

109TH CONGRESS
1ST SESSION

S. 645

To reinstate the Public Safety and Recreational Firearms Use Protection Act.

IN THE SENATE OF THE UNITED STATES

MARCH 16, 2005

Mr. LAUTENBERG (for himself, Mr. CORZINE, Mr. SCHUMER, Mrs. BOXER, Mr. KENNEDY, Mr. DURBIN, Ms. MIKULSKI, Mr. SARBANES, Mr. REED, Mr. AKAKA, Mr. DODD, and Mrs. CLINTON) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To reinstate the Public Safety and Recreational Firearms Use Protection Act.

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 “Assault Weapons Ban
5 and Law Enforcement Protection Act of 2005”.

1 **SEC. 2. RESTRICTION ON MANUFACTURE, TRANSFER, AND**
2 **POSSESSION OF CERTAIN SEMIAUTOMATIC**
3 **ASSAULT WEAPONS.**

4 (a) RESTRICTION.—Section 922 of title 18, United
5 States Code, is amended by adding after subsection (u)
6 the following:

7 “(v)(1) It shall be unlawful for a person to manufac-
8 ture, transfer, or possess a semiautomatic assault weapon.

9 “(2) Paragraph (1) shall not apply to the possession
10 or transfer of any semiautomatic assault weapon otherwise
11 lawfully possessed under Federal law on the date of enact-
12 ment of this subsection.

13 “(3) Paragraph (1) shall not apply to any firearm
14 that—

15 “(A) is manually operated by bolt, pump, level,
16 or slide action;

17 “(B) has been rendered permanently inoperable;
18 or

19 “(C) is an antique firearm.

20 “(4) Paragraph (1) shall not apply to—

21 “(A) the manufacture for, transfer to, or pos-
22 session by the United States or a department or
23 agency of the United States or a State or a depart-
24 ment, agency, or political subdivision of a State, or
25 a transfer to or possession by a law enforcement of-

1 ficer employed by such an entity for purposes of law
2 enforcement (whether on or off duty);

3 “(B) the transfer to a licensee under title I of
4 the Atomic Energy Act of 1954 for purposes of es-
5 tablishing and maintaining an onsite physical protec-
6 tion system and security organization required by
7 Federal law, or possession by an employee or con-
8 tractor of such licensee onsite for such purposes or
9 off-site for purposes of licensee-authorized training
10 or transportation of nuclear materials;

11 “(C) the possession, by an individual who is re-
12 tired from service with a law enforcement agency
13 and is not otherwise prohibited from receiving a fire-
14 arm, of a semiautomatic assault weapon transferred
15 to the individual by the agency upon such retire-
16 ment; or

17 “(D) the manufacture, transfer, or possession
18 of a semiautomatic assault weapon by a licensed
19 manufacturer or licensed importer for the purposes
20 of testing or experimentation authorized by the Sec-
21 retary.

22 “(5) It shall be unlawful for any person to transfer
23 a semiautomatic assault weapon to which paragraph (1)
24 does not apply, except through—

1 “(A) a licensed dealer, and for purposes of sub-
2 section (t) in the case of such a transfer, the weapon
3 shall be considered to be transferred from the busi-
4 ness inventory of the licensed dealer and the dealer
5 shall be considered to be the transferor; or

6 “(B) a State or local law enforcement agency if
7 the transfer is made in accordance with the proce-
8 dures provided for in subsection (t) of this section
9 and section 923(g).

10 “(6) The Attorney General shall establish and main-
11 tain, in a timely manner, a record of the make, model,
12 and date of manufacture of any semiautomatic assault
13 weapon which the Attorney General is made aware has
14 been used in relation to a crime under Federal or State
15 law, and the nature and circumstances of the crime in-
16 volved, including the outcome of relevant criminal inves-
17 tigations and proceedings. The Attorney General shall an-
18 nually submit the record to Congress and make the record
19 available to the general public.”.

20 (b) DEFINITION OF SEMIAUTOMATIC ASSAULT
21 WEAPON.—Section 921(a) of title 18, United States Code,
22 is amended by adding after paragraph (29) the following:

23 “(30) The term ‘semiautomatic assault weapon’
24 means any of the following:

1 “(A) RIFLES.—The following rifles or copies or
2 duplicates thereof—

3 “(i) AK, AKM, AKS, AK-47, AK-74,
4 ARM, MAK90, Misr, NHM 90, NHM 91, SA
5 85, SA 93, VEPR;

6 “(ii) AR-10;

7 “(iii) AR-15, Bushmaster XM15, Armalite
8 M15, or Olympic Arms PCR;

9 “(iv) AR70;

10 “(v) Calico Liberty;

11 “(vi) Dragunov SVD Sniper Rifle or
12 Dragunov SVU;

13 “(vii) Fabrique National FN/FAL, FN/
14 LAR, or FNC;

15 “(viii) Hi-Point Carbine;

16 “(ix) HK-91, HK-93, HK-94, or HK-
17 PSG-1;

18 “(x) Kel-Tec Sub Rifle;

19 “(xi) M1 Carbine;

20 “(xii) Saiga;

21 “(xiii) SAR-8, SAR-4800;

22 “(xiv) SKS with detachable magazine;

23 “(xv) SLG 95;

24 “(xvi) SLR 95 or 96;

25 “(xvii) Steyr AUG;

1 “(xviii) Sturm, Ruger Mini-14;

2 “(xix) Tavor;

3 “(xx) Thompson 1927, Thompson M1, or
4 Thompson 1927 Commando; or

5 “(xxi) Uzi, Galil and Uzi Sporter, Galil
6 Sporter, or Galil Sniper Rifle (Galatz).

7 “(B) PISTOLS.—The following pistols or copies
8 or duplicates thereof—

9 “(i) Calico M-110;

10 “(ii) MAC-10, MAC-11, or MPA3;

11 “(iii) Olympic Arms OA;

12 “(iv) TEC-9, TEC-DC9, TEC-22 Scor-
13 pion, or AB-10; or

14 “(v) Uzi.

15 “(C) SHOTGUNS.—The following shotguns or
16 copies or duplicates thereof—

17 “(i) Armscor 30 BG;

18 “(ii) SPAS 12 or LAW 12;

19 “(iii) Striker 12; or

20 “(iv) Streetsweeper.

21 “(D) DETACHABLE MAGAZINE RIFLES.—A
22 semiautomatic rifle that has an ability to accept a
23 detachable magazine, and that has—

24 “(i) a folding or telescoping stock;

25 “(ii) a threaded barrel;

1 “(iii) a pistol grip;

2 “(iv) a forward grip; or

3 “(v) a barrel shroud.

4 “(E) FIXED MAGAZINE RIFLES.—A semiauto-
5 matic rifle that has a fixed magazine with the capaci-
6 ty to accept more than 10 rounds, except for an at-
7 tached tubular device designed to accept, and capa-
8 ble of operating only with, .22 caliber rimfire ammu-
9 nition.

10 “(F) DETACHABLE MAGAZINE PISTOLS.—A
11 semiautomatic pistol that has the ability to accept a
12 detachable magazine, and has—

13 “(i) a second pistol grip;

14 “(ii) a threaded barrel;

15 “(iii) a barrel shroud; or

16 “(iv) the capacity to accept a detachable
17 magazine at a location outside of the pistol
18 grip.

19 “(G) FIXED MAGAZINE PISTOLS.—A semiauto-
20 matic pistol with a fixed magazine that has the ca-
21 pacity to accept more than 10 rounds.

22 “(H) SEMIAUTOMATIC SHOTGUNS.—A semi-
23 automatic shotgun that has—

24 “(i) a folding or telescoping stock;

25 “(ii) a pistol grip;

1 “(iii) the ability to accept a detachable
2 magazine; or

3 “(iv) a fixed magazine capacity of more
4 than 5 rounds.

5 “(I) OTHER SHOTGUNS.—A shotgun with a re-
6 volving cylinder.

7 “(J) FRAMES OR RECEIVERS.—A frame or re-
8 ceiver that is identical to, or based substantially on
9 the frame or receiver of, a firearm described in any
10 of subparagraphs (A) through (I) or (L).

11 “(K) CONVERSION KITS.—A conversion kit.

12 “(L) MILITARY OR LAW ENFORCEMENT WEAP-
13 ONS.—A semiautomatic rifle or shotgun originally
14 designed for military or law enforcement use, or a
15 firearm based on the design of such a firearm, that
16 is not particularly suitable for sporting purposes, as
17 determined by the Attorney General. In making the
18 determination, there shall be a rebuttable presump-
19 tion that a firearm procured for use by the United
20 States military or any Federal law enforcement
21 agency is not particularly suitable for sporting pur-
22 poses, and a firearm shall not be determined to be
23 particularly suitable for sporting purposes solely be-
24 cause the firearm is suitable for use in a sporting
25 event.”.

1 (c) PENALTIES.—

2 (1) VIOLATION OF SECTION 922(v).—Section
3 924(a)(1)(B) of title 18, United States Code, is
4 amended by striking “or (q) of section 922” and in-
5 serting “(r), or (v) of section 922”.

6 (2) USE OR POSSESSION DURING CRIME OF VIO-
7 LENCE OR DRUG TRAFFICKING CRIME.—Section
8 924(c)(1)(B)(i) of title 18, United States Code, is
9 amended by inserting “or semiautomatic assault
10 weapon,” after “short-barreled shotgun,”.

11 (d) IDENTIFICATION MARKINGS FOR SEMIAUTO-
12 MATIC ASSAULT WEAPONS.—Section 923(i) of title 18,
13 United States Code, is amended by adding at the end the
14 following: “The serial number of any semiautomatic as-
15 sault weapon manufactured after the date of the enact-
16 ment of this sentence shall clearly show the date on which
17 the weapon was manufactured.”.

18 (e) RELATED DEFINITIONS.—Section 921(a) of such
19 title is amended by adding at the end the following:

20 “(36) BARREL SHROUD.—The term ‘barrel shroud’
21 means a shroud that is attached to, or partially or com-
22 pletely encircles, the barrel of a firearm so that the shroud
23 protects the user of the firearm from heat generated by
24 the barrel, but does not include a slide that encloses the
25 barrel, and does not include an extension of the stock

1 along the bottom of the barrel which does not encircle or
2 substantially encircle the barrel.

3 “(37) CONVERSION KIT.—The term ‘conversion kit’
4 means any part or combination of parts designed and in-
5 tended for use in converting a firearm into a semiauto-
6 matic assault weapon, and any combination of parts from
7 which a semiautomatic assault weapon can be assembled
8 if the parts are in the possession or under the control of
9 a person.

10 “(38) DETACHABLE MAGAZINE.—The term ‘detach-
11 able magazine’ means an ammunition feeding device that
12 can readily be inserted into a firearm.

13 “(39) FIXED MAGAZINE.—The term ‘fixed magazine’
14 means an ammunition feeding device contained in, or per-
15 manently attached to, a firearm.

16 “(40) FOLDING OR TELESCOPING STOCK.—The term
17 ‘folding or telescoping stock’ means a stock that folds,
18 telescopes, or otherwise operates to reduce the length, size,
19 or any other dimension, or otherwise enhances the
20 concealability, of a firearm.

21 “(41) FORWARD GRIP.—The term ‘forward grip’
22 means a grip located forward of the trigger that functions
23 as a pistol grip.

1 “(A) the manufacture for, transfer to, or pos-
2 session by the United States or a department or
3 agency of the United States or a State or a depart-
4 ment, agency, or political subdivision of a State, or
5 a transfer to or possession by a law enforcement of-
6 ficer employed by such an entity for purposes of law
7 enforcement (whether on or off duty);

8 “(B) the transfer to a licensee under title I of
9 the Atomic Energy Act of 1954 for purposes of es-
10 tablishing and maintaining an onsite physical protec-
11 tion system and security organization required by
12 Federal law, or possession by an employee or con-
13 tractor of such licensee onsite for such purposes or
14 off-site for purposes of licensee-authorized training
15 or transportation of nuclear materials; or

16 “(C) the manufacture, transfer, or possession of
17 any large capacity ammunition feeding device by a
18 licensed manufacturer or licensed importer for the
19 purposes of testing or experimentation authorized by
20 the Secretary.

21 “(4) It shall be unlawful for a licensed manufacturer,
22 licensed importer, or licensed dealer who transfers a large
23 capacity ammunition feeding device that was manufac-
24 tured on or before the date of enactment of this sub-
25 section, to fail to certify to the Attorney General before

1 the end of the 60-day period that begins with the date
2 of the transfer, in accordance with regulations prescribed
3 by the Attorney General, that the device was manufac-
4 tured on or before the date of enactment of this sub-
5 section.”.

6 (b) DEFINITION OF LARGE CAPACITY AMMUNITION
7 FEEDING DEVICE.—Section 921(a) of title 18, United
8 States Code, as amended by section 2(b), is amended by
9 adding after paragraph (30) the following:

10 “(31) The term ‘large capacity ammunition feeding
11 device’—

12 “(A) means a magazine, belt, drum, feed strip,
13 or similar device that has a capacity of, or that can
14 be readily restored or converted to accept, more than
15 10 rounds of ammunition; but

16 “(B) does not include an attached tubular de-
17 vice designed to accept, and capable of operating
18 only with, .22 caliber rimfire ammunition.”.

19 (c) PENALTY.—Section 924(a)(1)(B) of title 18,
20 United States Code, as amended by section 2(c), is amend-
21 ed by striking “or (v)” and inserting “(v), or (w)”.

22 (d) IDENTIFICATION MARKINGS FOR LARGE CAPAC-
23 ITY AMMUNITION FEEDING DEVICES.—Section 923(i) of
24 title 18, United States Code, as amended by section 2(d),
25 is amended by adding at the end the following: “A large

1 capacity ammunition feeding device manufactured after
2 the date of the enactment of this sentence shall be identi-
3 fied by a serial number that clearly shows that the device
4 was manufactured or imported after the effective date of
5 this subsection, and such other identification as the Attor-
6 ney General may by regulation prescribe.

7 (e) BAN ON TRANSFER OF SEMIAUTOMATIC ASSAULT
8 WEAPON WITH LARGE CAPACITY AMMUNITION FEEDING
9 DEVICE.—

10 (1) IN GENERAL.—Section 922 of title 18,
11 United States Code, is amended by inserting at the
12 end the following:

13 “(z) It shall be unlawful for any person to transfer
14 any assault weapon with a large capacity ammunition
15 feeding device.”.

16 (2) PENALTIES.—Section 924(a) of title 18,
17 United States Code, is amended by adding at the
18 end the following:

19 “(8) Whoever knowingly violates section 922(z) shall
20 be fined under this title, imprisoned not more than 10
21 years, or both.

22 “(9) Whoever knowingly violates section 922(w)(4)
23 shall be fined under this title, imprisoned not more than
24 5 years, or both.”.

1 **SEC. 4. STUDY BY ATTORNEY GENERAL.**

2 (a) STUDY.—The Attorney General shall investigate
3 and study the effect of this Act and the amendments made
4 by this Act, and in particular shall determine their impact,
5 if any, on violent and drug trafficking crime. The study
6 shall be conducted over a period of 18 months, com-
7 mencing 12 months after the date of enactment of this
8 Act.

9 (b) REPORT.—Not later than 30 months after the
10 date of enactment of this Act, the Attorney General shall
11 prepare and submit to Congress a report setting forth in
12 detail the findings and determinations made in the study
13 under subsection (a).

14 **SEC. 5. UNLAWFUL WEAPONS TRANSFERS TO JUVENILES.**

15 Section 922(x) of title 18, United States Code, is
16 amended—

17 (1) in paragraph (1)—

18 (A) in subparagraph (B), by striking the
19 period and inserting a semicolon; and

20 (B) by adding at the end the following:

21 “(C) a semiautomatic assault weapon; or

22 “(D) a large capacity ammunition feeding de-
23 vice.”; and

24 (2) in paragraph (2)—

25 (A) in subparagraph (B), by striking the
26 period and inserting a semicolon; and

1 (B) by adding at the end the following:

2 “(C) a semiautomatic assault weapon; or

3 “(D) a large capacity ammunition feeding de-

4 vice.”.

5 **SEC. 6. EFFECTIVE DATE.**

6 This Act and the amendments made by this Act shall

7 take effect on the date of enactment of this Act.

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