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111TH CONGRESS
2D SESSION

H. R. 5667

To provide for the conduct of a study on the effectiveness of firearms microstamping technology and an evaluation of its effectiveness as a law enforcement tool.

IN THE HOUSE OF REPRESENTATIVES

JULY 1, 2010

Mr. BOREN (for himself, Mr. BROUN of Georgia, Mr. BISHOP of Utah, Mr. ROSS, Ms. HERSETH SANDLIN, Mr. ALTMIRE, Mr. MILLER of Florida, and Mr. BOOZMAN) introduced the following bill; which was referred to the Committee on the Judiciary

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A BILL

To provide for the conduct of a study on the effectiveness of firearms microstamping technology and an evaluation of its effectiveness as a law enforcement tool.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Firearms Microstamping Evaluation and Study Act of 2010''.

SEC. 2. PURPOSES.

The purposes of this Act are the following:

(1) To conduct a comprehensive study of firearms microstamping technology that can be incorporated into a firearm during the manufacturing process in order to determine whether the technology is workable and could be a cost-effective law enforcement tool for use in criminal investigations.

(2) To determine the cost to manufacturers, firearm owners, and State governments of mandating the incorporation of microstamping technology into a firearm.

(3) To determine what happens to the reliability of firearms microstamping if non-metallic materials are used to manufacture cartridge cases.

SEC. 3. STUDY.

(a) IN GENERAL.—Not later than 12 months after the date of the enactment of this Act, the Attorney General shall enter into an arrangement with the National Research Council of the National Academy of Sciences, which shall have sole responsibility for conducting under the arrangement a study to examine:

(1) The design parameters for an effective and uniform system of microstamping firearms and cartridge cases and how this information will be stored and retrieved.

(2) To determine the cost to taxpayers of incorporating microstamping technology into a firearm, including the cost of any new or additional equipment for law enforcement, and additional training forensic crime laboratories would need in order to read the presence of a microstamp on ballistic crime scene evidence.

(3) To identify whether there are domestic or international patents applicable to any technology capable of being applied in the manufacturing of a firearm, capable of placing a microscopic array of characters that identify the make, model, and serial number of the firearm, etched or otherwise imprinted in two or more places on the interior surface or internal working parts of a semiautomatic pistol firearm are transferred by imprinting on each cartridge casing when the firearm is discharged.

(4) To determine whether the normal operation of a firearm over time and repeated firing adversely affects the quality, reproducibility, and legibility of the firearms microstamping impressions on a cartridge case, whether metallic or non-metallic, fired in a microstamped firearm.

(5) To determine if, utilizing a broad and diverse spectrum of pistols and handgun ammunition

(both imported and domestically produced) that is commercially available for sale in the United States, a casing will be imprinted with a legible microstamp.

(6) To determine the extra cost to manufacture firearms incorporating firearms microstamping technology on a mass production basis using manufacturing techniques and equipment commonly in use in the firearms industry.

(7) The most effective method for casing recovery that can be used to collect fired cases for entry into a microstamping reading system and the cost of such recovery equipment.

(8) Which countries, if any, require the sale of microstamped firearms and how effective microstamping has been in investigating crimes committed with microstamped firearms.

(9) How many revolvers, manually operated handguns, semiautomatic handguns, manually operated rifles, and semiautomatic rifles are sold in the United States each year, the percentage of crimes committed with revolvers, other manually operated handguns, and manually operated rifles as compared with semiautomatic handguns and semiautomatic rifles, and the percentage of cases where spent shell casings are recovered at a crime scene.

(10) Determine if, when implemented, microstamping would encourage a shift to the use of firearms that do not automatically eject spent casings, to neutralize microstamping identification.

(11) A comprehensive list of environmental and nonenvironmental factors, including modifications to a firearm with common tools and interchangeable parts, that can remove or change the identifying marks on a cartridge case so as to preclude a scientifically reliable identification of a firearm that has been microstamped, and whether these factors would preclude the specimen from being admissible as evidence in a court of law. This would also include leaving spent shell casings from another firearm at a crime scene.

(12) The technical improvements in database management that will be necessary to keep pace as the number of microstamped firearms increases, and the estimated cost of any improvements.

(13) Legal issues that need to be addressed at the Federal and State levels to obtain the type of information that would be captured and stored as part of a national microstamping identification program and the sharing of the information between any

State firearm identification systems and the Federal firearm identification system.

(14) What storage and retrieval procedures guarantee the integrity of information concerning a microstamped firearm for an indefinite period of time and ensure proper chain of custody and admissibility of microstamped evidence or images in a court of law.

(15) The time, cost, and resources necessary to enter microstamping information into a database listing all new handguns sold in the United States and those possessed lawfully by firearms owners.

(16) The time, cost, and resources necessary to retrofit all firearms in the United States with microstamped parts and the cost of entering that information into a database.

(17) The impediments to mandating the retrofitting of firearms in private hands with microstamping technology, and the potential cost to firearm owners of doing so.

(18) The cost to Federal and State law enforcement of retrofitting firearms in their possession with microstamping technology.

(19) Whether the cost of firearms microstamping technology outweighs the investigative benefit to law enforcement.

(20) Whether State-based microstamping systems, or a combination of State and Federal microstamping systems can be used to create a centralized list of firearms owners.

(21) The cost-effectiveness of systems currently in use by Federal and State law enforcement with regard to the forensic identification of spent projectiles, and whether an approach based on the National Integrated Ballistic Information Network (NIBIN) supported by the Bureau of Alcohol, Tobacco, Firearms, and Explosives is superior to using State-based microstamping initiatives.

SEC. 4. CONSULTATION.

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

(1) Federal, State, and local officials with expertise in budgeting, administering, and using a ballistic imaging system, including the Bureau of Alcohol, Tobacco, Firearms, and Explosives, and the Federal Bureau of Investigation;

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

(3) entities affected by the actual and proposed uses of microstamping technology, including manufacturers, distributors, importers, and retailers of firearms and ammunition, firearms purchasers and owners and their organized representatives, the Sporting Arms and Ammunition Manufacturers' Institute, Inc., the National Shooting Sports Foundation, Inc., and National Rifle Association; and

(4) experts in ballistics imaging, microstamping, and related fields, such as the Association of Firearm and Tool Mark Examiners, projectile recovery system manufacturers, and universities that have conducted studies on microstamping including the University of California at Davis.

SEC. 5. REPORT.

Not later than 30 days after the National Research Council of the National Academy of Sciences completes the study conducted under section 3, the National Research Council shall submit to the Attorney General a report on the results of the study, and the Attorney General shall submit to the Congress a report, which shall be made public, that contains the results of the study.

SEC. 6. SUSPENSION OF USE OF FEDERAL FUNDS FOR MICROSTAMPING TECHNOLOGY.

(a) IN GENERAL.—Notwithstanding any other provision of law, a State shall not use Federal funds for microstamping technology until the report referred to in section 5 is completed and transmitted to the Congress.

(b) WAIVER AUTHORITY.—On request of a State, the Attorney General may waive the application of subsection (a) to a use of Federal funds upon a showing that the use would be in the national interest.

SEC. 7. DEFINITIONS.

In this Act:

(1) The term ''microstamping technology'' means the process or technology of etching, engraving or otherwise imprinting on the interior surface or internal working parts of a firearm in a microscopic array of alpha numeric characters, bar, gear, or other code or symbol, that identifies the make, model, and serial number of the firearm or other unique distinguishing identification mark, code, or number associated with the firearm, that is intended to be transferred by imprinting or embossing on to the primer or other part of a cartridge case from a cartridge discharged in that firearm.

(2) The term ''handgun'' has the meaning given the term in section 921(a)(29) of title 18, United States Code.

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

(4) The term ''cartridge case'' means the main body of a single round of ammunition into which other components are inserted to form a cartridge.

(5) The terms ''manually operated handgun'' and ''manually operated rifle'' mean any handgun or rifle, as the case may be, in which all loading, unloading, and reloading of the firing chamber is accomplished through manipulation by the user.

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

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

(8) The term ''projectile'' means that part of ammunition that is, by means of an explosive, expelled through the barrel of a firearm.

(9) The term ''revolver'' means a firearm with a cylinder having several chambers so arranged as to rotate around an axis and be discharged successively by the same firing mechanism through a common barrel.

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