

116TH CONGRESS
2D SESSION

H. R. 5935

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

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 21, 2020

Mr. BROOKS of Alabama (for himself, Mr. BYRNE, Mr. GIANFORTE, Mr. BABIN, Mr. LAMBORN, Mr. NORMAN, Mr. LAMALFA, Mr. WATKINS, Mr. GAETZ, Mr. HICE of Georgia, Mr. DUNCAN, Mr. YOHO, Mr. GOSAR, and Mr. KING of Iowa) introduced the following bill; which was referred to the Committee on the Judiciary

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”.

1 **SEC. 2. INTERSTATE TRANSPORTATION OF FIREARMS OR**
2 **AMMUNITION.**

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

5 **“§ 926A. Interstate transportation of firearms or am-**
6 **munition**

7 “(a) Notwithstanding any provision of any law, rule,
8 or regulation of a State or any political subdivision there-
9 of:

10 “(1) A person who is not prohibited by this
11 chapter from possessing, transporting, shipping, or
12 receiving a firearm or ammunition shall be entitled
13 to transport a firearm for any lawful purpose from
14 any place where the person may lawfully possess,
15 carry, or transport the firearm to any other such
16 place if, during the transportation, the firearm is
17 unloaded, and—

18 “(A) if the transportation is by motor vehi-
19 cle, the firearm is not directly accessible from
20 the passenger compartment of the vehicle, and,
21 if the vehicle is without a compartment separate
22 from the passenger compartment, the firearm is
23 in a locked container other than the glove com-
24 partment or console, or is secured by a secure
25 gun storage or safety device; or

1 “(B) if the transportation is by other
2 means, the firearm is in a locked container or
3 secured by a secure gun storage or safety de-
4 vice.

5 “(2) A person who is not prohibited by this
6 chapter from possessing, transporting, shipping, or
7 receiving a firearm or ammunition shall be entitled
8 to transport ammunition, or any detachable maga-
9 zine or feeding device for ammunition, for any lawful
10 purpose from any place where the person may law-
11 fully possess, carry, or transport the ammunition,
12 magazine, or feeding device to any other such place
13 if, during the transportation, the ammunition, maga-
14 zine, or feeding device is not loaded into a firearm,
15 and—

16 “(A) if the transportation is by motor vehi-
17 cle, the ammunition, magazine, or feeding de-
18 vice is not directly accessible from the pas-
19 senger compartment of the vehicle, and, if the
20 vehicle is without a compartment separate from
21 the passenger compartment, the ammunition,
22 magazine, or feeding device is in a locked con-
23 tainer other than the glove compartment or
24 console; or

1 “(B) if the transportation is by other
2 means, the ammunition, magazine, or feeding
3 device is in a locked container.

4 “(b) In subsection (a), the term ‘transport’ includes
5 staying in temporary lodging, stopping for food, fuel, vehi-
6 cle maintenance, an emergency, medical treatment, or any
7 other activity incidental to the transport.

8 “(c)(1) A person who is transporting a firearm, am-
9 munition, magazine, or feeding device may not be arrested
10 or otherwise detained for violation of any law or any rule
11 or regulation of a State or any political subdivision thereof
12 related to the possession, transportation, or carrying of
13 firearms, ammunition, magazine, or feeding device un-
14 less—

15 “(A) there is probable cause to believe that the
16 person is doing so in a manner not provided for in
17 subsection (a); and

18 “(B) there is probable cause to believe that the
19 person has committed a crime other than the viola-
20 tion.

21 “(2) When a person asserts this section as a defense
22 in a criminal proceeding, the prosecution shall bear the
23 burden of proving, beyond a reasonable doubt, that the
24 conduct of the person did not satisfy the conditions set
25 forth in subsection (a).

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

5 “(d)(1) A person who is deprived of any right, privi-
6 lege, or immunity secured by this section, section 926B
7 or 926C, under color of any statute, ordinance, regulation,
8 custom, or usage of any State or any political subdivision
9 thereof, may bring an action in any appropriate court
10 against any other person, including a State or political
11 subdivision thereof, who causes the person to be subject
12 to the deprivation, for damages and other appropriate re-
13 lief.

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

18 (b) CLERICAL AMENDMENT.—The table of sections
19 for chapter 44 of title 18, United States Code, is amended
20 by striking the item relating to section 926A and inserting
21 the following:

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

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