

116TH CONGRESS  
1ST SESSION

# H. R. 1705

To prevent the purchase of ammunition by prohibited purchasers.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 13, 2019

Ms. WASSERMAN SCHULTZ (for herself, Mr. CICILLINE, Ms. CLARKE of New York, Mr. COHEN, Ms. DELAURO, Mr. JOHNSON of Georgia, Mr. KRISHNAMOORTHY, Mr. LYNCH, Mr. MCNERNEY, Ms. MOORE, Ms. NORTON, Mr. PALLONE, Ms. SCHAKOWSKY, Mr. SERRANO, Mrs. WATSON COLEMAN, Ms. DEAN, Mr. KHANNA, Mr. DEUTCH, Mr. MOULTON, Ms. ROYBAL-ALLARD, Ms. KELLY of Illinois, Mr. CUMMINGS, Miss RICE of New York, Mr. ENGEL, Mr. RUSH, Ms. JACKSON LEE, Ms. FRANKEL, Mr. SOTO, Mr. RASKIN, Ms. MUCARSEL-POWELL, Mr. CLEAVER, Mr. ESPAILLAT, Mrs. LOWEY, Mr. PASCARELL, Ms. HAALAND, Mr. HASTINGS, Mr. NORCROSS, Mr. TAKANO, Mrs. NAPOLITANO, Mr. BRENDAN F. BOYLE of Pennsylvania, Ms. LOFGREN, Mrs. MCBATH, Mr. CRIST, Mr. CISNEROS, Mr. NADLER, Mr. BROWN of Maryland, Ms. ESHOO, Ms. PRESSLEY, Mr. SWALWELL of California, Mr. LEVIN of California, Mr. QUIGLEY, Ms. CLARK of Massachusetts, Mrs. DEMINGS, Mr. VARGAS, and Mr. KENNEDY) introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To prevent the purchase of ammunition by prohibited purchasers.

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 “Jaime’s Law”.

1 **SEC. 2. PURPOSE.**

2 The purpose of this Act is to enhance the background  
3 check process in the United States to prevent the purchase  
4 of ammunition by individuals prohibited from doing so.

5 **SEC. 3. TRANSFERS OF FIREARMS OR AMMUNITION.**

6 (a) IN GENERAL.—Section 922 of title 18, United  
7 States Code, is amended—

8 (1) by striking subsection (s) and redesignating  
9 subsection (t) as subsection (s);

10 (2) in subsection (s) (as so redesignated)—

11 (A) by inserting “or ammunition” after  
12 “firearm” each place it appears except in para-  
13 graph (3);

14 (B) in paragraph (1)(B)(ii), by inserting  
15 “in the case of a firearm,” before “3”;

16 (C) in paragraph (3)—

17 (i) by striking all that precedes sub-  
18 paragraph (B) and inserting the following:

19 “(3) Paragraph (1) shall not apply to a transfer be-  
20 tween a licensee and another person if—

21 “(A)(i) in the case of a firearm transfer—

22 “(I) such other person has presented to  
23 the licensee a permit that—

24 “(aa) allows such other person to pos-  
25 sess or acquire a firearm; and

1           “(bb) was issued not more than 5  
2           years earlier by the State in which the  
3           transfer is to take place; and

4           “(II) the law of the State provides that  
5           such a permit is to be issued only after an au-  
6           thorized government official has verified that  
7           the information available to such official does  
8           not indicate that possession of a firearm by  
9           such other person would be in violation of law;  
10          or

11          “(ii) in the case of an ammunition transfer—

12           “(I) such other person has presented to  
13           the licensee a permit that—

14           “(aa) allows such other person to pos-  
15           sess or acquire ammunition, or to possess  
16           or acquire a firearm; and

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

20           “(II) the law of the State provides that  
21           such a permit is to be issued only after an au-  
22           thorized government official has verified that  
23           the information available to such official does  
24           not indicate that possession of ammunition by

1           such other person would be in violation of  
2           law;” and

3                   (ii) in subparagraph (C)(ii), by strik-  
4           ing “(as defined in subsection (s)(8))”; and  
5           (D) by adding at the end the following:

6           “(7) In this subsection, the term ‘chief law enforce-  
7           ment officer’ means the chief of police, the sheriff, or an  
8           equivalent officer or the designee of any such individual.”;  
9           and

10           (3) by inserting after subsection (s) (as so re-  
11           designated) the following:

12           “(t)(1)(A) It shall be unlawful for any person who  
13           is not a licensed importer, licensed manufacturer, or li-  
14           censed dealer to transfer ammunition to any other person  
15           who is not so licensed, unless a licensed importer, licensed  
16           manufacturer, or licensed dealer has first taken possession  
17           of the ammunition for the purpose of complying with sub-  
18           section (s).

19           “(B) Upon taking possession of ammunition under  
20           subparagraph (A), a licensee shall comply with all require-  
21           ments of this chapter as if the licensee were transferring  
22           ammunition from the inventory of the licensee to the unli-  
23           censed transferee.

24           “(C) If a transfer of ammunition described in sub-  
25           paragraph (A) will not be completed for any reason after

1 a licensee takes possession of the ammunition (including  
2 because the transfer of the ammunition to, or receipt of  
3 the ammunition by, the transferee would violate this chap-  
4 ter), the return of the ammunition to the transferor by  
5 the licensee shall not constitute the transfer of ammuni-  
6 tion for purposes of this chapter.

7 “(2) Paragraph (1) shall not apply to—

8 “(A) a law enforcement agency or any law en-  
9 forcement officer, armed private security profes-  
10 sional, or member of the armed forces, to the extent  
11 the officer, professional, or member is acting within  
12 the course and scope of employment and official du-  
13 ties;

14 “(B) a transfer that is a loan or bona fide gift  
15 between spouses, between domestic partners, be-  
16 tween parents and their children, between siblings,  
17 between aunts or uncles and their nieces or nephews,  
18 or between grandparents and their grandchildren;

19 “(C) a transfer to an executor, administrator,  
20 trustee, or personal representative of an estate or a  
21 trust that occurs by operation of law upon the death  
22 of another person;

23 “(D) a transfer if the transfer is necessary to  
24 prevent imminent death or great bodily harm, if the  
25 possession by the transferee lasts only as long as im-

1       mediately necessary to prevent the imminent death  
2       or great bodily harm; or

3               “(E) a transfer, if the transferor has no reason  
4       to believe that the transferee will use or intends to  
5       use the ammunition in a crime or is prohibited from  
6       possessing ammunition under State or Federal law,  
7       and the transfer takes place and the transferee’s  
8       possession of the ammunition is exclusively—

9               “(i) at a shooting range or in a shooting  
10       gallery or other area designated for the purpose  
11       of target shooting;

12              “(ii) while reasonably necessary for the  
13       purposes of hunting, trapping, or fishing, if the  
14       transferor—

15              “(I) has no reason to believe that the  
16       transferee intends to use the ammunition  
17       in a place where it is illegal; and

18              “(II) has reason to believe that the  
19       transferee will comply with all licensing  
20       and permit requirements for such hunting,  
21       trapping, or fishing; or

22              “(iii) while in the presence of the trans-  
23       feror.

1 “(3)(A) Notwithstanding any other provision of this  
2 chapter, the Attorney General may implement this sub-  
3 section with regulations.

4 “(B) Regulations promulgated under this paragraph  
5 may not include any provision requiring licensees to facili-  
6 tate transfers in accordance with paragraph (1).

7 “(C) Regulations promulgated under this paragraph  
8 may not include any provision requiring persons not li-  
9 censed under this chapter to keep records of background  
10 checks of ammunition transfers.

11 “(D) Regulations promulgated under this paragraph  
12 may not include any provision limiting the amount of any  
13 fee a licensee may charge to facilitate transfers in accord-  
14 ance with paragraph (1).

15 “(4) It shall be unlawful for a licensed importer, li-  
16 censed manufacturer, or licensed dealer to transfer posses-  
17 sion of ammunition to another person who is not so li-  
18 censed unless the importer, manufacturer, or dealer has  
19 provided such other person with a notice of the prohibition  
20 under paragraph (1), and such other person has certified  
21 that such other person has been provided with this notice  
22 on a form prescribed by the Attorney General.”.

23 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

24 (1) SECTION 922.—Section 922(y)(2) of title  
25 18, United States Code, is amended, in the matter

1 preceding subparagraph (A), by striking “,  
2 (g)(5)(B), and (s)(3)(B)(v)(II)” and inserting “and  
3 (g)(5)(B)”.

4 (2) CONSOLIDATED AND FURTHER CONTINUING  
5 APPROPRIATIONS ACT, 2012.—Section 511 of title V  
6 of division B of the Consolidated and Further Con-  
7 tinuing Appropriations Act, 2012 (34 U.S.C. 40901  
8 note) is amended by striking “subsection 922(t)”  
9 each place it appears and inserting “subsection (s)  
10 or (t) of section 922”.

11 **SEC. 4. RULES OF CONSTRUCTION.**

12 Nothing in this Act, or any amendment made by this  
13 Act, shall be construed to—

14 (1) authorize the establishment, directly or indi-  
15 rectly, of a national firearms or ammunition reg-  
16 istry; or

17 (2) interfere with the authority of a State,  
18 under section 927 of title 18, United States Code,  
19 to enact a law on the same subject matter as this  
20 Act.

21 **SEC. 5. EFFECTIVE DATE.**

22 This title and the amendments made by this title  
23 shall take effect 180 days after the date of enactment of  
24 this Act.

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