

116TH CONGRESS
1ST SESSION

S. _____

To provide grants to States to encourage the implementation and maintenance of firearms licensing requirements, and for other purposes.

IN THE SENATE OF THE UNITED STATES

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

A BILL

To provide grants to States to encourage the implementation and maintenance of firearms licensing requirements, 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 “Making America Safe
5 and Secure Act of 2019” or the “MASS Act”.

6 **SEC. 2. FIREARMS LICENSING.**

7 (a) IN GENERAL.—Title I of the Omnibus Crime
8 Control and Safe Streets Act of 1968 (34 U.S.C. 10101
9 et seq.) is amended by adding at the end the following:

1 **“PART OO—FIREARMS LICENSING**

2 **“SEC. 3051. DEFINITIONS.**

3 “(a) IN GENERAL.—In this part—

4 “(1) the term ‘covered license’ means a—

5 “(A) firearms license; or

6 “(B) firearms dealer license;

7 “(2) the term ‘extreme risk protection order’
8 means a written order, issued by a State court or
9 signed by a magistrate that, for a period not to ex-
10 ceed a time frame established by the State—

11 “(A) prohibits the individual named in the
12 order from having under the custody or control
13 of the individual, purchasing, possessing, or re-
14 ceiving a firearm or ammunition; and

15 “(B) requires that any firearm or ammuni-
16 tion under the custody or control of the indi-
17 vidual be removed;

18 “(3) the term ‘prohibited individual’ means an
19 individual who is categorically ineligible to receive a
20 covered license;

21 “(4) the term ‘suitable’ means that an indi-
22 vidual does not create a risk to public safety; and

23 “(5) the term ‘thorough background check’
24 means a Federal and State background check, which
25 may include a fingerprint-based background check.

1 “(b) PROHIBITED INDIVIDUALS.—For purposes of
2 this part, a State—

3 “(1) shall establish standards for categorizing
4 an individual as a prohibited individual for purposes
5 of receiving a covered license; and

6 “(2) in establishing standards with respect to a
7 covered license under paragraph (1), shall take into
8 consideration whether limitations may be warranted
9 based on—

10 “(A) criminal history;

11 “(B) whether an individual has been—

12 “(i) deemed a danger to himself or
13 herself or other individuals by a court or
14 authorized administrative body; or

15 “(ii) committed to a hospital or insti-
16 tution as a danger to himself or herself or
17 other individuals;

18 “(C) age;

19 “(D) legal residency;

20 “(E) military dishonorable discharges;

21 “(F) whether an individual is subject to a
22 permanent or temporary protection order;

23 “(G) outstanding arrest warrants;

24 “(H) status as a fugitive;

1 “(I) renunciation of United States citizen-
2 ship; and

3 “(J) other factors relevant to the suit-
4 ability of a license holder.

5 **“SEC. 3052. GRANTS AND CONDITIONS.**

6 “(a) GRANTS AUTHORIZED.—The Assistant Attorney
7 General may make grants to States to implement or main-
8 tain firearms and firearms dealer licensing requirements.

9 “(b) DURATION OF GRANTS.—A grant under sub-
10 section (a) shall be for a period of 3 fiscal years.

11 “(c) USE OF FUNDS FOR FIREARMS AND FIREARMS
12 DEALER LICENSING.—

13 “(1) ACTIVITIES.—Amounts received under a
14 grant under subsection (a) shall be used for the im-
15 plementation or maintenance of firearms and fire-
16 arms dealer licensing requirements, which shall in-
17 corporate and implement the elements described in
18 paragraph (2).

19 “(2) ELEMENTS.—The elements described in
20 this paragraph are those providing that—

21 “(A) an individual shall have a firearms li-
22 cense—

23 “(i) at the time of the purchase, rent-
24 al, or lease of a firearm or purchase of am-
25 munition; and

1 “(ii) during the entire period of own-
2 ership or possession of a firearm or ammu-
3 nition;

4 “(B)(i) an individual who (including the
5 owner or operator of a business that) sells,
6 rents, or leases a minimum number of firearms,
7 or sells ammunition, during a calendar year
8 shall obtain a firearms dealer license; and

9 “(ii) the State shall establish the minimum
10 number of firearms for purposes of clause (i),
11 which may not be higher than 10 per calendar
12 year;

13 “(C) the chief of police or the board or of-
14 ficer having control of the police department of
15 a local government, or a designee within the
16 same department, shall function as the licensing
17 authority;

18 “(D) for an application for issuance or re-
19 newal of a firearms license, the licensing au-
20 thority shall—

21 “(i) conduct a thorough background
22 check, which may include—

23 “(I) conducting an interview with
24 the applicant;

1 “(II) requiring the submission of
2 letters of reference stating that the
3 applicant is of sound mind and char-
4 acter; and

5 “(III) any other requirements the
6 State determines relevant; and

7 “(ii) make a determination of suit-
8 ability;

9 “(E) a first-time firearms license applicant
10 shall complete safety training;

11 “(F) for an application for issuance or re-
12 newal of a firearms dealer license, the licensing
13 authority shall conduct an investigation into the
14 criminal history of the applicant, which may in-
15 clude—

16 “(i) an interview with the applicant;

17 “(ii) a thorough background check;

18 and

19 “(iii) any other requirements the
20 State determines relevant;

21 “(G) the State shall establish appropriate
22 application processes for covered licenses con-
23 sistent with Federal, State, and local law;

24 “(H) the State shall establish standards
25 and processes by which licensing authorities can

1 revoke, suspend, or deny the issuance or re-
2 newal of a covered license;

3 “(I) the State shall ensure that a revoca-
4 tion, suspension, or denial cannot be based on
5 race, color, ethnicity, religion, sex, sexual ori-
6 entation, or gender identity;

7 “(J) the State shall establish judicial re-
8 view processes by which any applicant for or
9 holder of a covered license may, within a rea-
10 sonable time period, petition to obtain judicial
11 review of a revocation, suspension, or denial of
12 the issuance or renewal of a covered license;

13 “(K) the State shall establish—

14 “(i) standards and a process under
15 which a family member of an individual
16 who the family member fears is a danger
17 to himself, herself, or others may petition
18 for an extreme risk protection order; and

19 “(ii) standards for the termination or
20 extension of an order described in clause
21 (i);

22 “(L) the State shall establish processes
23 under which—

24 “(i) an individual whose covered li-
25 cense is revoked or suspended, or whose

1 application for issuance or renewal of a
2 covered license is denied, shall surrender or
3 transfer all firearms and ammunition that
4 are or would have been covered by the li-
5 cense; and

6 “(ii) an individual who is subject to
7 an extreme risk protection order shall sur-
8 render or transfer all firearms and ammu-
9 nition in the possession of the individual;

10 “(M) the State shall establish requirements
11 with which a firearms dealer licensee must com-
12 ply, which—

13 “(i) shall include requirements relat-
14 ing to—

15 “(I) the location at which the li-
16 censee conducts firearm or ammuni-
17 tion transactions;

18 “(II) the manner in which the li-
19 censee records firearm or ammunition
20 transactions;

21 “(III) background checks for em-
22 ployees of the licensee; and

23 “(IV) any other matter that the
24 State determines appropriate; and

1 “(ii) may include requirements that a
2 licensee—

3 “(I) maintain a permanent place
4 of business—

5 “(aa) that is not a resi-
6 dence; and

7 “(bb) at which the licensee
8 conducts all firearms or ammuni-
9 tion transactions;

10 “(II) submit to mandatory record
11 and inventory inspections by a licens-
12 ing authority;

13 “(III) maintain a sales record
14 book at the permanent place of busi-
15 ness described in subclause (I) in ac-
16 cordance with standards established
17 by the State;

18 “(IV) conduct a pre-employment
19 background check on each potential
20 employee to determine the suitability
21 of any potential employee who may
22 have direct and unmonitored contact
23 with a firearm or ammunition; and

24 “(V) take any other action that
25 the State determines appropriate;

1 “(N) the State shall promulgate rules and
2 regulations to ensure the prompt collection, ex-
3 change, dissemination, and distribution of infor-
4 mation pertaining to the issuance, renewal, ex-
5 piration, suspension, or revocation of a covered
6 license;

7 “(O) the State shall establish standards
8 that are consistent with Federal and State
9 law—

10 “(i) governing the transfer of a fire-
11 arm or ammunition; and

12 “(ii) for identifying a prohibited indi-
13 vidual, in accordance with section 3051(b);

14 “(P) the State shall promulgate rules and
15 regulations that require a dealer or private sell-
16 er of firearms or ammunition to verify the va-
17 lidity of a firearms license before the sale, rent-
18 al, or lease of any firearm or the sale of any
19 ammunition;

20 “(Q) a dealer or private seller of firearms
21 or ammunition shall report all sales, rentals,
22 and leases of firearms, and sales of ammuni-
23 tion, to State authorities;

24 “(R) a dealers of firearms or ammunition
25 shall notify the licensing authority when pre-

1 sented with an invalid or expired firearms li-
2 cense;

3 “(S) any firearms licensee whose firearm
4 or ammunition is lost or stolen shall report the
5 loss or theft to the licensing authority and
6 State authorities within a reasonable time
7 frame and in a manner established by the
8 State;

9 “(T) an individual holding a firearms li-
10 cense or firearms dealer license shall renew the
11 license on a time frame established by the
12 State;

13 “(U) an individual may not use the fire-
14 arms license of the individual to purchase a
15 firearm or ammunition for—

16 “(i) the unlawful use of the firearm or
17 ammunition by another individual; or

18 “(ii) the resale or other transfer of
19 the firearm or ammunition to an unli-
20 censed individual; and

21 “(V)(i) it shall be unlawful to store or keep
22 a firearm in any place unless the firearm is se-
23 cured in a locked container or equipped with a
24 tamper-resistant mechanical lock or other safety
25 device, properly engaged so as to render the

1 firearm inoperable by any individual other than
2 the owner or other lawfully authorized user; and

3 “(ii) for purposes of clause (i), a firearm
4 shall not be considered to be stored or kept if
5 carried by or under the control of the owner or
6 other lawfully authorized user.

7 “(3) SEPARATE AMMUNITION DEALER LICENSE
8 PERMITTED.—A State that requires a license for dealing
9 ammunition that is separate from a license for dealing
10 firearms shall be deemed to have satisfied the require-
11 ments under paragraph (2) relating to a firearms dealer
12 license, as that license relates to the dealing of ammuni-
13 tion, if the State imposes the same requirements for an
14 ammunition dealer license as are mandated under para-
15 graph (2) for a firearms dealer license, as that license re-
16 lates to the dealing of ammunition.

17 “(d) APPLICATION.—To be eligible to receive a grant
18 under subsection (a), a State shall submit to the Assistant
19 Attorney General an application at such time, in such
20 manner, and containing such information as the Assistant
21 Attorney General may require, including a description of
22 how the State will use the grant to implement or maintain
23 firearms and firearms dealer licensing requirements that
24 include the elements described in subsection (c)(2).

1 “(e) ANNUAL REPORT.—Each State receiving a
2 grant under this section shall submit to the Assistant At-
3 torney General, for each fiscal year during which the State
4 expends amounts received under the grant, a report, at
5 such time and in such manner as the Assistant Attorney
6 General may reasonably require, that contains—

7 “(1) a summary of the activities carried out
8 using amounts made available under the grant;

9 “(2) an assessment of whether the activities are
10 achieving the elements described in subsection
11 (c)(2); and

12 “(3) such other information as the Assistant
13 Attorney General may require.

14 “(f) LIMITATIONS ON THE ALLOCATION OF
15 FUNDS.—Not more than 2 percent of the amount made
16 available to carry out this section in any fiscal year may
17 be used by the Assistant Attorney General for salaries and
18 administrative expenses.

19 “(g) REALLOCATION OF APPROPRIATIONS.—A recipi-
20 ent of a grant under subsection (a) shall return to the
21 Assistant Attorney General any amounts received under
22 the grant that are not expended for a purpose described
23 in this section.”.

24 (b) AUTHORIZATION OF APPROPRIATIONS.—Section
25 1001(a) of title I of the Omnibus Crime Control and Safe

1 Streets Act of 1968 (34 U.S.C. 10261(a)) is amended by
2 adding at the end the following:

3 “(29) There are authorized to be appropriated
4 such sums as may be necessary to carry out part
5 OO.”.