

108TH CONGRESS
1ST SESSION

S. 1983

To amend title 18 of the United States Code, to enhance the authority of the Bureau of Alcohol, Tobacco, Firearms, and Explosives to enforce the compliance of gun dealers with Federal firearms laws, and for other purposes.

IN THE SENATE OF THE UNITED STATES

DECEMBER 9, 2003

Mr. SCHUMER (for himself, Mr. REED, Mrs. CLINTON, Mrs. FEINSTEIN, and Mr. DURBIN) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To amend title 18 of the United States Code, to enhance the authority of the Bureau of Alcohol, Tobacco, Firearms, and Explosives to enforce the compliance of gun dealers with Federal firearms laws, 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 “So No Innocent Person
5 Ever Repeats the Sniper Tragedy Act of 2003” or the
6 “SNIPER Act of 2003”.

1 **SEC. 2. ENFORCING COMPLIANCE WITH RECORD KEEPING**
2 **REQUIREMENTS.**

3 (a) **INSPECTIONS.**—Section 923(g)(1) of title 18,
4 United States Code, is amended—

5 (1) in subparagraph (B)(ii)(I), by striking
6 “once” and inserting “4 times”;

7 (2) in subparagraph (C)(i), by striking “once”
8 and inserting “4 times”;

9 (3) by redesignating subparagraph (D) as sub-
10 paragraph (E); and

11 (4) by inserting after subparagraph (C), the fol-
12 lowing:

13 “(D) If a licensed importer, licensed manu-
14 facturer, licensed dealer, or licensed collector is
15 found in violation of this chapter, or the related
16 regulations, the Attorney General shall inspect
17 or examine the inventory and records of such
18 violator not less than once each year during the
19 3 years following such violation.”.

20 (b) **AMMUNITION SALES.**—Section 923(g)(1)(A) is
21 amended in the first sentence by striking “firearms at his”
22 and inserting “firearms and ammunition, except on .22
23 caliber rimfire ammunition, at such licensee’s”.

24 (c) **PENALTY ENHANCEMENT.**—Section 924(a)(1) of
25 title 18, United States Code, is amended—

1 (1) in subparagraph (C), by striking “or” at
2 the end;

3 (2) by redesignating subparagraph (D) as sub-
4 paragraph (E); and

5 (3) by inserting after subparagraph (C) the fol-
6 lowing:

7 “(D) willfully violates section 923(g); or”.

8 **SEC. 3. ENFORCEMENT ACTIONS AGAINST VIOLATORS OF**
9 **FEDERAL FIREARMS LAWS.**

10 (a) **SUSPENSIONS.**—Section 924 of title 18, United
11 States Code, as amended by section 2(c), is further
12 amended by adding at the end the following:

13 “(q) A licensed importer, manufacturer, dealer, or
14 collector who violates any provision of this chapter, or the
15 related regulations, may be subject to—

16 “(1) the revocation of any applicable license;

17 “(2) the suspension of any applicable license; or

18 “(3) a fine under this title.”.

19 (b) **WARNING LETTERS; NOTICES; FINES.**—Section
20 923(g) of title 18, United States Code, is amended by add-
21 ing at the end the following:

22 “(8) If an inspection under paragraph (1) reveals
23 that a licensee has violated any provision of this chapter,
24 or the related regulations, the Attorney General shall—

1 “(A) issue a warning letter to the alleged viola-
2 tor, and maintain a copy of such letter, along with
3 any written report prepared by the inspector—

4 “(i) in the files of the appropriate Director
5 of Industry Operations; and

6 “(ii) at the headquarters of the Bureau of
7 Alcohol, Tobacco, Firearms, and Explosives;

8 “(B) issue a notice of revocation of the license
9 and conduct the appropriate proceedings; or

10 “(C) issue a notice of revocation, suspension, or
11 imposition of a civil fine, and conduct the appro-
12 priate proceedings.”.

13 (c) TIMELINESS OF ENFORCEMENT ACTIONS.—The
14 Attorney General shall, by regulation, require the Director
15 of Industry Operations of the Bureau of Alcohol, Tobacco,
16 Firearms, and Explosives to issue a final decision within
17 120 days from the date on which a notice of revocation,
18 suspension, or imposition of a civil fine is mailed to a li-
19 censee (as that term is defined in section 103(j)(1) of the
20 Brady Handgun Violence Prevention Act (18 U.S.C. 922
21 note).

22 (d) JUDICIAL STAYS OF ENFORCEMENT ACTIONS.—
23 Section 923(f)(3) of title 18, United States Code, is
24 amended by striking the period at the end of the first sen-
25 tence and inserting “, and shall not postpone the effective

1 date of such decision unless so ordered by a United States
2 district court judge or magistrate who has jurisdiction
3 over the matter.”.

4 (e) ENFORCEMENT ACTION NOT DEPENDENT UPON
5 CRIMINAL CONVICTION.—Section 923(f) of title 18,
6 United States Code, is amended by striking paragraph (4).

7 **SEC. 4. RESTRICTION OF GUN SALES TO IN-STATE RESI-**
8 **DENTS.**

9 Section 922(b)(3) of title 18, United States Code, is
10 amended by striking “(A) shall not apply” and all that
11 follows through “and (B)”.

12 **SEC. 5. BALLISTICS TESTING OF FIREARMS.**

13 (a) SHORT TITLE.—This section may be cited as the
14 “Technological Resource to Assist Criminal Enforcement
15 Act” or the “TRACE Act”.

16 (b) PURPOSES.—The purposes of this section are—

17 (1) to increase public safety by assisting law en-
18 forcement in solving more gun-related crimes and of-
19 fering prosecutors evidence to link felons to gun
20 crimes through ballistics technology;

21 (2) to provide for ballistics testing of all new
22 firearms for sale to assist in the identification of
23 firearms used in crimes;

1 (3) to require ballistics testing of all firearms in
2 custody of Federal agencies to assist in the identi-
3 fication of firearms used in crimes; and

4 (4) to add ballistics testing to existing firearms
5 enforcement programs.

6 (c) DEFINITION OF BALLISTICS.—Section 921(a) of
7 title 18, United States Code, is amended by adding at the
8 end the following:

9 “(36) BALLISTICS.—The term ‘ballistics’ means a
10 comparative analysis of fired bullets and cartridge casings
11 to identify the firearm from which bullets and cartridge
12 casings were discharged, through identification of the
13 unique markings that each firearm imprints on bullets and
14 cartridge casings.”.

15 (d) TEST FIRING AND AUTOMATED STORAGE OF
16 BALLISTICS RECORDS.—

17 (1) AMENDMENT.—Section 923 of title 18,
18 United States Code, is amended by adding at the
19 end the following:

20 “(m)(1) In addition to the other licensing require-
21 ments under this section, a licensed manufacturer or li-
22 censed importer shall—

23 “(A) test fire firearms manufactured or im-
24 ported by such licensees as specified by the Attorney
25 General by regulation;

1 “(B) prepare ballistics images of the fired bullet
2 and cartridge casings from the test fire;

3 “(C) make the records available to the Attorney
4 General for entry into the electronic database estab-
5 lished under paragraph (3)(B); and

6 “(D) store the fired bullet and cartridge casings
7 in such a manner and for such a period as specified
8 by the Attorney General by regulation.

9 “(2) Nothing in this subsection creates a cause of ac-
10 tion against any Federal firearms licensee or any other
11 person for any civil liability except for imposition of a civil
12 penalty under this section.

13 “(3)(A) The Attorney General shall assist firearm
14 manufacturers and importers in complying with paragraph
15 (1) by—

16 “(i) acquiring, installing, and upgrading ballis-
17 tics equipment and bullet and cartridge casing recov-
18 ery equipment to be placed at locations readily ac-
19 cessible to licensed manufacturers and importers;

20 “(ii) hiring or designating sufficient personnel
21 to develop and maintain a database of ballistics im-
22 ages of fired bullets and cartridge casings, research,
23 and evaluation;

1 “(iii) providing education about the role of bal-
2 listics as part of a comprehensive firearm crime re-
3 duction strategy;

4 “(iv) providing for the coordination among Fed-
5 eral, State, and local law enforcement and regulatory
6 agencies and the firearm industry to curb firearm-
7 related crime and illegal firearm trafficking; and

8 “(v) taking other necessary steps to make bal-
9 listics testing effective.

10 “(B) The Attorney General shall—

11 “(i) establish an electronic database—

12 “(I) through which State and local law en-
13 forcement agencies can promptly access the bal-
14 listics records stored under this subsection, as
15 soon as such capability is available; and

16 “(II) that shall not include any identifying
17 information regarding dealers, collectors, or
18 purchasers of firearms; and

19 “(ii) require training for all ballistics exam-
20 iners.

21 “(4) The Attorney General shall conduct mandatory
22 ballistics testing of all firearms obtained or in the posses-
23 sion of their respective agencies.

24 “(5) Not later than 3 years after the date of enact-
25 ment of this subsection, and annually thereafter, the At-

1 torney General shall submit to the Committees on the Ju-
2 diciary of the Senate and the House of Representatives
3 a report regarding the implementation of this section, in-
4 cluding—

5 “(A) the number of Federal and State criminal
6 investigations, arrests, indictments, and prosecutions
7 of all cases in which access to ballistics records, pro-
8 vided under the system established under this sec-
9 tion and under similar systems operated by any
10 State, served as a valuable investigative tool in the
11 prosecution of gun crimes;

12 “(B) the extent to which ballistics records are
13 accessible across jurisdictions; and

14 “(C) a statistical evaluation of the test pro-
15 grams conducted pursuant to paragraph (4).

16 “(6) There are authorized to be appropriated to the
17 Department of Justice \$20,000,000 for each of the fiscal
18 years 2005 through 2008 to carry out this subsection, to
19 be used to—

20 “(A) install ballistics equipment and bullet and
21 cartridge casing recovery equipment;

22 “(B) establish sites for ballistics testing;

23 “(C) pay salaries and expenses of necessary
24 personnel; and

25 “(D) conduct related research and evaluation.”.

1 (2) EFFECTIVE DATE.—

2 (A) IN GENERAL.—Except as provided in
3 subparagraphs (A) and (B), the amendment
4 made by paragraph (1) shall take effect on the
5 date on which the Attorney General, in con-
6 sultation with the Board of the National Inte-
7 grated Ballistics Information Network, certifies
8 that the ballistics system used by the Depart-
9 ment of Justice is sufficiently developed to sup-
10 port mandatory ballistics testing of new fire-
11 arms.

12 (B) BALLISTICS TESTING.—Section
13 923(m)(1) of title 18, United States Code, as
14 added by paragraph (1), shall take effect 2
15 years after the date of enactment of this Act.

16 (C) EFFECTIVE ON DATE OF ENACT-
17 MENT.—Section 923(m)(4) of title 18, United
18 States Code, as added by paragraph (1), shall
19 take effect on the date of enactment of this Act.

20 (e) PRIVACY RIGHTS OF LAW ABIDING CITIZENS.—
21 Ballistics information of individual guns in any form or
22 database established by this section may not be used for
23 prosecutorial purposes unless law enforcement officials
24 have a reasonable belief that a crime has been committed

1 and that ballistics information would assist in the inves-
2 tigation of that crime.

3 **SEC. 6. ADDITIONAL FUNDING FOR THE BUREAU OF ALCO-**
4 **HOL, TOBACCO, FIREARMS, AND EXPLOSIVES.**

5 (a) GUN CRIME TASK FORCES.—

6 (1) IN GENERAL.—The Attorney General shall
7 establish, within each field division of the Bureau of
8 Alcohol, Tobacco, Firearms, and Explosives, a group
9 of inspectors, agents, and support personnel to be
10 known as the “gun crime task force”.

11 (2) PURPOSE.—The gun crime task forces es-
12 tablished pursuant to paragraph (1) shall inves-
13 tigate, and assist in the regulation of, and if appro-
14 priate, the prosecution of, licensees (as that term is
15 defined in section 103(j)(1) of the Brady Handgun
16 Violence Prevention Act (18 U.S.C. 922 note)) and
17 unlicensed dealers, who are suspected of violating
18 chapter 44 or 96 of title 18, United States Code.

19 (b) AUTHORIZATION OF APPROPRIATIONS.—

20 (1) GUN CRIME TASK FORCES.—There are au-
21 thorized to be appropriated \$10,000,000 for each of
22 the fiscal years 2005 through 2008 to carry out the
23 provisions of subsection (a).

24 (2) INDUSTRY OPERATIONS.—There are author-
25 ized to be appropriated \$25,000,000 for each of the

1 fiscal years 2005 through 2008 to employ additional
2 inspectors, regulators, and employees in the Industry
3 Operations field divisions of the Bureau of Alcohol,
4 Tobacco, Firearms, and Explosives.

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