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1ST SESSION

S. 980

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

MAY 1, 2003

Mr. GRAHAM of South Carolina (for himself and Mr. MILLER) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

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

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 “Ballistic Imaging Eval-
5 uation and Study Act of 2003”.

6 **SEC. 2. PURPOSES.**

7 The purposes of this Act are the following:

8 (1) To conduct a comprehensive study of bal-
9 listic imaging technology and evaluate design param-

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

3 (2) To determine the effectiveness of the Na-
4 tional Integrated Ballistic Information Network
5 (NIBIN) as a tool in investigating crimes committed
6 with handguns and rifles.

7 (3) To establish the cost and overall effective-
8 ness of State-mandated ballistic imaging systems
9 and the sharing and retention of the data collected
10 by the systems.

11 **SEC. 3. STUDY.**

12 IN GENERAL.—Not later than six (6) months after
13 the date of the enactment of this Act, the Attorney Gen-
14 eral shall enter into an arrangement with the National Re-
15 search Council of the National Academy of Sciences, which
16 shall have sole responsibility for conducting under the ar-
17 rangement a study to determine the following:

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

23 (2) The most effective method for projectile re-
24 covery that can be used to collect fired projectiles for

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

3 (3) Which countries are employing ballistic im-
4 aging systems and the results of the systems as a
5 tool in investigating crimes committed with hand-
6 guns and rifles.

7 (4) The comprehensive cost, to date, for Fed-
8 eral, State, and local jurisdictions that have imple-
9 mented a ballistic imaging system to include startup,
10 operating costs, and outlays for personnel and ad-
11 ministration.

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

16 (6) How many revolvers, manually operated
17 handguns, semiautomatic handguns, manually oper-
18 ated rifles, and semiautomatic rifles are sold in the
19 United States each year, the percentage of crimes
20 committed with revolvers, other manually operated
21 handguns, and manually operated rifles as compared
22 with semiautomatic handguns and semiautomatic ri-
23 fles, and the percentage of each currently on record
24 in the NIBIN system.

1 (7) Whether in countries where ballistic identi-
2 fication has been implemented, a shift has occurred
3 in the number of semiautomatic handguns and semi-
4 automatic rifles, compared with revolvers, other
5 manually operated handguns, and manually operated
6 rifles that are used to commit a crime.

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

15 (9) The technical improvements in database
16 management that will be necessary to keep pace with
17 system growth and the estimated cost of the im-
18 provements.

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

23 (11) Legal issues that need to be addressed at
24 the Federal and State levels to codify the type of in-
25 formation that would be captured and stored as part

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

4 (12) What storage and retrieval procedures
5 guarantee the integrity of cartridge cases and pro-
6 jectiles for indefinite periods of time and insure
7 proper chain of custody and admissibility of ballistic
8 evidence or images in a court of law.

9 (13) The time, cost, and resources necessary to
10 enter images of fired cartridge cases and fired pro-
11 jectiles into a ballistic imaging identification system
12 of all new handguns and rifles sold in the United
13 States and those possessed lawfully by firearms own-
14 ers.

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

18 (15) Whether the cost of ballistic imaging tech-
19 nology is worth the investigative benefit to law en-
20 forcement officers.

21 (16) Whether State-based ballistic imaging sys-
22 tems, or a combination of State and Federal ballistic
23 imaging systems that record and store cartridge
24 cases and projectiles can be used to create a central-
25 ized list of firearms owners.

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

4 **SEC. 4. CONSULTATION.**

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

8 (1) Federal, State, and local officials with ex-
9 pertise in budgeting, administering, and using a bal-
10 listic imaging system, including the Bureau of Alco-
11 hol, Tobacco and Firearms, the Federal Bureau of
12 Investigation, and the Bureau of Forensic Services
13 at the California Department of Justice, and the
14 National Institute for Forensic Sciences in Brussels,
15 Belgium;

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

18 (3) entities affected by the actual and proposed
19 uses of ballistic imaging technology, including manu-
20 facturers, distributors, importers, and retailers of
21 firearms and ammunition, firearms purchasers and
22 owners and their organized representatives, the
23 Sporting Arms and Ammunition Manufacturers' In-
24 stitute, Inc., and the National Shooting Sports
25 Foundation, Inc.;

1 (4) experts in ballistics imaging and related
2 fields, such as the Association of Firearm and Tool
3 Mark Examiners, projectile recovery system manu-
4 facturers, and ballistic imaging device manufactur-
5 ers;

6 (5) foreign officials administering ballistic im-
7 aging systems; and

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

11 **SEC. 5. REPORT.**

12 Not later than 30 days after the National Research
13 Council of the National Academy of Sciences completes
14 the study conducted under section 3, the National Re-
15 search Council shall submit to the Attorney General a re-
16 port on the results of the study, and the Attorney General
17 shall submit to the Congress a report, which shall be made
18 public, that contains—

19 (1) the results of the study; and

20 (2) recommendations for legislation, if applica-
21 ble.

22 **SEC. 6. SUSPENSION OF USE OF FEDERAL FUNDS FOR BAL-**
23 **LISTIC IMAGING TECHNOLOGY.**

24 (a) IN GENERAL.—Notwithstanding any other provi-
25 sion of law, a State shall not use Federal funds for bal-

1 listic imaging technology until the report referred to in
2 section 5 is completed and transmitted to the Congress.

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

7 **SEC. 7. DEFINITIONS.**

8 In this Act:

9 (1) The term “ballistic imaging technology”
10 means software and hardware that records electroni-
11 cally, stores, retrieves, and compares the marks or
12 impressions on the cartridge case and projectile of a
13 round of ammunition fired from a handgun or rifle.

14 (2) The term “handgun” has the meaning given
15 the term in section 921(a)(29) of title 18, United
16 States Code.

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

20 (4) The term “cartridge case” means the part
21 of a fully assembled ammunition cartridge that con-
22 tains the propellant and primer for firing.

23 (5) The terms “manually operated handgun”
24 and “manually operated rifle” mean any handgun or
25 rifle, as the case may be, in which all loading, un-

1 loading, and reloading of the firing chamber is ac-
2 complished through manipulation by the user.

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

8 (7) The term “semiautomatic rifle” has the
9 meaning given the term in section 921(a)(28) of title
10 18, United States Code.

11 (8) The term “projectile” means that part of
12 ammunition that is, by means of an explosive, ex-
13 pelled through the barrel of a handgun or rifle.

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