

105TH CONGRESS
2D SESSION

S. 2175

To safeguard the privacy of certain identification records and name checks,
and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 16, 1998

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

A BILL

To safeguard the privacy of certain identification records
and name checks, and for other purposes.

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 “Firearms Owner Pri-
5 vacy Act of 1998”.

6 **SEC. 2. UNLAWFUL RETENTION OF FIREARMS TRANSFER**
7 **INFORMATION.**

8 (a) IN GENERAL.—Chapter 93 of title 18, United
9 States Code, is amended by adding at the end the follow-
10 ing:

1 **“§ 1925. Unlawful retention of federal firearms trans-**
2 **fer information**

3 “(a) DEFINITIONS.—In this section—

4 “(1) the term ‘firearm’ has the same meaning
5 as in section 921(a);

6 “(2) the term ‘instant check information’—

7 “(A) means any information—

8 “(i) provided to the instant check sys-
9 tem about an individual seeking to obtain
10 a firearm; or

11 “(ii) derived from any information
12 provided as described in clause (i); and

13 “(B) does not include any unique identi-
14 fication number provided by the instant check
15 system pursuant to section 922(t)(1)(B)(i), or
16 the date on which that number is provided; and

17 “(3) the term ‘instant check system’ means the
18 national instant criminal background check system
19 established under section 103 of the Brady Handgun
20 Violence Prevention Act (18 U.S.C. 922 note).

21 “(b) PROHIBITIONS AND PENALTIES.—

22 “(1) INFORMATION RELATING TO INDIVIDUALS
23 NOT PROHIBITED FROM RECEIVING A FIREARM.—
24 Whoever, being an officer, employee, contractor, con-
25 sultant, or agent of the United States, including a

1 State or local employee or officer acting on behalf of
2 the United States, in that capacity—

3 “(A) receives instant check information, in
4 any form or through any medium, about an in-
5 dividual who is determined, through the use of
6 the instant check system, not to be prohibited
7 by subsection (g) or (n) of section 922, or by
8 State law, from receiving a firearm; and

9 “(B) knowingly retains or transfers to an-
10 other person that information after the 24-hour
11 period beginning with such receipt;

12 shall be fined not more than \$250,000, imprisoned
13 not more than 10 years, or both.

14 “(2) INFORMATION RELATING TO INDIVIDUALS
15 PROHIBITED BY LAW FROM RECEIVING A FIRE-
16 ARM.—

17 “(A) IN GENERAL.—Except as provided in
18 subparagraph (B), whoever, being an officer,
19 employee, contractor, consultant, or agent of
20 the United States, including a State or local
21 employee or officer acting on behalf of the
22 United States, in that capacity—

23 “(i) receives instant check informa-
24 tion, in any form or through any medium,
25 about an individual who is prohibited by

1 Federal or State law from receiving a fire-
2 arm; and

3 “(ii) knowingly retains or transfers to
4 another person that information after the
5 5-year period beginning with such receipt;
6 shall be fined not more than \$250,000, impris-
7 oned not more than 10 years, or both.

8 “(B) INAPPLICABILITY TO INFORMATION
9 RELATING TO CERTAIN INDIVIDUALS.—Sub-
10 paragraph (A) does not apply to any informa-
11 tion about an individual if a criminal prosecu-
12 tion has been commenced against the individual
13 on the basis of that information.”.

14 (b) CLERICAL AMENDMENT.—The analysis for chap-
15 ter 93 of title 18, United States Code, is amended by add-
16 ing at the end the following:

“1925. Unlawful retention of Federal firearms transfer information.”.

17 **SEC. 3. EFFECTIVE DATE.**

18 The amendments made by this Act shall take effect
19 on November 30, 1998.

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