

Section Two: Legislation That Would Effectively Ban All Assault Weapons

Legislation to address the industry's subversion of the 1994 ban has been introduced in the 108th Congress by Representatives Carolyn McCarthy (D-NY) and John Conyers (D-MI) in the U.S. House of Representatives (H.R. 2038) and Senator Frank Lautenberg (D-NJ) in the U.S. Senate (S. 1431). The legislation is based on California's 1999 state assault weapons ban, which, unlike federal law, addresses the "copycat" issue. The "Assault Weapons Ban and Law Enforcement Protection Act of 2003" would:

- **Expand the list of named, banned assault weapons.** The limited list of banned assault weapons contained in the original law is expanded to address new, post-ban weapons marketed by the industry as well as assault weapons not covered by the 1994 law.
- **Improve the definition of "assault weapon" to cover all assault weapons.** The definition is refined to include firearms that accept a detachable ammunition magazine and incorporate *one* other assault weapon characteristic such as a pistol grip or folding stock. Current law requires the presence of two such characteristics before a gun is labeled an "assault weapon." The narrowness of this definition has resulted in a proliferation of post-ban assault weapons, including legal versions of guns—such as the MAC-10 and AR-15—banned by name in the 1994 law.
- **Revise the list of assault weapon characteristics to delete some extraneous characteristics and better define others.** Some "assault weapon" characteristics used to define such weapons in current law actually have no bearing on whether the firearm functions as an assault weapon. For example, the ability to attach a bayonet to the barrel of a gun has no bearing on whether the firearm functions as an assault weapon. In addition, the term "pistol grip" is clarified to include so-called "thumbhole stocks" or other design features that perform the same function.
- **Clarify the term "firearm" as used in the assault weapons ban to include the frame or receiver of a prohibited gun.** The "receiver" of any firearm is its major working part. Receivers and frames are defined by the Gun Control Act of 1968 as "firearms." The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), however, has adopted a different interpretation of this basic federal gun law in the case of assault weapons, determining that the term "firearm" as applied to assault weapons does not include receivers or frames. This interpretation allows gun dealers and wholesalers to sell new receivers of otherwise banned guns. Furthermore, all of the other parts necessary to make an assault weapon are readily available, often sold as "parts kits."

Compounding this problem is the fact that it is legal for an individual to manufacture a firearm for personal use.

- **Prohibit manufacturers from using pre-ban, high-capacity ammunition magazines in post-ban assault weapons.** Under the 1994 law, no new firearm may be manufactured or sold in the United States with an ammunition magazine that has a capacity greater than 10 rounds. Assault weapon manufacturers are circumventing the law by equipping new guns with “grandfathered” high-capacity magazines of 10 rounds or more.
- **Ban the Importation of high-capacity ammunition magazines.** Currently, ATF regulations allow for the importation of foreign-made, high-capacity magazines manufactured prior to the 1994 ban. This not only ensures that there will always be a supply of high-capacity magazines available for sale in the United States, but also dramatically increases the possibility that the manufacture date of new high-capacity magazines can be falsified.

As seen by the product lines of these manufacturers, the firearms industry has successfully evaded the 1994 ban. Therefore, simple renewal of the existing ban will do nothing to address the severe danger that assault weapons pose to public safety. Reauthorization of the ban must include substantial improvements to prevent the gun industry from continuing to flood America’s streets with these deadly weapons.