

111TH CONGRESS
2^D SESSION

S. 3388

To protect the rights under the Second Amendment to the Constitution of the United States of members of the Armed Forces and civilian employees of the Department of Defense by prohibiting the Department of Defense from requiring the registration of privately owned firearms, ammunition, or other weapons not stored in facilities owned or operated by the Department of Defense, and by prohibiting the Department of Defense from infringing on the right of individuals to lawfully acquire, possess, own, carry, or otherwise use privately owned firearms, ammunition, or other weapons on property not owned or operated by the Department of Defense.

IN THE SENATE OF THE UNITED STATES

MAY 20, 2010

Mr. INHOFE introduced the following bill; which was read twice and referred to the Committee on Armed Services

A BILL

To protect the rights under the Second Amendment to the Constitution of the United States of members of the Armed Forces and civilian employees of the Department of Defense by prohibiting the Department of Defense from requiring the registration of privately owned firearms, ammunition, or other weapons not stored in facilities owned or operated by the Department of Defense, and by prohibiting the Department of Defense from infringing on the right of individuals to lawfully acquire, possess, own, carry, or otherwise use privately owned

firearms, ammunition, or other weapons on property not owned or operated by the Department of Defense.

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 “Service Member Sec-
 5 ond Amendment Protection Act of 2010”.

6 **SEC. 2. PROHIBITION ON INFRINGING ON THE INDIVIDUAL**
 7 **RIGHT TO LAWFULLY ACQUIRE, POSSESS,**
 8 **OWN, CARRY, AND OTHERWISE USE PRI-**
 9 **VATELY OWNED FIREARMS, AMMUNITION,**
 10 **AND OTHER WEAPONS.**

11 (a) IN GENERAL.—Except as provided in subsection
 12 (c), the Secretary of Defense may not prohibit, issue any
 13 requirement relating to, or collect or record any informa-
 14 tion relating to, the otherwise lawful acquisition, posses-
 15 sion, ownership, carrying, or other use of a privately
 16 owned firearm, privately owned ammunition, or another
 17 privately owned weapon by a member of the Armed Forces
 18 or civilian employee of the Department of Defense on
 19 property that is not owned or operated by the Department
 20 of Defense.

21 (b) EXISTING REGULATIONS AND RECORDS.—

22 (1) REGULATIONS.—Any regulation promul-
 23 gated before the date of enactment of this Act that

1 requires conduct prohibited by this section is null
2 and void and shall have no force or effect.

3 (2) RECORDS.—Not later than 90 days after
4 the date of enactment of this Act, the Secretary of
5 Defense shall destroy any record containing informa-
6 tion described in subsection (a) that was collected
7 before the date of enactment of this Act.

8 (c) RULE OF CONSTRUCTION.—Subsection (a) shall
9 not be construed to limit the authority of the Secretary
10 of Defense to—

11 (1) regulate the possession, carrying, or other
12 use of a firearm, ammunition, or other weapon by a
13 member of the Armed Forces or civilian employee of
14 the Department of Defense while—

15 (A) engaged in official duties on behalf of
16 the Department of Defense; or

17 (B) wearing the uniform of an Armed
18 Force; or

19 (2) create or maintain records relating to an in-
20 vestigation, prosecution, or adjudication of an al-
21 leged violation of law (including regulations) not
22 prohibited under subsection (a).

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