

109<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 47

To protect the right to obtain firearms for security, and to use firearms in defense of self, family, or home, and to provide for the enforcement of such right.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 4, 2005

Mr. BARTLETT of Maryland introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To protect the right to obtain firearms for security, and to use firearms in defense of self, family, or home, and to provide for the enforcement of such right.

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 “Citizens’ Self-Defense  
5       Act of 2005”.

6       **SEC. 2. FINDINGS.**

7       The Congress finds the following:

1           (1) Police cannot protect, and are not legally  
2 liable for failing to protect, individual citizens, as  
3 evidenced by the following:

4           (A) The courts have consistently ruled that  
5 the police do not have an obligation to protect  
6 individuals, only the public in general. For ex-  
7 ample, in *Warren v. District of Columbia Met-*  
8 *ropolitan Police Department*, 444 A.2d 1 (D.C.  
9 App. 1981), the court stated: “[C]ourts have  
10 without exception concluded that when a mu-  
11 nicipality or other governmental entity under-  
12 takes to furnish police services, it assumes a  
13 duty only to the public at large and not to indi-  
14 vidual members of the community.”.

15           (B) Former Florida Attorney General Jim  
16 Smith told Florida legislators that police re-  
17 sponded to only 200,000 of 700,000 calls for  
18 help to Dade County authorities.

19           (C) The United States Department of Jus-  
20 tice found that, in 1989, there were 168,881  
21 crimes of violence for which police had not re-  
22 sponded within 1 hour.

23           (2) Citizens frequently must use firearms to de-  
24 fend themselves, as evidenced by the following:

1           (A) Every year, more than 2,400,000 peo-  
2 ple in the United States use a gun to defend  
3 themselves against criminals—or more than  
4 6,500 people a day. This means that, each year,  
5 firearms are used 60 times more often to pro-  
6 tect the lives of honest citizens than to take  
7 lives.

8           (B) Of the 2,400,000 self-defense cases,  
9 more than 192,000 are by women defending  
10 themselves against sexual abuse.

11           (C) Of the 2,400,000 times citizens use  
12 their guns to defend themselves every year, 92  
13 percent merely brandish their gun or fire a  
14 warning shot to scare off their attackers. Less  
15 than 8 percent of the time, does a citizen kill  
16 or wound his or her attacker.

17           (3) Law-abiding citizens, seeking only to pro-  
18 vide for their families' defense, are routinely pros-  
19 ecuted for brandishing or using a firearm in self-de-  
20 fense. For example:

21           (A) In 1986, Don Bennett of Oak Park, Il-  
22 linois, was shot at by 2 men who had just sto-  
23 len \$1,200 in cash and jewelry from his subur-  
24 ban Chicago service station. The police arrested

1 Bennett for violating Oak Park’s handgun ban.  
2 The police never caught the actual criminals.

3 (B) Ronald Biggs, a resident of Goldsboro,  
4 North Carolina, was arrested for shooting an  
5 intruder in 1990. Four men broke into Biggs’  
6 residence one night, ransacked the home and  
7 then assaulted him with a baseball bat. When  
8 Biggs attempted to escape through the back  
9 door, the group chased him and Biggs turned  
10 and shot one of the assailants in the stomach.  
11 Biggs was arrested and charged with assault  
12 with a deadly weapon—a felony. His assailants  
13 were charged with misdemeanors.

14 (C) Don Campbell of Port Huron, Michi-  
15 gan, was arrested, jailed, and criminally  
16 charged after he shot a criminal assailant in  
17 1991. The thief had broken into Campbell’s  
18 store and attacked him. The prosecutor plea-  
19 bargained with the assailant and planned to use  
20 him to testify against Campbell for felonious  
21 use of a firearm. Only after intense community  
22 pressure did the prosecutor finally drop the  
23 charges.

24 (4) The courts have granted immunity from  
25 prosecution to police officers who use firearms in the

1 line of duty. Similarly, law-abiding citizens who use  
2 firearms to protect themselves, their families, and  
3 their homes against violent felons should not be sub-  
4 ject to lawsuits by the violent felons who sought to  
5 victimize them.

6 **SEC. 3. RIGHT TO OBTAIN FIREARMS FOR SECURITY, AND**  
7 **TO USE FIREARMS IN DEFENSE OF SELF,**  
8 **FAMILY, OR HOME; ENFORCEMENT.**

9 (a) REAFFIRMATION OF RIGHT.—A person not pro-  
10 hibited from receiving a firearm by Section 922(g) of title  
11 18, United States Code, shall have the right to obtain fire-  
12 arms for security, and to use firearms—

13 (1) in defense of self or family against a rea-  
14 sonably perceived threat of imminent and unlawful  
15 infliction of serious bodily injury;

16 (2) in defense of self or family in the course of  
17 the commission by another person of a violent felony  
18 against the person or a member of the person’s fam-  
19 ily; and

20 (3) in defense of the person’s home in the  
21 course of the commission of a felony by another per-  
22 son.

23 (b) FIREARM DEFINED.—As used in subsection (a),  
24 the term “firearm” means—

1           (1) a shotgun (as defined in section 921(a)(5)  
2 of title 18, United States Code);

3           (2) a rifle (as defined in section 921(a)(7) of  
4 title 18, United States Code); or

5           (3) a handgun (as defined in section 10 of Pub-  
6 lic Law 99–408).

7           (c) ENFORCEMENT OF RIGHT.—

8           (1) IN GENERAL.—A person whose right under  
9 subsection (a) is violated in any manner may bring  
10 an action in any United States district court against  
11 the United States, any State, or any person for  
12 damages, injunctive relief, and such other relief as  
13 the court deems appropriate.

14           (2) AUTHORITY TO AWARD A REASONABLE AT-  
15 TORNEY’S FEE.—In an action brought under para-  
16 graph (1), the court, in its discretion, may allow the  
17 prevailing plaintiff a reasonable attorney’s fee as  
18 part of the costs.

19           (3) STATUTE OF LIMITATIONS.—An action may  
20 not be brought under paragraph (1) after the 5-year  
21 period that begins with the date the violation de-  
22 scribed in paragraph (1) is discovered.

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