

104TH CONGRESS
2D SESSION

H. R. 125

IN THE SENATE OF THE UNITED STATES

MARCH 25, 1996

Received; read twice and referred to the Committee on the Judiciary

AN ACT

To repeal the ban on semiautomatic assault weapons and
the ban on large capacity ammunition feeding devices.

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 “Gun Crime Enforce-
5 ment and Second Amendment Restoration Act of 1996”.

1 **SEC. 2. FINDINGS.**

2 The Congress finds the following:

3 (1) One of the primary duties of government is
4 to protect its citizens from armed violent criminals.
5 America's cherished liberty and the social and eco-
6 nomic prosperity of its communities are dependent
7 upon government's ability to maintain public safety.

8 (2) Criminals, by definition, operate outside the
9 law and routinely acquire firearms when they so de-
10 sire. Banning specific types of firearms has no effect
11 on the moral behavior of those who choose to inflict
12 harm on innocent citizens.

13 (3) The most effective way to protect the public
14 from gun-wielding violent criminals is to arrest, con-
15 vict, and incarcerate such predators, and to ensure
16 that they serve sentences of sufficient length to pre-
17 vent them from returning quickly to the streets.

18 **SEC. 3. ARMED VIOLENT CRIMINAL APPREHENSION DIREC-**
19 **TIVE.**

20 (a) IN GENERAL.—Not later than 180 days after
21 the date of the enactment of this Act, the Attorney Gen-
22 eral of the United States shall establish an armed violent
23 criminal apprehension program consistent with the fol-
24 lowing requirements:

1 (1) Each United States attorney shall designate
2 at least 1 assistant United States attorney to pros-
3 ecute armed violent criminals.

4 (2) Each United States attorney shall establish
5 an armed violent criminal apprehension task force
6 comprised of appropriate law enforcement represent-
7 atives. The task force shall develop strategies for re-
8 moving armed violent criminals from the streets,
9 taking into consideration—

10 (A) the importance of severe punishment
11 in deterring armed violent crime;

12 (B) the effectiveness of Federal and State
13 laws pertaining to apprehension and prosecu-
14 tion of armed violent criminals;

15 (C) the resources available to each law en-
16 forcement agency participating in the task
17 force;

18 (D) the nature and extent of the violent
19 crime occurring in the district for which the
20 United States attorney is appointed; and

21 (E) the principle of limited Federal in-
22 volvement in the prosecution of crimes tradi-
23 tionally prosecuted in State and local jurisdic-
24 tions.

1 (3) Not less frequently than monthly, the Attor-
2 ney General shall require each United States attor-
3 ney to report to the Department of Justice the num-
4 ber of defendants charged with, or convicted of, vio-
5 lating section 922(g) or 924 of title 18, United
6 States Code, in the district for which the United
7 States attorney is appointed.

8 (4) Not less frequently than twice annually, the
9 Attorney General shall submit to the Congress a
10 compilation of the information received by the De-
11 partment of Justice pursuant to paragraph (3) and
12 a report on all waivers granted under subsection (b).

13 (b) WAIVER AUTHORITY.—

14 (1) REQUEST FOR WAIVER.—A United States
15 attorney may request the Attorney General to waive
16 the requirements of subsection (a) with respect to
17 the United States attorney.

18 (2) PROVISION OF WAIVER.—The Attorney
19 General may waive the requirements of subsection
20 (a) pursuant to a request made under paragraph
21 (1), in accordance with guidelines which shall be es-
22 tablished by the Attorney General. In establishing
23 the guidelines, the Attorney General shall take into
24 consideration the number of assistant United States
25 attorneys in the office of the United States attorney

1 making the request and the level of violent crime
2 committed in the district for which the United
3 States attorney is appointed.

4 (c) ARMED VIOLENT CRIMINAL DEFINED.—As used
5 in this section, the term “armed violent criminal” means
6 a person who is accused of violating section 922(g)(1) of
7 title 18, United States Code, having been previously con-
8 victed of a violent crime, or who is accused of violating
9 section 924 of such title.

10 (d) SUNSET.—This section shall have no force or ef-
11 fect after the 5-year period that begins 180 days after
12 the date of the enactment of this Act.

13 **SEC. 4. REPEAL OF THE PROHIBITIONS RELATING TO SEMI-**
14 **AUTOMATIC ASSAULT WEAPONS AND LARGE**
15 **CAPACITY AMMUNITION FEEDING DEVICES.**

16 (a) Section 922 of title 18, United States Code, is
17 amended by striking subsections (v) and (w) and by strik-
18 ing the appendix.

19 (b) Section 921(a) of such title is amended by strik-
20 ing paragraph (30).

21 (c) Section 921(a)(31)(A) of such title is amended—
22 (1) by striking “manufactured after the date of
23 enactment of the Violent Crime Control and Law
24 Enforcement Act of 1994”; and

1 (2) by striking “, or that can be readily re-
2 stored or converted to accept,”.

3 (d) Section 923(i) of such title is amended by striking
4 the last 2 sentences.

5 (e) Section 924(a)(1)(B) of such title is amended by
6 striking “(r), (v), or (w)” and inserting “or (r)”.

7 (f) Section 110104 of the Violent Crime Control and
8 Law Enforcement Act of 1994 (18 U.S.C. 921 note) is
9 repealed.

10 **SEC. 5. MANDATORY PRISON TERMS FOR POSSESSING,**
11 **BRANDISHING, OR DISCHARGING A FIREARM**
12 **OR DESTRUCTIVE DEVICE DURING A FED-**
13 **ERAL CRIME THAT IS A CRIME OF VIOLENCE**
14 **OR A DRUG TRAFFICKING CRIME.**

15 Section 924(c) of title 18, United States Code, is
16 amended—

17 (1) by redesignating paragraphs (2) and (3) as
18 paragraphs (4) and (5), respectively; and

19 (2) by striking paragraph (1) and inserting the
20 following:

21 “(1) A person who, during and in relation to any
22 crime of violence or drug trafficking crime (including a
23 crime of violence or drug trafficking crime which provides
24 for an enhanced punishment if committed by the use of
25 a deadly or dangerous weapon or device) for which the

1 person may be prosecuted in a court of the United
2 States—

3 “(A) possesses a firearm, shall, in addition to
4 the sentence imposed for the crime of violence or
5 drug trafficking crime, be sentenced to imprison-
6 ment for 5 years;

7 “(B) brandishes a firearm, shall, in addition to
8 the sentence imposed for the crime of violence or
9 drug trafficking crime, be sentenced to imprison-
10 ment for 10 years; or

11 “(C) discharges a firearm with the intent to in-
12 jure another person, shall, in addition to the sen-
13 tence imposed for the crime of violence or drug traf-
14 ficking crime, be sentenced to imprisonment for 20
15 years;

16 except that if the firearm is a short-barreled rifle or short-
17 barreled shotgun, or is equipped with a large capacity am-
18 munition feeding device, such additional sentence shall be
19 imprisonment for 10 years more than the term of impris-
20 onment that would otherwise be imposed under this para-
21 graph, and if the firearm is a machinegun or destructive
22 device or is equipped with a firearm silencer or firearm
23 muffler, such additional sentence shall be imprisonment
24 for 30 years.

1 “(2) In the case of the second or subsequent convic-
2 tion of a person under this subsection—

3 “(A) if the person possessed a firearm during
4 and in relation to such second or subsequent crime
5 of violence or drug trafficking crime, the person
6 shall, in addition to the sentence imposed for such
7 second or subsequent offense, be sentenced to im-
8 prisonment for not less than 20 years;

9 “(B) if the person brandished a firearm during
10 and in relation to such second or subsequent crime
11 of violence or drug trafficking crime, the person
12 shall, in addition to the sentence imposed for such
13 second or subsequent offense, be sentenced to im-
14 prisonment for not less than 25 years; or

15 “(C) if the person discharged a firearm with
16 the intent to injure another person during and in re-
17 lation to such second or subsequent crime of violence
18 or drug trafficking crime, the person shall, in addi-
19 tion to the sentence imposed for such second or sub-
20 sequent offense, be sentenced to imprisonment for
21 not less than 30 years;

22 except that if the firearm is a machinegun or destructive
23 device or is equipped with a firearm silencer or firearm
24 muffler, the person shall, in addition to the sentence im-

1 posed for such second or subsequent offense, be sentenced
2 to life imprisonment.

3 “(3)(A) Notwithstanding any other provision of law,
4 the court shall not impose a probationary sentence on any
5 person convicted of a violation of this subsection, nor shall
6 a term of imprisonment imposed under this subsection run
7 concurrently with any other term of imprisonment includ-
8 ing that imposed for the crime of violence or drug traffick-
9 ing crime in which the firearm was used.

10 “(B) No person sentenced under this subsection shall
11 be released for any reason whatsoever during a term of
12 imprisonment imposed under this subsection.”.

Passed the House of Representatives March 22,
1996.

Attest:

ROBIN H. CARLE,
Clerk.