

112TH CONGRESS  
2D SESSION

# H. R. 4269

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

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 27, 2012

Mr. GRIFFITH of Virginia (for himself, Mr. OWENS, and Mr. POE of Texas) introduced the following bill; which was referred to the Committee on the Judiciary

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## 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 for any lawful purpose  
5 from any place where the person may lawfully pos-  
6 sess, carry, or transport the ammunition, to any  
7 other such place if, during the transportation, the  
8 ammunition is not loaded into a firearm, and—

9           “(A) if the transportation is by motor vehi-  
10 cle, the ammunition is not directly accessible  
11 from the passenger compartment of the vehicle,  
12 and, if the vehicle is without a compartment  
13 separate from the passenger compartment, the  
14 ammunition is in a locked container other than  
15 the glove compartment or console; or

16           “(B) if the transportation is by other  
17 means, the ammunition is in a locked container.

18           “(b) In subsection (a), the term ‘transport’ includes  
19 staying in temporary lodging overnight, stopping for food,  
20 fuel, vehicle maintenance, an emergency, medical treat-  
21 ment, and any other activity incidental to the transport,  
22 but does not include transportation—

23           “(1) with the intent to commit a crime punish-  
24 able by imprisonment for a term exceeding one year

1 that involves the use or threatened use of force  
2 against another; or

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

6 “(c)(1) A person who is transporting a firearm or  
7 ammunition may not be arrested or otherwise detained for  
8 violation of any law or any rule or regulation of a State  
9 or any political subdivision thereof related to the posses-  
10 sion, transportation, or carrying of firearms, unless there  
11 is probable cause to believe that the person is doing so  
12 in a manner not provided for in subsection (a).

13 “(2) When a person asserts this section as a defense  
14 in a criminal proceeding, the prosecution shall bear the  
15 burden of proving, beyond a reasonable doubt, that the  
16 conduct of the person did not satisfy the conditions set  
17 forth in subsection (a).

18 “(3) When a person successfully asserts this section  
19 as a defense in a criminal proceeding, the court shall  
20 award the prevailing defendant a reasonable attorney’s  
21 fee.

22 “(d)(1) A person who is deprived of any right, privi-  
23 lege, or immunity secured by this section, section 926B  
24 or 926C, under color of any statute, ordinance, regulation,  
25 custom, or usage of any State or any political subdivision

1 thereof, may bring an action in any appropriate court  
2 against any other person, including a State or political  
3 subdivision thereof, who causes the person to be subject  
4 to the deprivation, for damages and other appropriate re-  
5 lief.

6       “(2) The court shall award a plaintiff prevailing in  
7 an action brought under paragraph (1) damages and such  
8 other relief as the court deems appropriate, including a  
9 reasonable attorney’s fee.”.

10       (b) CLERICAL AMENDMENT.—The table of sections  
11 for such chapter is amended in the item relating to section  
12 926A by striking “firearms” and inserting “firearms or  
13 ammunition”.

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