

PUBLICATION

Potential Gun Control Legislation Amid Recent Mass Shootings

September 06, 2019

In the wake of recent mass shootings, the debate over gun control legislation is likely to take center stage when the 116th Congress returns in September. Since January 3, 2019, 100 bills containing the word "guns" have been introduced. See [Congress.gov](https://www.congress.gov). Seventy-one originated in the House and 29 originated in the Senate; 80 were introduced by Democrats and 20 were introduced by Republicans. Not all of the bills propose gun control measures, and of those that do, few are likely to receive recommendations from committees for debate and vote by the full House or Senate. Indeed, only two – the Bipartisan Background Checks Act of 2019 (H.R.8) and the Enhanced Background Checks Act of 2019 (H.R.1112) – have passed from the House to the Senate. The following is an overview of gun control-related bills organized by topic.

Restriction of Assault Weapons and High-capacity Magazines

The Assault Weapons Ban of 2019 (H.R.1296), which was introduced by Representative David Cicilline (D-RI) and has 205 co-sponsors, seeks to amend Title I of the Gun Control Act of 1968 (as amended by the Firearms Owners' Protection Act of 1986 and subsequent enactments), 18 U.S.C. §§ 921 et seq., to make it "unlawful for a person to import, sell, manufacture, transfer, or possess . . . a semiautomatic assault weapon" (SAW) or a large capacity ammunition feeding device (LCAFD). The definition of SAW is extensive and limits lawful possession of semiautomatic firearms to discrete subcategories of rifles, pistols and shotguns based on their appearance, magazine type (detachable versus fixed), and functional features (i.e., threaded barrel, forward grip, adjustable stock, etc.). The definition of LCAFD includes any magazine that can hold more than ten rounds of ammunition.

Although the bill grandfathers SAWs legally owned prior to its enactment, it prohibits the transfer of any grandfathered SAW between private parties unless the transfer is facilitated by a federally licensed firearms dealer. The bill also permits the continued possession of LCAFDs but prohibits their subsequent transfer. Additionally, the bill requires law enforcement to be notified when any person who is prohibited from possessing firearms attempts to purchase a grandfathered SAW. The Assault Weapons Ban of 2019 was also introduced in the Senate (S.66) by Senator Dianne Feinstein (D-CA) and has 30 co-sponsors.

The Keep Americans Safe Act (H.R.1186), which was introduced by Representative Theodore Deutch (D-FL) and has 136 co-sponsors, seeks to criminalize the import, sale, manufacture, transfer or possession of LCAFDs. Like the Assault Weapons Ban of 2019, it permits continued possession of grandfathered LCAFDs but prohibits their subsequent transfer. Both the Keep Americans Safe Act and the Assault Weapons Ban of 2019 would allow state and local governments to use Edward Byrne Memorial Justice Assistance Grant Program funds to compensate persons who voluntarily surrender a LCAFD under a buyback program. Read the full text of H.R.1296, S.66, and H.R.1186 [here](#), [here](#) and [here](#).

Relatedly, the Safer Neighborhoods Gun Buyback Act of 2019 (H.R.1279), which was introduced by Representative Donald Payne, Jr. (D-NJ) and has 68 co-sponsors, seeks to authorize the Director of the Bureau of Justice Assistance to make grants to states, local governments and licensed firearms dealers to conduct gun buyback programs. Read the full text of H.R.1279 [here](#).

Background Checks

Currently, licensed firearms dealers are required to conduct background checks on prospective firearms purchasers by submitting their identifying information to the National Instant Criminal Background Check System (NICS) prior to any transfer. Federal law does not require background checks to be performed prior to private firearms transfers between individuals residing in the same state. The Bipartisan Background Checks Act of 2019 (H.R.8), which was introduced by Representative Mike Thompson (D-CA) and has 232 co-sponsors, seeks to amend 18 U.S.C. § 922 to prohibit the private transfer of any firearm without conducting the transfer through a federally licensed firearms dealer. The dealer would be required to conduct a background check on the transferee as if he were purchasing the firearm out of the dealer's inventory. The bill exempts limited classes of transfers, such as when a firearm is given as a gift to a direct family member or the transfer to an executor or a trust that occurs by operation of law upon the death of another person. The bill passed the House on February 27, 2019 by a vote of 240 – 190. The related Background Check Expansion Act (S.42) was introduced by Senator Christopher Murphy (D-CT) and has 41 co-sponsors. Read the full text of H.R.8 and S.42 [here](#) and [here](#).

The Enhanced Background Checks Act of 2019 (H.R.1112), which was introduced by Representative James Clyburn (D-SC) and has 15 co-sponsors, seeks to amend the required background check procedures governing situations where the results of a background check are not communicated to the licensed dealer. Currently, a dealer may transfer the firearm to the purchaser only after verifying the transferee's identity and receiving a unique transfer identification number from NICS. 18 U.S.C. § 922(t)(1)(B)(i). The dealer may transfer the firearm if it has not received a transfer identification number, but it may do so only if it has not been informed that the transfer is prohibited after three days have elapsed since submitting the purchaser's information to NICS. 18 U.S.C. § 922(t)(1)(B)(ii).

The Enhanced Background Checks Act proposes replacing Section 922(t)(1)(B)(ii) so that if the dealer has not received a response from NICS after ten business days have elapsed since contacting the system, the prospective purchaser would be required to submit a petition for review. The dealer may then transfer the firearm only if NICS has not responded after ten business days have elapsed since the transferee submitted the petition. Additionally, the bill seeks to amend the current prohibition against transferring firearms to any person who "has been adjudicated as mental [sic] defective or has been committed to any mental institution", 18 U.S.C. §§ 922(d)(4), 922(g)(4), "to prohibit transfer to any person who has been adjudicated with mental illness, severe developmental disability, or severe emotional instability." The bill passed the House on February 28, 2019 by a vote of 228 – 198. Read the full text of H.R.1112 [here](#).

Red Flag Laws and Other Restrictions on Firearm Possession by Certain Individuals

The Extreme Risk Protection Order and Violence Prevention Act of 2019 (S.7), which was introduced by Senator Marco Rubio (R-FL), seeks to encourage states to enact laws that permit a law enforcement officer, family member or household member of a high-risk individual – someone who is believed to pose a "significant danger of causing personal injury to himself or herself or others" by possessing or purchasing a firearm or ammunition – to obtain an expedited hearing to determine whether the individual should be prohibited from purchasing or possessing firearms or ammunition. Although the bill has only three co-sponsors, "Red Flag" laws have received heightened media attention in the wake of recent mass shootings. Read the full text of S.7 [here](#).

The Zero Tolerance for Domestic Abusers Act of 2019 (H.R.569), which was introduced by Representative Debbie Dingell (D-MI) and has 121 co-sponsors, seeks to add individuals who have been convicted of the

misdemeanor crime of stalking to the list of persons who are prohibited from purchasing or possessing firearms under 18 U.S.C. § 922. Read the full text of H.R.569 [here](#). Similarly, the Keeping Guns from High-Risk Individuals Act (H.R.1116), which was introduced by Representative Robin Kelly (D-IL) and has 24 co-sponsors, seeks to prohibit possession of firearms by persons who have been convicted of the misdemeanor crime of stalking, convicted of a crime of violence within the past ten years, or convicted of two separate offenses involving drug or alcohol possession or distribution within a three-year period. Read the full text of H.R.1116 [here](#).

Gun Safety and Gun Violence Research

The Gun Violence Prevention Research Act of 2019 (H.R.674), which was introduced by Representative Carolyn Maloney (D-NY) and has 94 co-sponsors, would authorize funding for the Centers for Disease Control and Prevention to research gun safety and gun violence prevention as a public health issue. The Senate version of the Gun Violence Prevention Research Act (S.184) was introduced by Senator Edward Markey (D-MA) and has 41 co-sponsors. Read the full text of H.R.674 and S.184 [here](#) and [here](#).

Concealed Carry Reciprocity

The Concealed Carry Reciprocity Act of 2019 (H.R.38), which was introduced by Representative Richard Hudson (R-NC) and has 155 co-sponsors, seeks to allow individuals who have a valid concealed carry permit from their state of residence to carry a concealed weapon in any other state that permits concealed carry, so long as the individual also carries valid photo identification and the valid concealed carry permit. Read the full text of H.R.38 [here](#).