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Frank R. Lautenberg

AMENDMENT NO. _____ Calendar No. _____

Purpose: To regulate large capacity ammunition feeding devices.

IN THE SENATE OF THE UNITED STATES—113th Cong., 1st Sess.

	AMENDMENT N^o 0714		
To ens	By <i>Blumenthal for Lautenberg</i>		from
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	<small>GPO: 2012 77-320 (mac)</small>		

Blumenthal for

AMENDMENT intended to be proposed by Mr. LAUTENBERG (for himself, Mrs. FEINSTEIN, Mr. BLUMENTHAL, Mr. MURPHY, Mr. WHITEHOUSE, Mr. COWAN, Ms. HIRONO, Mr. KAINE, Mr. ROCKEFELLER, Mr. MERKLEY, Mrs. BOXER, Mr. CARPER, Ms. WARREN, Mr. LEVIN, Mr. DURBIN, Ms. KLOBUCHAR, Mr. MENENDEZ, Mrs. GILLIBRAND, Mr. FRANKEN, Mr. CARDIN, Mr. SCHUMER, and Mr. HARKIN)

Viz:

- 1 At the end, add the following:
- 2 **TITLE IV—LARGE CAPACITY**
- 3 **AMMUNITION FEEDING DEVICES**
- 4 **SEC. 401. DEFINITIONS.**
- 5 Section 921(a) of title 18, United States Code, is
- 6 amended by inserting after paragraph (29) the following:

1 “(30) The term ‘large capacity ammunition feeding
2 device’—

3 “(A) means a magazine, belt, drum, feed strip,
4 or similar device, including any such device joined or
5 coupled with another in any manner, that has an
6 overall capacity of, or that can be readily restored,
7 changed, or converted to accept, more than 10
8 rounds of ammunition; and

9 “(B) does not include an attached tubular de-
10 vice designed to accept, and capable of operating
11 only with, .22 caliber rimfire ammunition.

12 “(31) The term ‘qualified law enforcement officer’
13 has the meaning given the term in section 926B.”.

14 **SEC. 402. RESTRICTIONS ON LARGE CAPACITY AMMUNI-**
15 **TION FEEDING DEVICES.**

16 (a) IN GENERAL.—Section 922 of title 18, United
17 States Code, as amended by this Act, is amended by in-
18 serting after subsection (u) the following:

19 “(v)(1) It shall be unlawful for a person to import,
20 sell, manufacture, transfer, or possess, in or affecting
21 interstate or foreign commerce, a large capacity ammuni-
22 tion feeding device.

23 “(2) Paragraph (1) shall not apply to the possession
24 of any large capacity ammunition feeding device otherwise

1 lawfully possessed on or before the date of enactment of
2 the Safe Communities, Safe Schools Act of 2013.

3 “(3) Paragraph (1) shall not apply to—

4 “(A) the importation for, manufacture for, sale
5 to, transfer to, or possession by the United States
6 or a department or agency of the United States or
7 a State or a department, agency, or political subdivi-
8 sion of a State, or a sale or transfer to or possession
9 by a qualified law enforcement officer employed by
10 the United States or a department or agency of the
11 United States or a State or a department, agency,
12 or political subdivision of a State for purposes of law
13 enforcement (whether on or off duty), or a sale or
14 transfer to or possession by a campus law enforce-
15 ment officer for purposes of law enforcement (wheth-
16 er on or off duty);

17 “(B) the importation for, or sale or transfer to
18 a licensee under title I of the Atomic Energy Act of
19 1954 for purposes of establishing and maintaining
20 an on-site physical protection system and security
21 organization required by Federal law, or possession
22 by an employee or contractor of such licensee on-site
23 for such purposes or off-site for purposes of licensee-
24 authorized training or transportation of nuclear ma-
25 terials;

1 “(C) the possession, by an individual who is re-
2 tired in good standing from service with a law en-
3 forcement agency and is not otherwise prohibited
4 from receiving ammunition, of a large capacity am-
5 munition feeding device—

6 “(i) sold or transferred to the individual by
7 the agency upon such retirement; or

8 “(ii) that the individual purchased, or oth-
9 erwise obtained, for official use before such re-
10 tirement; or

11 “(D) the importation, sale, manufacture, trans-
12 fer, or possession of any large capacity ammunition
13 feeding device by a licensed manufacturer or licensed
14 importer for the purposes of testing or experimen-
15 tation authorized by the Attorney General.

16 “(4) For purposes of paragraph (3)(A), the term
17 ‘campus law enforcement officer’ means an individual who
18 is—

19 “(A) employed by a private institution of higher
20 education that is eligible for funding under title IV
21 of the Higher Education Act of 1965 (20 U.S.C.
22 1070 et seq.);

23 “(B) responsible for the prevention or investiga-
24 tion of crime involving injury to persons or property,

1 including apprehension or detention of persons for
2 such crimes;

3 “(C) authorized by Federal, State, or local law
4 to carry a firearm, execute search warrants, and
5 make arrests; and

6 “(D) recognized, commissioned, or certified by
7 a government entity as a law enforcement officer.”.

8 (b) IDENTIFICATION MARKINGS FOR LARGE CAPAC-
9 ITY AMMUNITION FEEDING DEVICES.—Section 923(i) of
10 title 18, United States Code, is amended by adding at the
11 end the following: “A large capacity ammunition feeding
12 device manufactured after the date of enactment of the
13 Safe Communities, Safe Schools Act of 2013 shall be iden-
14 tified by a serial number and the date on which the device
15 was manufactured or made, legibly and conspicuously en-
16 graved or cast on the device, and such other identification
17 as the Attorney General shall by regulations prescribe.”.

18 (c) SEIZURE AND FORFEITURE OF LARGE CAPACITY
19 AMMUNITION FEEDING DEVICES.—Section 924(d) of title
20 18, United States Code, is amended—

21 (1) in paragraph (1)—

22 (A) by inserting “or large capacity ammu-
23 nition feeding device” after “firearm or ammu-
24 nition” each place the term appears;

1 (B) by inserting “or large capacity ammu-
2 nition feeding device” after “firearms or ammu-
3 nition” each place the term appears; and

4 (C) by striking “or (k)” and inserting
5 “(k), or (v)”;

6 (2) in paragraph (2)(C), by inserting “or large
7 capacity ammunition feeding devices” after “fire-
8 arms or quantities of ammunition”; and

9 (3) in paragraph (3)(E), by inserting “922(v),”
10 after “922(n),”.

11 **SEC. 403. PENALTIES.**

12 Section 924(a)(1)(B) of title 18, United States Code,
13 as amended by this Act, is amended by inserting “(v),”
14 after “(q),”.

15 **SEC. 404. USE OF BYRNE GRANTS FOR BUY-BACK PRO-**
16 **GRAMS FOR LARGE CAPACITY AMMUNITION**
17 **FEEDING DEVICES.**

18 Section 501(a)(1) of the Omnibus Crime Control and
19 Safe Streets Act of 1968 (42 U.S.C. 3751(a)(1)), as
20 amended by this Act, is amended by adding at the end
21 the following:

22 “(I) Compensation for surrendered large
23 capacity ammunition feeding devices, as that
24 term is defined in section 921 of title 18,

1 United States Code, under buy-back programs
2 for large capacity ammunition feeding devices.”.

3 **SEC. 405. SEVERABILITY.**

4 If any provision of this title, an amendment made by
5 this title, or the application of such provision or amend-
6 ment to any person or circumstance is held to be unconsti-
7 tutional, the remainder of this title, the amendments made
8 by this title, and the application of such provision or
9 amendment to any person or circumstance shall not be af-
10 fected thereby.