

108TH CONGRESS  
1ST SESSION

# H. R. 776

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.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 13, 2003

Mr. ANDREWS (for himself and Ms. ESHOO) introduced the following bill;  
which was referred to the Committee on the Judiciary

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## 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 “Technological Resource  
5 to Assist Criminal Enforcement (TRACE) 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      “(36) The term ‘ballistics’ means a comparative anal-  
15   ysis of fired bullets and cartridge casings to identify the  
16   firearm from which bullets and cartridge casings were dis-  
17   charged, through identification of the unique markings  
18   that each firearm imprints on bullets and cartridge cas-  
19   ings.”.

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 Attorney  
6       General 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 Attorney  
10      General 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 Attorney General 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 shall assist firearm  
19      manufacturers and importers in complying with paragraph  
20      (1) by—

21              “(i) acquiring, installing, and upgrading ballis-  
22      tics equipment and bullet and cartridge casing recov-  
23      ery equipment to be placed at or near the sites of  
24      licensed manufacturers and importers;

1           “(ii) hiring or designating sufficient personnel  
2           to develop and maintain a database of ballistics im-  
3           ages of fired bullets and cartridge casings, research,  
4           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) taking other necessary steps to make bal-  
13          listics testing effective.

14          “(B) The Attorney General shall—

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

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

22          “(4) The Attorney General shall conduct mandatory  
23          ballistics testing of all firearms obtained or in the posses-  
24          sion of their respective agencies.

1       “(5) Not later than 3 years after the date of enact-  
2       ment of this subsection, and annually thereafter, the At-  
3       torney General shall submit to the Committees on the Ju-  
4       diciary of the Senate and the House of Representatives  
5       a report regarding the implementation of this section, in-  
6       cluding—

7               “(A) the number of Federal and State criminal  
8       investigations, arrests, indictments, and prosecutions  
9       of all cases in which access to ballistics records, pro-  
10      vided under the system established under this sec-  
11      tion and under similar systems operated by any  
12      State, served as a valuable investigative tool in the  
13      prosecution of gun crimes;

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

16              “(C) a statistical evaluation of the test pro-  
17      grams conducted pursuant to paragraph (4).

18       “(6) There are authorized to be appropriated to the  
19      Department of Justice \$20,000,000 for each of the fiscal  
20      years 2004 through 2007, to carry out this subsection,  
21      to be used to—

22              “(A) install ballistics equipment and bullet and  
23      cartridge casing recovery equipment;

24              “(B) establish sites for ballistics testing;

1 “(C) pay salaries and expenses of necessary  
2 personnel; and

3 “(D) conduct related research and evaluation.”.

4 (b) EFFECTIVE DATE.—

5 (1) IN GENERAL.—Except as provided in para-  
6 graphs (2) and (3), the amendment made by sub-  
7 section (a) shall take effect on the date on which the  
8 Attorney General, in consultation with the Board of  
9 the National Integrated Ballistics Information Net-  
10 work, certifies that the ballistics system used by the  
11 Department of Justice is sufficiently developed to  
12 support mandatory ballistics testing of new firearms.

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

17 (3) EFFECTIVE ON DATE OF ENACTMENT.—  
18 Section 923(m)(4) of title 18, United States Code,  
19 as added by subsection (a), shall take effect on the  
20 date of enactment of this Act.

21 **SEC. 5. PRIVACY RIGHTS OF LAW-ABIDING CITIZENS.**

22 Ballistics information of individual guns in any form  
23 or database established by this Act may not be used for  
24 prosecutorial purposes unless law enforcement officials  
25 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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