

103<sup>D</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 277

To amend title 18, United States Code, to require a waiting period before the purchase of a handgun.

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IN THE HOUSE OF REPRESENTATIVES

JANUARY 5, 1993

Mr. MAZZOLI introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To amend title 18, United States Code, to require a waiting period before the purchase of a handgun.

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 “Brady Handgun Vio-  
5 lence Prevention Act”.

6 **SEC. 2. WAITING PERIOD REQUIRED BEFORE PURCHASE**  
7 **OF HANDGUN.**

8 (a) IN GENERAL.—Section 922 of title 18, United  
9 States Code, is amended by adding at the end the follow-  
10 ing:

1       “(s)(1) It shall be unlawful for any licensed importer,  
2 licensed manufacturer, or licensed dealer to sell, deliver,  
3 or transfer a handgun to an individual who is not licensed  
4 under section 923, unless—

5           “(A) after the most recent proposal of such  
6 transfer by the transferee—

7           “(i) the transferor has—

8           “(I) received from the transferee a  
9 statement of the transferee containing the  
10 information described in paragraph (3);

11           “(II) verified the identification of the  
12 transferee by examining the identification  
13 document presented; and

14           “(III) within one day after the trans-  
15 feree furnishes the statement, provided a  
16 copy of the statement to the chief law en-  
17 forcement officer of the place of residence  
18 of the transferee; and

19           “(ii)(I) 7 days have elapsed from the date  
20 the transferee furnished the statement, and the  
21 transferor has not received information from  
22 the chief law enforcement officer that receipt or  
23 possession of the handgun by the transferee  
24 would be in violation of Federal, State, or local  
25 law; or

1           “(II) the transferor has received notice  
2           from the chief law enforcement officer that the  
3           officer has no information indicating that re-  
4           ceipt or possession of the handgun by the trans-  
5           feree would violate Federal, State, or local law;

6           “(B) the transferee has presented to the trans-  
7           feror a written statement, issued by the chief law en-  
8           forcement officer of the place of residence of the  
9           transferee during the 10-day period ending on the  
10          date of the most recent proposal of such transfer by  
11          the transferee, which states that the transferee re-  
12          quires access to a handgun because of a threat to  
13          the life of the transferee or of any member of the  
14          household of the transferee;

15          “(C)(i) the transferee has presented to the  
16          transferor a permit which—

17                  “(I) allows the transferee to possess a  
18                  handgun; and

19                  “(II) was issued not more than 5 years  
20                  earlier by the State in which the transfer is to  
21                  take place; and

22                  “(ii) the law of the State provides that such a  
23                  permit is to be issued only after an authorized gov-  
24                  ernment official has verified that the information  
25                  available to such official does not indicate that pos-

1 session of a handgun by the transferee would be in  
2 violation of law;

3 “(D) the law of the State—

4 “(i) prohibits any licensed importer, li-  
5 censed manufacturer, or licensed dealer from  
6 transferring a handgun to an individual who is  
7 not licensed under section 923, before at least  
8 7 days have elapsed from the date the trans-  
9 feree proposes such transfer; or

10 “(ii) requires that, before any licensed im-  
11 porter, licensed manufacturer, or licensed dealer  
12 completes the transfer of a handgun to an indi-  
13 vidual who is not licensed under section 923, an  
14 authorized government official verifies that the  
15 information available to such official does not  
16 indicate that possession of a handgun by the  
17 transferee would be in violation of law; or

18 “(E) the transferor has received a report from  
19 any system of felon identification established by the  
20 Attorney General pursuant to section 6213(a) of the  
21 Anti-Drug Abuse Amendments Act of 1988, that  
22 available information does not indicate that posses-  
23 sion or receipt of a handgun by the transferee would  
24 violate Federal, State, or local law.

1       “(2) Paragraph (1) shall not be interpreted to require  
2 any action by a chief law enforcement officer which is not  
3 otherwise required.

4       “(3) The statement referred to in paragraph  
5 (1)(A)(i)(I) shall contain only—

6               “(A) the name, address, and date of birth ap-  
7 pearing on a valid identification document (as de-  
8 fined in section 1028(d)(1)) of the transferee con-  
9 taining a photograph of the transferee and a de-  
10 scription of the identification used;

11              “(B) a statement that the transferee—

12                      “(i) is not under indictment for, and has  
13 not been convicted in any court of, a crime pun-  
14 ishable by imprisonment for a term exceeding  
15 one year;

16                      “(ii) is not a fugitive from justice;

17                      “(iii) is not an unlawful user of or addicted  
18 to any controlled substance (as defined in sec-  
19 tion 102 of the Controlled Substances Act);

20                      “(iv) has not been adjudicated as a mental  
21 defective or been committed to a mental institu-  
22 tion;

23                      “(v) is not an alien who is illegally or un-  
24 lawfully in the United States;

1           “(vi) has not been discharged from the  
2           Armed Forces under dishonorable conditions;  
3           and

4           “(vii) is not a person who, having been a  
5           citizen of the United States, has renounced  
6           such citizenship;

7           “(C) the date the statement is made; and

8           “(D) notice that the transferee intends to ob-  
9           tain a handgun from the transferor.

10          “(4) Any transferor of a handgun who, after such  
11          transfer, receives a report from a chief law enforcement  
12          officer containing information that receipt or possession  
13          of the handgun by the transferee violates Federal, State,  
14          or local law shall immediately communicate all information  
15          the transferor has about the transfer and the transferee  
16          to—

17                 “(A) the chief law enforcement officer of the  
18                 place of business of the transferor; and

19                 “(B) the chief law enforcement officer of the  
20                 place of residence of the transferee.

21          “(5) Any transferor who receives information, not  
22          otherwise available to the public, in a report under this  
23          subsection shall not disclose such information except to  
24          the transferee, to law enforcement authorities, or pursuant  
25          to the direction of a court of law.

1       “(6)(A) Any transferor who sells, delivers, or other-  
2 wise transfers a handgun to a transferee shall retain the  
3 copy of the statement of the transferee with respect to  
4 the handgun transaction, and shall retain evidence that  
5 the transferor has complied with paragraph (1)(A)(i)(III)  
6 with respect to the statement.

7       “(B) Unless the chief law enforcement officer to  
8 whom a copy of the statement is sent determines that a  
9 transaction would violate Federal, State, or local law, the  
10 officer shall, within 30 days after the date the transferee  
11 made the statement, destroy the copy and any record con-  
12 taining information derived from the statement.

13       “(7) For purposes of this subsection, the term ‘chief  
14 law enforcement officer’ means the chief of police, the  
15 sheriff, or an equivalent officer, or the designee of any  
16 such individual.

17       “(8) This subsection shall not apply to the sale of  
18 a firearm in the circumstances described in subsection (c).

19       “(9) The Secretary shall take necessary actions to as-  
20 sure that the provisions of this subsection are published  
21 and disseminated to dealers and to the public.”.

22       (b) HANDGUN DEFINED.—Section 921(a) of such  
23 title is amended by adding at the end the following:

24       “(29) The term ‘handgun’ means—

1           “(A) a firearm which has a short stock and is  
2           designed to be held and fired by the use of a single  
3           hand; and

4           “(B) any combination of parts from which a  
5           firearm described in subparagraph (A) can be as-  
6           sembled.”.

7           (c) PENALTY.—Section 924(a) of such title is amend-  
8           ed—

9           (1) in paragraph (1), by striking “paragraph  
10           (2) or (3) of”; and

11           (2) by adding at the end the following:

12           “(5) Whoever knowingly violates section 922(s) shall  
13           be fined not more than \$1,000, imprisoned for not more  
14           than one year, or both.”.

15           (d) EFFECTIVE DATE.—The amendments made by  
16           this Act shall apply to conduct engaged in 90 or more days  
17           after the date of the enactment of this Act.

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