

104<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 2101

To amend title 18, United States Code, to permanently prohibit the possession of firearms by persons who have been convicted of a violent felony, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 24, 1995

Mr. DURBIN (for himself, Mr. SCHUMER, Mr. MARKEY, and Mr. HOYER) 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 permanently prohibit the possession of firearms by persons who have been convicted of a violent felony, 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 “Stop Arming Felons  
5 (SAFe) Act”.

6 **SEC. 2. ADMINISTRATIVE RELIEF FROM CERTAIN FIRE-**  
7 **ARMS AND EXPLOSIVES PROHIBITIONS.**

8 (a) IN GENERAL.—(1) Section 925(c) of title 18,  
9 United States Code, is amended—

1 (A) in the first sentence by inserting “(other  
2 than a natural person)” before “who is prohibited”;

3 (B) in the fourth sentence—

4 (i) by inserting “person (other than a nat-  
5 ural person) who is a” before “licensed im-  
6 porter”; and

7 (ii) by striking “his” and inserting “the  
8 person’s”; and

9 (C) in the fifth sentence, by inserting “(i) the  
10 name of the person, (ii) the disability with respect  
11 to which the relief is granted, (iii) if the disability  
12 was imposed by reason of a criminal conviction of  
13 the person, the crime for which and the court in  
14 which the person was convicted, and (iv)” before  
15 “the reasons therefor”.

16 (2) Section 845(b) of title 18, United States Code,  
17 is amended—

18 (A) in the first sentence by inserting  
19 “(other than a natural person)” before “may  
20 make application to the Secretary”; and

21 (B) in the second sentence by inserting  
22 “(other than a natural person)” before “who  
23 makes application for relief”.

24 (b) APPLICABILITY.—The amendments made by sub-  
25 section (a) shall apply to—

1 (1) applications for administrative relief and ac-  
2 tions for judicial review that are pending on the date  
3 of enactment of this Act; and

4 (2) applications for administrative relief filed,  
5 and actions for judicial review brought, after the  
6 date of enactment of this Act.

7 **SEC. 3. PERMANENT FIREARM PROHIBITION FOR CON-**  
8 **VICTED VIOLENT FELONS AND SERIOUS**  
9 **DRUG OFFENDERS.**

10 Section 921(a)(20) of title 18, United States Code,  
11 is amended—

12 (1) in the first sentence—

13 (A) by inserting “(A)” after “(20)”; and

14 (B) by redesignating subparagraphs (A)  
15 and (B) as clauses (i) and (ii), respectively;

16 (2) in the second sentence, by striking “What”  
17 and inserting the following:

18 “(B) What”; and

19 (3) by striking the third sentence and inserting  
20 the following new subparagraph:

21 “(C) A conviction shall not be considered to be a con-  
22 viction for purposes of this chapter if—

23 “(i) the conviction is reversed or set aside based  
24 on a determination that the conviction is invalid;

1           “(ii) the person has been pardoned, unless the  
2 authority that grants the pardon expressly states  
3 that the person may not ship, transport, possess, or  
4 receive firearms; or

5           “(iii) the person has had civil rights restored, or  
6 the conviction is expunged, and—

7           “(I) the authority that grants the restora-  
8 tion of civil rights or expungement expressly au-  
9 thorizes the person to ship, transport, receive,  
10 and possess firearms and expressly determines  
11 that the circumstances regarding the conviction  
12 and the person’s record and reputation are such  
13 that the person is not likely to act in a manner  
14 that is dangerous to public safety, and that the  
15 granting of the relief is not contrary to the pub-  
16 lic interest; and

17           “(II) the conviction was for an offense  
18 other than a serious drug offense (as defined in  
19 section 924(e)(2)(A)) or violent felony (as de-  
20 fined in section 924(e)(2)(B)).”.

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