

115TH CONGRESS  
1ST SESSION

# S. 618

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 SENATE OF THE UNITED STATES

MARCH 14, 2017

Mr. HATCH (for himself, Mr. LANKFORD, Mr. ROUNDS, Mr. DAINES, Mr. CRUZ, and Mr. CORNYN) introduced the following bill; which was read twice and 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. SHORT TITLE.**

4 This Act may be cited as the “Lawful Interstate  
5 Transportation of Firearms Act”.

6 **SEC. 2. INTERSTATE TRANSPORTATION OF FIREARMS OR**  
7 **AMMUNITION.**

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

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

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’—

1           “(1) includes staying in temporary lodging over-  
2           night, stopping for food, fuel, vehicle maintenance,  
3           an emergency, medical treatment, or any other activ-  
4           ity incidental to the transport; and

5           “(2) does not include transportation—

6           “(A) with the intent to commit a crime; or

7           “(B) with knowledge, or reasonable cause  
8           to believe, that such a crime is to be committed  
9           in the course of, or arising from, the transpor-  
10          tation.

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 chapter 44 of title 18, United States Code, is amended  
18 by striking the item relating to section 926A and inserting  
19 the following:

“926A. Interstate transportation of firearms or ammunition.”.

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