

115th Congress

2nd Session

S. 15

To require licensing nationwide to obtain or possess a firearm.

IN THE SENATE OF THE UNITED STATES

November 30, 2018

Mr. Pahk introduced the following bill; which was read twice and referred to the Committee on
the Judiciary.

A BILL

To require licensing nationwide to obtain or possess a firearm.

Be it enacted by the Senate and House of Representatives of the United States of America
in Congress assembled,

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Firearm Licensing Act of 2018”.

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4 SECTION 2. SPECIFICATIONS

5 a) It is required for citizen to have a Firearm License to purchase or own a firearm. This
6 may be acquired once the person reaches the age of twenty-one.

7 a. The citizen may not acquire one if they have a criminal history of a gross
8 misdemeanor in the past five years. However, this does not apply to petty theft
9 charges unless a dangerous weapon was used. The same applies if the citizen
10 has 3 or more misdemeanors.

11 i. This will be determined with a background check through the FBI's
12 database, the NICS as well as any state databases.

13 ii. Convicted felons or those charged with a misdemeanor crime already
14 cannot possess a firearm under federal law. (18 U.S.C. § 922(g))

15 b. People with serious mental disorders or conditions will be barred from a
16 license. Examples include depression or schizophrenia.

17 c. Minors without licenses may operate a firearm with parental consent and
18 supervision, such as in hunting.

19 i. Adults without licenses may operate a firearm at a firing range if is
20 there is a supervisor present.

21 b) This license must be renewed every five years.

22 a. A mental health assessment must be conducted by a psychiatrist or mental
23 health professional every five years. The test must be done upon renewal or
24 application.

25 i. This assessment does not need to be too extensive, but the psychiatrist
26 must deem the patient mentally stable to possess a firearm.

27 b. Examinations will be paid on behalf of the firearm owner.

28 c. Licenses will have a \$10.00 fee to apply. An additional \$10.00 must be paid if
29 approved.

30 c) Background checks will still be conducted when purchasing a firearm through the
31 Federal Bureau of Investigation using the National Instant Criminal Background
32 Check System (NICS) database along with any other state databases if possible.

33 a. A thirty-day waiting period will also be implemented when attempting to
34 purchase a firearm.

35 d) Those currently owning guns prior to enactment (if enacted) will be required to apply
36 for a license within one-year after implementation of the law but may keep their
37 firearms until then.

38 a. If rejected for a license, the owner may not legally use their firearms and must
39 surrender them. It may be sold to a licensed firearms dealer, and the one-year
40 grace period will apply.

41 i. If not surrendered by the end of the required time, firearms will be
42 confiscated.

43 e) \$10,000 will be allocated for a monument to those lost in fires to be erected near the
44 Firefighter Memorial Park in Sacramento, California.

46 SECTION 3. CONTROLLING AGENCY

47 a) The Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) of the Department
48 of Justice will act as controlling agency.

49 a. Licensing will be done at local ATF offices, with 213 locations nationwide.

50 b) The Federal Bureau of Investigation's database, the NICS, is used for background
51 checks, but does will not be a controlling agency.

53 SECTION 4. PENALTIES

54 a) Revocation of License may occur if:

55 a. The owner is charged with a crime that is above or equal to a gross
56 misdemeanor other than petty theft unless done with a dangerous weapon.

57 i. In compliance with federal law (18 U.S.C. § 922(g)), if an owner is
58 charged with a domestic violence charge, they may not possess a
59 firearm, so revocation would occur.

60 b. The owner has two misdemeanors within one period of a license.

61 i. A class may be issued upon the owner upon the first misdemeanor if
62 deemed necessary by the judge, such as in cases of simple assault or
63 illicit drug use.

64 c. Illicit use or illegal possession of a firearm.

65 b) If a license is revoked, the owner may reapply two years after and if they meet
66 requirements of approval.

67 c) If a firearm is owned illegally by a citizen without a firearms license will result in
68 felony charge with a minimum fine of \$2,000 and/or five years in prison.

69 a. Knowingly selling a firearm to a person without a license will bring the same
70 punishment.

71 d) Those previously convicted of a felony, but on a non-violent charge, may be able to
72 apply if enough proof of change in their life. This would happen seldomly and must
73 pass background checks.

74 a. Proof of change includes holding a steady job, no addiction to substances, and
75 no current probation.

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77 All laws or parts of laws in conflict herewith at hereby repealed to the extent of the
78 conflict. If any portion of this act is declared unconstitutional, it is the intention of this legislature
79 that the other portions shall remain in full force and effect.

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86 President's Signature

Works Cited:

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