

**Calendar No. 36**113<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION**S. 691**

To regulate large capacity ammunition feeding devices.

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**IN THE SENATE OF THE UNITED STATES**

APRIL 9, 2013

Mr. BLUMENTHAL (for Mr. LAUTENBERG (for himself, Mrs. FEINSTEIN, Mr. BLUMENTHAL, Mr. MURPHY, Mr. WHITEHOUSE, Mr. COWAN, Ms. HIRONO, Mr. Kaine, Mr. MERKLEY, and Mr. ROCKEFELLER)) introduced the following bill; which was read the first time

APRIL 10, 2013

Read the second time and placed on the calendar

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**A BILL**

To regulate large capacity ammunition feeding devices.

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 the “High-Capacity Ammu-  
5 nition Magazine Ban of 2013”.

6 **SEC. 2. DEFINITIONS.**

7 Section 921(a) of title 18, United States Code, is  
8 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. 3. RESTRICTIONS ON LARGE CAPACITY AMMUNITION**  
15 **FEEDING DEVICES.**

16 (a) IN GENERAL.—Section 922 of title 18, United  
17 States Code, is amended by inserting after subsection (u)  
18 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 High-Capacity Ammunition Magazine Ban 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 High-Capacity Ammunition Magazine Ban of 2013 shall  
14 be identified by a serial number and the date on which  
15 the device was manufactured or made, legibly and con-  
16 spicuously engraved or cast on the device, and such other  
17 identification as the Attorney General shall by regulations  
18 prescribe.”.

19 (c) SEIZURE AND FORFEITURE OF LARGE CAPACITY  
20 AMMUNITION FEEDING DEVICES.—Section 924(d) of title  
21 18, United States Code, is amended—

22 (1) in paragraph (1)—

23 (A) by inserting “or large capacity ammu-  
24 nition feeding device” after “firearm or ammu-  
25 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. 4. PENALTIES.**

12 Section 924(a)(1)(B) of title 18, United States Code,  
13 is amended by striking “or (q)” and inserting “(q), or  
14 (v)”.

15 **SEC. 5. USE OF BYRNE GRANTS FOR BUY-BACK PROGRAMS**  
16 **FOR LARGE CAPACITY AMMUNITION FEED-**  
17 **ING 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)) is  
20 amended by adding at the end the following:

21 “(H) Compensation for surrendered large  
22 capacity ammunition feeding devices, as that  
23 term is defined in section 921 of title 18,  
24 United States Code, under buy-back programs  
25 for large capacity ammunition feeding devices.”.

1 **SEC. 6. SEVERABILITY.**

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

**Calendar No. 36**

113<sup>TH</sup> CONGRESS  
1<sup>ST</sup> Session

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