

109TH CONGRESS
1ST SESSION

H. R. 1136

To protect the Nation's law enforcement officers by banning the Five-seveN Pistol and 5.7 x 28mm SS190 and SS192 cartridges, testing handguns and ammunition for capability to penetrate body armor, and prohibiting the manufacture, importation, sale, or purchase of such handguns or ammunition by civilians.

IN THE HOUSE OF REPRESENTATIVES

MARCH 7, 2005

Mr. ENGEL (for himself and Mr. KENNEDY of Rhode Island) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To protect the Nation's law enforcement officers by banning the Five-seveN Pistol and 5.7 x 28mm SS190 and SS192 cartridges, testing handguns and ammunition for capability to penetrate body armor, and prohibiting the manufacture, importation, sale, or purchase of such handguns or ammunition by civilians.

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 "Protect Law Enforce-
5 ment Armor Act" or the "PLEA Act".

1 **SEC. 2. FINDINGS AND PURPOSE.**

2 (a) FINDINGS.—Congress finds the following:

3 (1) Law enforcement is facing a new threat
4 from handguns and accompanying ammunition,
5 which are designed to penetrate police body armor,
6 being marketed and sold to civilians.

7 (2) A Five-seveN Pistol and accompanying am-
8 munition, manufactured by FN Herstal of Belgium
9 as the “5.7 x 28 mm System”, has recently been re-
10 covered by law enforcement on the streets. The Five-
11 seveN Pistol and 5.7 x 28mm SS192 cartridges are
12 legally available for purchase by civilians under cur-
13 rent law.

14 (3) The Five-seveN Pistol and 5.7 x 28mm
15 SS192 cartridges are capable of penetrating level
16 IIA armor. The manufacturer advertises that ammu-
17 nition fired from the Five-seveN will perforate 48
18 layers of Kevlar up to 200 meters and that the am-
19 munition travels at 2100 feet per second.

20 (4) The Five-seveN Pistol, and similar hand-
21 guns designed to use ammunition capable of pene-
22 trating body armor, pose a devastating threat to law
23 enforcement.

24 (b) PURPOSE.—The purpose of this Act is to protect
25 the Nation’s law enforcement officers by—

1 (1) testing handguns and ammunition for capa-
2 bility to penetrate body armor; and

3 (2) prohibiting the manufacture, importation,
4 sale, or purchase by civilians of the Five-seveN Pis-
5 tol, ammunition for such pistol, or any other hand-
6 gun that uses ammunition found to be capable of
7 penetrating body armor.

8 **SEC. 3. ARMOR PIERCING AMMUNITION.**

9 (a) EXPANSION OF DEFINITION OF ARMOR PIERCING
10 AMMUNITION.—Section 921(a)(17)(B) of title 18, United
11 States Code, is amended—

12 (1) in clause (i), by striking “or” at the end;

13 (2) in clause (ii), by striking the period at the
14 end and inserting “; and”; and

15 (3) by adding at the end the following:

16 “(iii) a projectile that—

17 “(I) may be used in a handgun; and

18 “(II) the Attorney General deter-
19 mines, pursuant to section 926(d), to be
20 capable of penetrating body armor.”.

21 (b) DETERMINATION OF CAPABILITY OF PROJEC-
22 TILES TO PENETRATE BODY ARMOR.—Section 926 of
23 title 18, United States Code, is amended by adding at the
24 end the following:

1 “(d)(1) Not later than 1 year after the date of enact-
 2 ment of this subsection, the Attorney General shall pro-
 3 mulgate standards for the uniform testing of projectiles
 4 against Body Armor Exemplar.

5 “(2) The standards promulgated pursuant to para-
 6 graph (1) shall take into account, among other factors,
 7 variations in performance that are related to the type of
 8 handgun used, the length of the barrel of the handgun,
 9 the amount and kind of powder used to propel the projec-
 10 tile, and the design of the projectile.

11 “(3) As used in paragraph (1), the term ‘Body Armor
 12 Exemplar’ means body armor that the Attorney General
 13 determines meets minimum standards for the protection
 14 of law enforcement officers.”.

15 **SEC. 4. ARMOR PIERCING HANDGUNS AND AMMUNITION.**

16 (a) IN GENERAL.—Section 922 of title 18, United
 17 States Code, is amended by adding after subsection (y):

18 “(z) FIVE-SEVEN PISTOL.—

19 “(1) IN GENERAL.—It shall be unlawful for any
 20 person to manufacture, import, market, sell, ship,
 21 deliver, possess, transfer, or receive—

22 “(A) the Fabrique Nationale Herstal Five-
 23 SeveN Pistol;

24 “(B) 5.7 x 28mm SS190 and SS192 car-
 25 tridges; or

1 “(C) any other handgun that uses armor
2 piercing ammunition.

3 “(2) EXCEPTIONS.—This subsection shall not
4 apply to—

5 “(A) any firearm or armor piercing ammu-
6 nition manufactured for, and sold exclusively to,
7 military, law enforcement, or intelligence agen-
8 cies of the United States; and

9 “(B) the manufacture, possession, trans-
10 fer, receipt, shipment, or delivery of a firearm
11 or armor piercing ammunition by a licensed
12 manufacturer, or any person acting pursuant to
13 a contract with a licensed manufacturer, for the
14 purpose of examining and testing such firearm
15 or ammunition to determine whether paragraph
16 (1) applies to such firearm.”.

17 (b) PENALTIES.—Section 924(a)(1)(B) of title 18,
18 United States Code, is amended by striking “or (q)” and
19 inserting “(q), or (z)”.

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