

117TH CONGRESS
2D SESSION

H. R. 8537

To amend title 18, United States Code, to provide increased penalties for mass killings involving machineguns or certain semiautomatic weapons, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 27, 2022

Mr. MOULTON (for himself and Ms. ESCOBAR) introduced the following bill;
which was referred to the Committee on the Judiciary

A BILL

To amend title 18, United States Code, to provide increased penalties for mass killings involving machineguns or certain semiautomatic weapons, and for other purposes.

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 “Mass Shooter Prosecu-
5 tion Act of 2022”.

1 **SEC. 2. MASS KILLINGS USING MACHINEGUNS OR COVERED**
2 **SEMIAUTOMATIC WEAPONS.**

3 (a) IN GENERAL.—Chapter 113B of title 18, United
4 States Code, is amended by inserting after section 2332i
5 the following:

6 **“§ 2332j. Mass killings using machineguns or covered**
7 **semiautomatic weapons**

8 “(a) Whoever kills 3 or more people in a single inci-
9 dent using a machinegun or a covered semiautomatic
10 weapon in a circumstance described in subsection (b),
11 shall be imprisoned for any term of years or for life.

12 “(b) A circumstance described in this subsection is
13 any one of the following:

14 “(1) The mail or any facility of interstate or
15 foreign commerce was used in furtherance of the of-
16 fense.

17 “(2) The machinegun or covered semiautomatic
18 weapon used in the commission of the offense was
19 transported in interstate or foreign commerce.

20 “(3) The perpetrator traveled in or caused an-
21 other to travel in interstate or foreign commerce in
22 furtherance of the offense.

23 “(4) The offense occurred within the special
24 maritime and territorial jurisdiction of the United
25 States.

1 “(5) The offense otherwise occurred in or af-
2 fected interstate or foreign commerce.”.

3 (b) DEFINITION.—Section 2331 of chapter 113B is
4 amended—

5 (1) in paragraph (5), by striking “and” at the
6 end;

7 (2) in paragraph (6), by striking the period at
8 the end and inserting a semicolon; and

9 (3) by adding at the end the following:

10 “(7) the term ‘covered semiautomatic weapon’
11 means—

12 “(A) semiautomatic rifle that—

13 “(i) has a magazine that is not a fixed
14 magazine; and

15 “(ii) does have any one of—

16 “(I) a pistol grip;

17 “(II) a forward grip;

18 “(III) a folding, telescoping, or
19 detachable stock, or is otherwise
20 foldable or adjustable in a manner
21 that operates to reduce the length,
22 size, or any other dimension, or other-
23 wise enhances the concealability, of
24 the weapon;

25 “(IV) a grenade launcher;

1 “(V) a barrel shroud; or

2 “(VI) a threaded barrel;

3 “(B) a semiautomatic rifle that has a fixed
4 magazine with the capacity to accept more than
5 10 rounds, except for an attached tubular de-
6 vice designed to accept, and capable of oper-
7 ating only with, .22 caliber rimfire ammunition;

8 “(C) any part, combination of parts, com-
9 ponent, device, attachment, or accessory that is
10 designed or functions to accelerate the rate of
11 fire of a semiautomatic firearm but not convert
12 the semiautomatic firearm into a machinegun;

13 “(D) a semiautomatic shotgun that—

14 “(i) has the capacity to utilize a mag-
15 azine that is not a fixed magazine; and

16 “(ii) does have any one of—

17 “(I) a folding, telescoping, or de-
18 tachable stock;

19 “(II) a pistol grip or bird’s head
20 grip;

21 “(III) a fixed magazine with the
22 capacity to accept more than 5
23 rounds;

24 “(IV) the ability to accept a de-
25 tachable magazine;

1 “(V) a forward grip; or

2 “(VI) a grenade launcher;

3 “(E) any AK or AR type of weapon, in-
4 cluding a rifle, copy, duplicate, variant, or al-
5 tered facsimile with the capability of any such
6 weapon; or

7 “(F) any weapon that is substantially simi-
8 lar to a weapon described in subparagraphs (A)
9 through (E) determined by the Attorney Gen-
10 eral pursuant to a rule, which shall be made on
11 the record after opportunity for a hearing pur-
12 suant to the rulemaking procedures prescribed
13 by subchapter II of chapter 5 of title 5; and

14 “(8) the term ‘machinegun’ has the meaning
15 given such term in section 5845(b) of the Internal
16 Revenue Code of 1986.”.

17 (c) PROVIDING MATERIAL SUPPORT.—Section
18 2339A(a) of title 18, United States Code, is amended by
19 inserting after “2332f,” the following: “2332j,”.

20 (d) CLERICAL AMENDMENT.—The table of sections
21 for chapter 113B of title 18, United States Code, is
22 amended by inserting after the item related to section
23 2332i the following:

“2332j. Mass killings using machineguns or covered semiautomatic weapons.”.

1 **SEC. 3. REPORT ON CHARGES FILED FOR USE OF WEAPONS**
2 **OF MASS DESTRUCTION AND PROVIDING MA-**
3 **TERIAL SUPPORT TO TERRORISTS.**

4 On the date that is one year after the date of enact-
5 ment of this Act, and annually thereafter, the Attorney
6 General shall submit to Congress a report on each case
7 in which the Department of Justice has filed charges
8 under section 2332j or 2339a of title 18, United States
9 Code, during the previous year, which shall include the
10 following:

11 (1) For each case in which charges under sec-
12 tion 2332j of title 18, United States Code, were
13 filed—

14 (A) the date of the alleged offense;

15 (B) the number of individuals who were in-
16 jured;

17 (C) the number of fatalities;

18 (D) the age, gender, race, ethnicity, and
19 nationality of each individual charged under
20 such section; and

21 (E) the weapon used in the alleged offense.

22 (2) For each case in which charges under sec-
23 tion 2339a of title 18, United States Code, were
24 filed—

25 (A) the type of support alleged to have
26 been provided;

1 (B) to whom such support was alleged to
2 have been provided; and

3 (C) the age, gender, race, ethnicity, and
4 nationality of each individual charged under
5 such section.

6 **SEC. 4. INCLUSION OF DEMOGRAPHIC INFORMATION IN**
7 **REPORTS CONCERNING INTERCEPTED WIRE,**
8 **ORAL, OR ELECTRONIC COMMUNICATIONS.**

9 Section 2519(2)(c) of title 18, United States Code,
10 is amended by inserting after “order or extension,” the
11 following: “, the age, gender, race, ethnicity, and nation-
12 ality of each individual arrested,”.

○