

January 13, 2011

Dear Colleague:

On Tuesday, January 18, I will introduce legislation to restore the prohibition on large capacity ammunition feeding devices in the United States.

The United States Constitution guarantees to our citizens the right to keep and bear arms. At the same time that we can all acknowledge this basic right, I believe that we should also be able to come together to develop reasonable laws designed to ensure that the right to bear arms is exercised safely and responsibly. Just as we all celebrate and defend the first amendment but also understand that practical limits must be in place, such as not shouting, "Fire" in a crowded theater, so too should we be able to respect the second amendment while at the same time supporting commonsense regulations.

I believe there are many aspects of our nation's gun laws that deserve close scrutiny and updating. One place that I think we should start, however, is looking at the availability of large capacity ammunition feeding devices. This includes magazines that can hold dozens of rounds of ammunition. The only purpose for the existence of these devices is to be able to shoot as many people as possible as quickly as possible. There is no reason that these devices should be available to the general public.

The legislation that I will be introducing will prohibit the transfer, importation, or possession of high capacity magazines manufactured after the bill is enacted. Many of these devices exist currently and it would be impractical and unwise to attempt to ban their possession – criminalizing individuals who purchased the device legally. Instead, the bill will prohibit the transfer of those devices currently in existence. This allows individuals who currently own the devices to legally retain possession but works to prevent the spread of the devices by making it illegal to transfer them to another individual.

It is a sad fact of reality that we will never be able to prevent every instance of gun violence. We also will not be able to keep these large capacity magazines out of the hands of every criminal who would use them. This reality, however, does not make our efforts irrelevant. Instead, it makes our efforts even more vital. The legislation that I will introduce will reduce the available supply of these large capacity magazines, making it more difficult for individuals to acquire them. Though it will remain impossible to estimate, I believe that the increased difficulty in obtaining these devices will reduce their use and ultimately save lives.

I encourage all Members of Congress to join me in this commonsense effort to protect American families. If you have any questions, or if you are interested in becoming a cosponsor of the bill, please contact my office.

Sincerely,

Carolyn McCarthy  
Member of Congress

# Large Capacity Ammunition Feeding Devices Act

## Summary

The Large Capacity Ammunition Feeding Devices Act would put into place commonsense restrictions on large capacity ammunition magazines. This standalone bill is largely similar to the prohibition in place as a part of the Violent Crime Control and Law Enforcement Act signed into law in 1994.

### Definition:

- The bill defines large capacity ammunition feeding devices as “a magazine, belt, drum, feed strip, or similar device that has a capacity of, or that can be readily restored or converted to accept, more than 10 rounds of ammunition” (same as the original law)

### Post-Enactment Devices

- Prohibits the transfer, possession, or import of a large capacity ammunition feeding device manufactured after the date of enactment of this bill

### Pre-Enactment Devices

- Prohibits the transfer or import (but not possession) of large capacity ammunition feeding devices manufactured before the date of enactment of this bill

### Exemptions

- Allows for the following exemptions to the ban (identical to the original law):
  - Active law enforcement
  - Protection of nuclear materials
  - Retired law enforcement for devices transferred to them at retirement
  - Authorized testing or experimentation

### Major changes from the '94 law:

- Prohibits the importation of the devices
- Bans the transfer of devices in existence before the enactment of the bill (allows for continued possession)

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(Original Signature of Member)

112TH CONGRESS  
1ST SESSION

# H. R.

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To prohibit the transfer or possession of large capacity ammunition feeding devices, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

Mrs. MCCARTHY of New York introduced the following bill; which was referred to the Committee on \_\_\_\_\_

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# A BILL

To prohibit the transfer or possession of large capacity ammunition feeding devices, 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 “Large Capacity Ammu-  
5 nition Feeding Device Act”.

1 **SEC. 2. PROHIBITION ON TRANSFER OR POSSESSION OF**  
2 **LARGE CAPACITY AMMUNITION FEEDING DE-**  
3 **VICES.**

4 (a) DEFINITION.—Section 921(a) of title 18, United  
5 States Code, is amended by inserting after paragraph (29)  
6 the following:

7 “(30) The term ‘large capacity ammunition  
8 feeding device’—

9 “(A) means a magazine, belt, drum, feed  
10 strip, or similar device that has a capacity of,  
11 or that can be readily restored or converted to  
12 accept, more than 10 rounds of ammunition;  
13 but

14 “(B) does not include an attached tubular  
15 device designed to accept, and capable of oper-  
16 ating only with, .22 caliber rimfire ammuni-  
17 tion.”.

18 (b) PROHIBITIONS.—Section 922 of such title is  
19 amended by inserting after subsection (u) the following:

20 “(v)(1)(A)(i) Except as provided in clause (ii), it shall  
21 be unlawful for a person to transfer or possess a large  
22 capacity ammunition feeding device.

23 “(ii) Clause (i) shall not apply to the possession of  
24 a large capacity ammunition feeding device otherwise law-  
25 fully possessed within the United States on or before the  
26 date of the enactment of this subsection.

1       “(B) It shall be unlawful for any person to import  
2 or bring into the United States a large capacity ammuni-  
3 tion feeding device.

4       “(2) Paragraph (1) shall not apply to—

5           “(A) a manufacture for, transfer to, or posses-  
6 sion by the United States or a department or agency  
7 of the United States or a State or a department,  
8 agency, or political subdivision of a State, or a  
9 transfer to or possession by a law enforcement offi-  
10 cer employed by such an entity for purposes of law  
11 enforcement (whether on or off duty);

12           “(B) a transfer to a licensee under title I of the  
13 Atomic Energy Act of 1954 for purposes of estab-  
14 lishing and maintaining an on-site physical protec-  
15 tion system and security organization required by  
16 Federal law, or possession by an employee or con-  
17 tractor of such a licensee on-site for such purposes  
18 or off-site for purposes of licensee-authorized train-  
19 ing or transportation of nuclear materials;

20           “(C) the possession, by an individual who is re-  
21 tired from service with a law enforcement agency  
22 and is not otherwise prohibited from receiving am-  
23 munition, of a large capacity ammunition feeding de-  
24 vice transferred to the individual by the agency upon  
25 that retirement; or

1           “(D) a manufacture, transfer, or possession of  
2           a large capacity ammunition feeding device by a li-  
3           censed manufacturer or licensed importer for the  
4           purposes of testing or experimentation authorized by  
5           the Secretary.”.

6           (c) PENALTIES.—Section 924(a) of such title is  
7           amended by adding at the end the following:

8           “(8) Whoever knowingly violates section 922(v) shall  
9           be fined under this title, imprisoned not more than 10  
10          years, or both.”.

11          (d) IDENTIFICATION MARKINGS.—Section 923(i) of  
12          such title is amended by adding at the end the following:

13          “A large capacity ammunition feeding device manufac-  
14          tured after the date of the enactment of this sentence shall  
15          be identified by a serial number that clearly shows that  
16          the device was manufactured after such date of enactment,  
17          and such other identification as the Secretary may by reg-  
18          ulation prescribe.”.