

107TH CONGRESS
2D SESSION

S. 3096

To amend chapter 44 of title 18, United States Code, to require ballistics testing of all firearms manufactured and all firearms in custody of Federal agencies.

IN THE SENATE OF THE UNITED STATES

OCTOBER 10, 2002

Mr. KOHL (for himself, Mrs. FEINSTEIN, Mr. SCHUMER, and Mr. REED) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To amend chapter 44 of title 18, United States Code, to require ballistics testing of all firearms manufactured and all firearms in custody of Federal agencies.

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 “Ballistics, Law Assist-
5 ance, and Safety Technology Act” or the “BLAST Act”.

6 **SEC. 2. PURPOSES.**

7 The purposes of this Act are—

8 (1) to increase public safety by assisting law en-
9 forcement in solving more gun-related crimes and of-

1 fering prosecutors evidence to link felons to gun
2 crimes through ballistics technology;

3 (2) to provide for ballistics testing of all new
4 firearms for sale to assist in the identification of
5 firearms used in crimes;

6 (3) to require ballistics testing of all firearms in
7 custody of Federal agencies to assist in the identi-
8 fication of firearms used in crimes; and

9 (4) to add ballistics testing to existing firearms
10 enforcement programs.

11 **SEC. 3. DEFINITION OF BALLISTICS.**

12 Section 921(a) of title 18, United States Code, is
13 amended by adding at the end the following:

14 “(35) BALLISTICS.—The term ‘ballistics’ means
15 a comparative analysis of fired bullets and cartridge
16 casings to identify the firearm from which bullets
17 and cartridge casings were discharged, through iden-
18 tification of the unique characteristics that each fire-
19 arm imprints on bullets and cartridge casings.”.

20 **SEC. 4. TEST FIRING AND AUTOMATED STORAGE OF BAL-**
21 **LISTICS RECORDS.**

22 (a) AMENDMENT.—Section 923 of title 18, United
23 States Code, is amended by adding at the end the fol-
24 lowing:

1 “(m)(1) In addition to the other licensing require-
2 ments under this section, a licensed manufacturer or li-
3 censed importer shall—

4 “(A) test fire firearms manufactured or im-
5 ported by such licensees as specified by the Sec-
6 retary by regulation;

7 “(B) prepare ballistics images of the fired bullet
8 and cartridge casings from the test fire;

9 “(C) make the records available to the Sec-
10 retary for entry in a computerized database; and

11 “(D) store the fired bullet and cartridge casings
12 in such a manner and for such a period as specified
13 by the Secretary by regulation.

14 “(2) Nothing in this subsection creates a cause of ac-
15 tion against any Federal firearms licensee or any other
16 person for any civil liability except for imposition of a civil
17 penalty under this section.

18 “(3)(A) The Attorney General and the Secretary
19 shall assist firearm manufacturers and importers in com-
20 plying with paragraph (1) through—

21 “(i) the acquisition, disposition, and upgrades
22 of ballistics equipment and bullet and cartridge cas-
23 ing recovery equipment to be placed at or near the
24 sites of licensed manufacturers and importers;

1 “(ii) the hiring or designation of personnel nec-
2 essary to develop and maintain a database of ballis-
3 tics images of fired bullets and cartridge casings, re-
4 search and evaluation;

5 “(iii) providing education about the role of bal-
6 listics as part of a comprehensive firearm crime re-
7 duction strategy;

8 “(iv) providing for the coordination among Fed-
9 eral, State, and local law enforcement and regulatory
10 agencies and the firearm industry to curb firearm-
11 related crime and illegal firearm trafficking; and

12 “(v) any other steps necessary to make ballis-
13 tics testing effective.

14 “(B) The Attorney General and the Secretary shall—

15 “(i) establish a computer system through which
16 State and local law enforcement agencies can
17 promptly access ballistics records stored under this
18 subsection, as soon as such a capability is available;
19 and

20 “(ii) encourage training for all ballistics exam-
21 iners.

22 “(4) Not later than 1 year after the date of enact-
23 ment of this subsection and annually thereafter, the Attor-
24 ney General and the Secretary shall submit to the Com-
25 mittee on the Judiciary of the Senate and the Committee

1 on the Judiciary of the House of Representatives a report
2 regarding the impact of this section, including—

3 “(A) the number of Federal and State criminal
4 investigations, arrests, indictments, and prosecutions
5 of all cases in which access to ballistics records pro-
6 vided under this section served as a valuable inves-
7 tigative tool in the prosecution of gun crimes;

8 “(B) the extent to which ballistics records are
9 accessible across jurisdictions; and

10 “(C) a statistical evaluation of the test pro-
11 grams conducted pursuant to section 6 of the Ballis-
12 tics, Law Assistance, and State Technology Act.

13 “(5) There is authorized to be appropriated to the
14 Department of Justice and the Department of the Treas-
15 ury for each of fiscal years 2001 through 2004,
16 \$20,000,000 to carry out this subsection, including—

17 “(A) installation of ballistics equipment and
18 bullet and cartridge casing recovery equipment;

19 “(B) establishment of sites for ballistics testing;

20 “(C) salaries and expenses of necessary per-
21 sonnel; and

22 “(D) research and evaluation.

23 “(6) The Secretary and the Attorney General shall
24 conduct mandatory ballistics testing of all firearms ob-
25 tained or in the possession of their respective agencies.”.

1 (b) EFFECTIVE DATE.—

2 (1) IN GENERAL.—Except as provided in para-
3 graphs (2) and (3), the amendment made by sub-
4 section (a) shall take effect on the date on which the
5 Attorney General and the Secretary of the Treasury,
6 in consultation with the Board of the National Inte-
7 grated Ballistics Information Network, certify that
8 the ballistics systems used by the Department of
9 Justice and the Department of the Treasury are suf-
10 ficiently interoperable to make mandatory ballistics
11 testing of new firearms possible.

12 (2) BALLISTICS TESTING.—Section 923(m)(1)
13 of title 18, United States Code, as added by sub-
14 section (a), shall take effect 5 years after the date
15 of enactment of this Act.

16 (3) EFFECTIVE ON DATE OF ENACTMENT.—
17 Section 923(m)(6) of title 18, United States Code,
18 as added by subsection (a), shall take effect on the
19 date of enactment of this Act.

20 **SEC. 5. PRIVACY RIGHTS OF LAW ABIDING CITIZENS.**

21 Ballistics information of individual guns in any form
22 or database established by this Act may not be used for
23 prosecutorial purposes unless law enforcement officials
24 have a reasonable belief that a crime has been committed

- 1 and that ballistics information would assist in the inves-
- 2 tigation of that crime.

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