

114TH CONGRESS
1ST SESSION

S. 1308

To amend chapter 44 of title 18, United States Code, to more comprehensively address the interstate transportation of firearms or ammunition.

IN THE SENATE OF THE UNITED STATES

MAY 12, 2015

Mr. VITTER introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To amend chapter 44 of title 18, United States Code, to more comprehensively address the interstate transportation of firearms or ammunition.

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. INTERSTATE TRANSPORTATION OF FIREARMS**
4 **OR AMMUNITION.**

5 (a) IN GENERAL.—Section 926A of title 18, United
6 States Code, is amended to read as follows:

1 **“§ 926A. Interstate transportation of firearms or am-**
2 **munition**

3 “(a) Notwithstanding any provision of any law, rule,
4 or regulation of a State or any political subdivision there-
5 of:

6 “(1) A person who is not prohibited by this
7 chapter from possessing, transporting, shipping, or
8 receiving a firearm or ammunition shall be entitled
9 to transport a firearm for any lawful purpose from
10 any place where the person may lawfully possess,
11 carry, or transport the firearm to any other such
12 place if, during the transportation, the firearm is
13 unloaded, and—

14 “(A) if the transportation is by motor vehi-
15 cle, the firearm is not directly accessible from
16 the passenger compartment of the vehicle, and,
17 if the vehicle is without a compartment separate
18 from the passenger compartment, the firearm is
19 in a locked container other than the glove com-
20 partment or console, or is secured by a secure
21 gun storage or safety device; or

22 “(B) if the transportation is by other
23 means, the firearm is in a locked container or
24 secured by a secure gun storage or safety de-
25 vice.

1 “(2) A person who is not prohibited by this
2 chapter from possessing, transporting, shipping, or
3 receiving a firearm or ammunition shall be entitled
4 to transport ammunition for any lawful purpose
5 from any place where the person may lawfully pos-
6 sess, carry, or transport the ammunition, to any
7 other such place if, during the transportation, the
8 ammunition is not loaded into a firearm, and—

9 “(A) if the transportation is by motor vehi-
10 cle, the ammunition is not directly accessible
11 from the passenger compartment of the vehicle,
12 and, if the vehicle is without a compartment
13 separate from the passenger compartment, the
14 ammunition is in a locked container other than
15 the glove compartment or console; or

16 “(B) if the transportation is by other
17 means, the ammunition is in a locked container.

18 “(b) In subsection (a), the term ‘transport’ includes
19 staying in temporary lodging overnight, stopping for food,
20 fuel, vehicle maintenance, an emergency, medical treat-
21 ment, and any other activity incidental to the transport,
22 but does not include transportation—

23 “(1) with the intent to commit a crime punish-
24 able by imprisonment for a term exceeding one year

1 that involves the use or threatened use of force
2 against another; or

3 “(2) with knowledge, or reasonable cause to be-
4 lieve, that such a crime is to be committed in the
5 course of, or arising from, the transportation.

6 “(c)(1) A person who is transporting a firearm or
7 ammunition may not be arrested or otherwise detained for
8 violation of any law or any rule or regulation of a State
9 or any political subdivision thereof related to the posses-
10 sion, transportation, or carrying of firearms, unless there
11 is probable cause to believe that the person is doing so
12 in a manner not provided for in subsection (a).

13 “(2) When a person asserts this section as a defense
14 in a criminal proceeding, the prosecution shall bear the
15 burden of proving, beyond a reasonable doubt, that the
16 conduct of the person did not satisfy the conditions set
17 forth in subsection (a).

18 “(3) When a person successfully asserts this section
19 as a defense in a criminal proceeding, the court shall
20 award the prevailing defendant a reasonable attorney’s
21 fee.

22 “(d)(1) A person who is deprived of any right, privi-
23 lege, or immunity secured by this section, section 926B
24 or 926C, under color of any statute, ordinance, regulation,
25 custom, or usage of any State or any political subdivision

1 thereof, may bring an action in any appropriate court
2 against any other person, including a State or political
3 subdivision thereof, who causes the person to be subject
4 to the deprivation, for damages and other appropriate re-
5 lief.

6 “(2) The court shall award a plaintiff prevailing in
7 an action brought under paragraph (1) damages and such
8 other relief as the court deems appropriate, including a
9 reasonable attorney’s fee.”.

10 (b) CLERICAL AMENDMENT.—The table of sections
11 for such chapter is amended by striking the item relating
12 to section 926A and inserting the following:

“926A. Interstate transportation of firearms or ammunition.”.

○