

115TH CONGRESS
2D SESSION

S. _____

To amend title 18, United States Code, to prohibit the purchase of certain firearms by individuals under 21 years of age, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. FLAKE (for himself and Mrs. FEINSTEIN) introduced the following bill;
which was read twice and referred to the Committee on

A BILL

To amend title 18, United States Code, to prohibit the purchase of certain firearms by individuals under 21 years of age, 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 “Age 21 Act”.

5 **SEC. 2. PROHIBITION ON PURCHASE OF CERTAIN FIRE-**
6 **ARMS BY INDIVIDUALS UNDER 21 YEARS OF**
7 **AGE.**

8 (a) DEFINITIONS.—Section 921(a) of title 18, United
9 States Code, is amended—

1 (1) by inserting after paragraph (29) the fol-
2 lowing:

3 “(30) The term ‘semiautomatic pistol’ means any re-
4 peating pistol that—

5 “(A) utilizes a portion of the energy of a firing
6 cartridge to extract the fired cartridge case and
7 chamber the next round; and

8 “(B) requires a separate pull of the trigger to
9 fire each cartridge.

10 “(31) The term ‘semiautomatic shotgun’ means any
11 repeating shotgun that—

12 “(A) utilizes a portion of the energy of a firing
13 cartridge to extract the fired cartridge case and
14 chamber the next round; and

15 “(B) requires a separate pull of the trigger to
16 fire each cartridge.”; and

17 (2) by adding at the end the following:

18 “(36) The term ‘semiautomatic assault weapon’
19 means any of the following, regardless of country of manu-
20 facture or caliber of ammunition accepted:

21 “(A) A semiautomatic rifle that has the capac-
22 ity to accept a detachable magazine and any 1 of the
23 following:

24 “(i) A pistol grip.

25 “(ii) A forward grip.

1 “(iii) A folding, telescoping, or detachable
2 stock.

3 “(iv) A grenade launcher or rocket launch-
4 er.

5 “(v) A barrel shroud.

6 “(vi) A threaded barrel.

7 “(B) A semiautomatic rifle that has a fixed
8 magazine with the capacity to accept more than 10
9 rounds, except for an attached tubular device de-
10 signed to accept, and is capable of operating only
11 with, .22 caliber rimfire ammunition.

12 “(C) Any part, combination of parts, compo-
13 nent, device, attachment, or accessory that is de-
14 signed or functions to accelerate the rate of fire of
15 a semiautomatic rifle but not convert the semiauto-
16 matic rifle into a machinegun.

17 “(D) A semiautomatic pistol that has the ca-
18 pacity to accept a detachable magazine and any 1 of
19 the following:

20 “(i) A threaded barrel.

21 “(ii) A second pistol grip.

22 “(iii) A barrel shroud.

23 “(iv) The capacity to accept a detachable
24 magazine at some location outside of the pistol
25 grip.

1 “(E) A semiautomatic version of an automatic
2 firearm.

3 “(F) A semiautomatic pistol with a fixed maga-
4 zine that has the capacity to accept more than 10
5 rounds.

6 “(G) A semiautomatic shotgun that has any 1
7 of the following:

8 “(i) A folding, telescoping, or detachable
9 stock.

10 “(ii) A pistol grip.

11 “(iii) A fixed magazine with the capacity to
12 accept more than 5 rounds.

13 “(iv) The ability to accept a detachable
14 magazine.

15 “(v) A forward grip.

16 “(vi) A grenade launcher or rocket launch-
17 er.

18 “(H) Any shotgun with a revolving cylinder.

19 “(I) All belt-fed semiautomatic firearms.

20 “(J) Any combination of parts from which a
21 firearm described in subparagraphs (A) through (I)
22 can be assembled.

23 “(K) The frame or receiver of a rifle or shotgun
24 described in subparagraph (A), (B), (C), (E), (G),
25 (H), or (I).

1 “(37) The term ‘large capacity ammunition feeding
2 device’—

3 “(A) means a magazine, belt, drum, feed strip,
4 or similar device, including any such device joined or
5 coupled with another in any manner, that has an
6 overall capacity of, or that can be readily restored,
7 changed, or converted to accept, more than 10
8 rounds of ammunition; and

9 “(B) does not include an attached tubular de-
10 vice designed to accept, and be capable of operating
11 only with, .22 caliber rimfire ammunition.

12 “(38) The term ‘barrel shroud’—

13 “(A) means a shroud that is attached to, or
14 partially or completely encircles, the barrel of a fire-
15 arm so that the shroud protects the user of the fire-
16 arm from heat generated by the barrel; and

17 “(B) does not include—

18 “(i) a slide that partially or completely en-
19 closes the barrel; or

20 “(ii) an extension of the stock along the
21 bottom of the barrel which does not encircle or
22 substantially encircle the barrel.

23 “(39) The term ‘detachable magazine’ means an am-
24 munition feeding device that can be removed from a fire-
25 arm without disassembly of the firearm action.

1 “(40) The term ‘fixed magazine’ means an ammuni-
2 tion feeding device that is permanently fixed to the firearm
3 in such a manner that it cannot be removed without dis-
4 assembly of the firearm.

5 “(41) The term ‘folding, telescoping, or detachable
6 stock’ means a stock that folds, telescopes, detaches or
7 otherwise operates to reduce the length, size, or any other
8 dimension, or otherwise enhances the concealability, of a
9 firearm.

10 “(42) The term ‘forward grip’ means a grip located
11 forward of the trigger that functions as a pistol grip.

12 “(43) The term ‘rocket’ means any simple or complex
13 tubelike device containing combustibles that on being ig-
14 nited liberate gases whose action propels the tube through
15 the air and has a propellant charge of not more than 4
16 ounces.

17 “(44) The term ‘grenade launcher or rocket launcher’
18 means an attachment for use on a firearm that is designed
19 to propel a grenade, rocket, or other similar destructive
20 device.

21 “(45) The term ‘pistol grip’ means, with respect to
22 a shotgun or rifle, a pistol style grip, including a thumb-
23 hole stock or any other characteristic that can function
24 as a pistol style grip.

1 “(46) The term ‘threaded barrel’ means a feature or
2 characteristic that is designed in such a manner to allow
3 for the attachment of a device such as a firearm silencer
4 or a flash suppressor.

5 “(47) The term ‘belt-fed semiautomatic firearm’
6 means any repeating firearm that—

7 “(A) utilizes a portion of the energy of a firing
8 cartridge to extract the fired cartridge case and
9 chamber the next round;

10 “(B) requires a separate pull of the trigger to
11 fire each cartridge; and

12 “(C) has the capacity to accept a belt ammuni-
13 tion feeding device.”.

14 (b) PROHIBITION.—Chapter 44 of title 18, United
15 States Code, is amended—

16 (1) in section 922—

17 (A) in subsection (b)—

18 (i) in paragraph (1)—

19 (I) by inserting “(A)” after
20 “(1)”; and

21 (II) by inserting “or” after the
22 semicolon; and

23 (ii) by adding at the end the fol-
24 lowing:

1 “(B) any large capacity ammunition feeding de-
2 vice to any individual who the licensee knows or has
3 reasonable cause to believe is less than 21 years of
4 age;”;

5 (B) in subsection (c)(1), by inserting “a
6 large capacity ammunition feeding device or”
7 before “any firearm other than”; and

8 (C) in subsection (x)—

9 (i) in paragraph (1), by striking “a
10 juvenile—” and all that follows through
11 “handgun.” and inserting the following:
12 “less than 21 years of age—

13 “(A) a handgun;

14 “(B) a semiautomatic assault weapon;

15 “(C) a large capacity ammunition feeding de-
16 vice; or

17 “(D) ammunition that is suitable for use only
18 in a handgun or semiautomatic assault weapon.”;

19 (ii) in paragraph (2), by striking “a
20 juvenile” and all that follows through
21 “handgun.” and inserting the following:
22 “less than 21 years of age to knowingly
23 possess—

24 “(A) a handgun;

25 “(B) a semiautomatic assault weapon;

1 “(C) a large capacity ammunition feeding de-
2 vice; or

3 “(D) ammunition that is suitable for use only
4 in a handgun or semiautomatic assault weapon.”;

5 (iii) by striking paragraphs (3), (4),
6 and (5) and inserting the following:

7 “(3) This subsection does not apply to—

8 “(A) a temporary transfer of a covered firearm
9 or covered ammunition to a person who is less than
10 21 years of age or to the possession or use of a cov-
11 ered firearm or covered ammunition by a person who
12 is less than 21 years of age if the covered firearm
13 or covered ammunition is possessed and used by the
14 person—

15 “(i) in the course of employment, in the
16 course of ranching or farming related to activi-
17 ties at the residence of the person (or on prop-
18 erty used for ranching or farming at which the
19 person, with the permission of the property
20 owner or lessee, is performing activities related
21 to the operation of the farm or ranch), target
22 practice, hunting, or a course of instruction in
23 the safe and lawful use of a covered firearm;

24 “(ii) with the prior written consent of the
25 person’s parent or guardian who is not prohib-

1 ited by Federal, State, or local law from pos-
2 sessing a firearm, except—

3 “(I) during transportation by the per-
4 son of an unloaded covered firearm in a
5 locked container directly from the place of
6 transfer to a place at which an activity de-
7 scribed in clause (i) is to take place and
8 transportation by the person of that cov-
9 ered firearm, unloaded and in a locked
10 container, directly from the place at which
11 such an activity took place to the trans-
12 feror; or

13 “(II) with respect to ranching or
14 farming activities as described in clause
15 (i), a person who is less than 21 years of
16 age may possess and use a covered firearm
17 or covered ammunition with the prior writ-
18 ten approval of the person’s parent or legal
19 guardian and at the direction of an adult
20 who is not prohibited by Federal, State or
21 local law from possessing a firearm;

22 “(iii) the person has the prior written con-
23 sent in the person’s possession at all times
24 when a covered firearm or covered ammunition
25 is in the possession of the person; and

1 “(iv) in accordance with State and local
2 law;

3 “(B) a person who is less than 21 years of age
4 who is a member of the Armed Forces of the United
5 States or the National Guard who possesses or is
6 armed with a covered firearm or covered ammunition
7 in the line of duty;

8 “(C) a transfer by inheritance of title (but not
9 possession) of a covered firearm or covered ammuni-
10 tion to a person who is less than 21 years of age;
11 or

12 “(D) the possession of a covered firearm or cov-
13 ered ammunition by a person who is less than 21
14 years of age taken in defense of the person or other
15 individuals against an intruder into the residence of
16 the person or a residence in which the person is an
17 invited guest.

18 “(4) A covered firearm or covered ammunition, the
19 possession of which is transferred to a person who is less
20 than 21 years of age in circumstances in which the trans-
21 feror is not in violation of this subsection shall not be sub-
22 ject to permanent confiscation by the Government if its
23 possession by the person who is less than 21 years of age
24 subsequently becomes unlawful because of the conduct of
25 the person who is less than 21 years of age, but shall be

1 returned to the lawful owner when such covered firearm
2 or covered ammunition is no longer required by the Gov-
3 ernment for the purposes of investigation or prosecution.

4 “(5) For purposes of this subsection—

5 “(A) the term ‘covered ammunition’ means am-
6 munition that is suitable for use only in a handgun
7 or a semiautomatic assault weapon; and

8 “(B) the term ‘covered firearm’ means—

9 “(i) a handgun;

10 “(ii) a semiautomatic assault weapon; or

11 “(iii) a large capacity ammunition feeding
12 device.”; and

13 (iv) in paragraph (6)—

14 (I) in subparagraph (A), by strik-
15 ing “a juvenile defendant’s parent or
16 legal guardian” and inserting “the
17 parent or legal guardian of a defend-
18 ant who is less than 21 years of age”;
19 and

20 (II) in subparagraph (C), by
21 striking “a juvenile defendant” and
22 inserting “a defendant who is less
23 than 21 years of age”; and

24 (2) in section 924(a)(6)—

25 (A) in subparagraph (A)—

1 (i) in clause (i), by striking “juvenile”
2 each place the term appears and inserting
3 “person who is less than 21 years of age”;
4 and

5 (ii) in clause (ii)—

6 (I) in the matter preceding sub-
7 clause (I), by striking “juvenile” and
8 inserting “person who is less than 21
9 years of age”;

10 (II) in subclause (I)—

11 (aa) by striking “juvenile”
12 and inserting “person who is less
13 than 21 years of age”; and

14 (bb) by striking “handgun
15 or ammunition” and inserting
16 “covered firearm or covered am-
17 munition”; and

18 (III) in subclause (II), by strik-
19 ing “juvenile has” and inserting “per-
20 son who is less than 21 years of age
21 has”; and

22 (B) in subparagraph (B)—

23 (i) by striking “juvenile” each place
24 the term appears and inserting “person
25 who is less than 21 years of age”; and

- 1 (ii) by striking “handgun or ammuni-
- 2 tion” each place the term appears and in-
- 3 serting “covered firearm or covered ammu-
- 4 nition”.