool

Mark Examiners, projectile recovery system manufacturers, and ballistic imaging device manufacturers;

(5) foreign officials administering ballistic imaging systems and foreign experts; and

(6) individuals or organizations with significant expertise in the field of ballistic imaging technology, as the Attorney General deems necessary.

SEC. 5. REPORT.

Not later than 30 days after the National Research Council of the National Academy of Sciences completes the study conducted under section 3, the National Research Council shall submit to the Attorney General a report on the results of the study, and the Attorney General shall submit to the Congress a report, which shall be made public, that contains—

(1) the results of the study; and

(2) recommendations for legislation, if applicable.

SEC. 6. SUSPENSION OF USE OF FEDERAL FUNDS FOR BALLISTIC IMAGING TECHNOLOGY.

(a) IN GENERAL.—Notwithstanding any other provision of law, a State shall not use Federal funds for ballistic imaging technology until the report referred to in section 5 is completed and transmitted to the Congress.

(b) WAIVER AUTHORITY.—On request of a State, the Secretary of the Treasury may waive the application of subsection (a) to a use of Federal funds upon a showing that the use would be in the national interest.

SEC. 7. DEFINITIONS.

In this Act:

(1) The term ''ballistic imaging technology'' means software and hardware that records electronically, stores, retrieves, and compares the marks or impressions on the cartridge case and projectile of a round of ammunition fired from a handgun or rifle.

(2) The term ''handgun'' has the meaning given the term in section 921(a)(29) of title 18, United States Code.

(3) The term ''rifle'' has the meaning given the term in section 921(a)(7) of title 18, United States Code.

(4) The term ''cartridge case'' means the part of a fully assembled ammunition cartridge that contains the propellant and primer for firing.

(5) The terms ''manually operated handgun'' and ''manually operated rifle'' mean any handgun or rifle, as the case may be, in which all loading, unloading, and reloading of the firing chamber is accomplished through manipulation by the user.

(6) The term ''semiautomatic handgun'' means any repeating handgun which utilizes a portion of the energy of a firing cartridge to extract the fired cartridge case and chamber the next round, which requires a pull of the trigger to fire each cartridge.

(7) The term ''semiautomatic rifle'' has the meaning given the term in section 921(a)(28) of title 18, United States Code.

(8) The term ''projectile'' means that part of ammunition that is, by means of an explosive, expelled through the barrel of a handgun or rifle.

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