

115TH CONGRESS
1ST SESSION

H. R. 358

To amend chapter 44 of title 18, United States Code, to more comprehensively address the interstate transportation of firearms or ammunition.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 6, 2017

Mr. GRIFFITH (for himself, Mr. PALAZZO, Mr. BABIN, Mr. DUNCAN of South Carolina, Mr. BROOKS of Alabama, Mr. JOHNSON of Ohio, Mr. STEWART, Mr. MESSER, Mr. ABRAHAM, Mr. TIPTON, Mr. FRANKS of Arizona, Mr. LAMBORN, Mr. FARENTHOLD, Mr. ZELDIN, Mr. GIBBS, Mr. DUFFY, Mr. KELLY of Pennsylvania, Mr. LONG, Mr. OLSON, Ms. JENKINS of Kansas, Mr. HENSARLING, Mr. SAM JOHNSON of Texas, Mr. YOUNG of Alaska, Mr. JODY B. HICE of Georgia, and Mr. ROE of Tennessee) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend chapter 44 of title 18, United States Code, to more comprehensively address the interstate transportation of firearms or ammunition.

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. INTERSTATE TRANSPORTATION OF FIREARMS**

4 **OR AMMUNITION.**

5 (a) IN GENERAL.—Section 926A of title 18, United
6 States Code, is amended to read as follows:

1 **“§ 926A. Interstate transportation of firearms or am-**
2 **munition**

3 “(a) Notwithstanding any provision of any law, rule,
4 or regulation of a State or any political subdivision there-
5 of:

6 “(1) A person who is not prohibited by this
7 chapter from possessing, transporting, shipping, or
8 receiving a firearm or ammunition shall be entitled
9 to transport a firearm for any lawful purpose from
10 any place where the person may lawfully possess,
11 carry, or transport the firearm to any other such
12 place if, during the transportation, the firearm is
13 unloaded, and—

14 “(A) if the transportation is by motor vehi-
15 cle, the firearm is not directly accessible from
16 the passenger compartment of the vehicle, and,
17 if the vehicle is without a compartment separate
18 from the passenger compartment, the firearm is
19 in a locked container other than the glove com-
20 partment or console, or is secured by a secure
21 gun storage or safety device; or

22 “(B) if the transportation is by other
23 means, the firearm is in a locked container or
24 secured by a secure gun storage or safety de-
25 vice.

1 “(2) A person who is not prohibited by this
2 chapter from possessing, transporting, shipping, or
3 receiving a firearm or ammunition shall be entitled
4 to transport ammunition, or any detachable maga-
5 zine or feeding device for ammunition, for any lawful
6 purpose from any place where the person may law-
7 fully possess, carry, or transport the ammunition,
8 magazine, or feeding device to any other such place
9 if, during the transportation, the ammunition, maga-
10 zine, or feeding device is not loaded into a firearm,
11 and—

12 “(A) if the transportation is by motor vehi-
13 cle, the ammunition, magazine, or feeding de-
14 vice is not directly accessible from the pas-
15 senger compartment of the vehicle, and, if the
16 vehicle is without a compartment separate from
17 the passenger compartment, the ammunition,
18 magazine, or feeding device is in a locked con-
19 tainer other than the glove compartment or
20 console; or

21 “(B) if the transportation is by other
22 means, the ammunition, magazine, or feeding
23 device is in a locked container.

24 “(b) In subsection (a), the term ‘transport’ includes
25 staying in temporary lodging overnight, stopping for food,

1 fuel, vehicle maintenance, an emergency, medical treat-
2 ment, and any other activity incidental to the transport,
3 but does not include transportation—

4 “(1) with the intent to commit a crime punish-
5 able by imprisonment for a term exceeding one year
6 that involves the use or threatened use of force
7 against another; or

8 “(2) with knowledge, or reasonable cause to be-
9 lieve, that such a crime is to be committed in the
10 course of, or arising from, the transportation.

11 “(c)(1) A person who is transporting a firearm, am-
12 munition, magazine, or feeding device may not be arrested
13 or otherwise detained for violation of any law or any rule
14 or regulation of a State or any political subdivision thereof
15 related solely to the possession, transportation, or carrying
16 of firearms, ammunition, magazine, or feeding device un-
17 less there is probable cause to believe that the person is
18 doing so in a manner not provided for in subsection (a).

19 “(2) When a person asserts this section as a defense
20 in a criminal proceeding, the prosecution shall bear the
21 burden of proving, beyond a reasonable doubt, that the
22 conduct of the person did not satisfy the conditions set
23 forth in subsection (a).

24 “(3) When a person successfully asserts this section
25 as a defense in a criminal proceeding, the court shall

1 award the prevailing defendant a reasonable attorney's
2 fee.

3 “(d)(1) A person who is deprived of any right, privi-
4 lege, or immunity secured by this section, section 926B
5 or 926C, under color of any statute, ordinance, regulation,
6 custom, or usage of any State or any political subdivision
7 thereof, may bring an action in any appropriate court
8 against any other person, including a State or political
9 subdivision thereof, who causes the person to be subject
10 to the deprivation, for damages and other appropriate re-
11 lief.

12 “(2) The court shall award a plaintiff prevailing in
13 an action brought under paragraph (1) damages and such
14 other relief as the court deems appropriate, including a
15 reasonable attorney's fee.”.

16 (b) CLERICAL AMENDMENT.—The table of sections
17 for such chapter is amended in the item relating to section
18 926A by striking “firearms” and inserting “firearms or
19 ammunition”.

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