

117TH CONGRESS
1ST SESSION

S. 2325

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

JULY 13, 2021

Mr. MARKEY (for himself and Ms. WARREN) introduced the following bill;
which was read twice and referred to the Committee on the Judiciary

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 2021” 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 PP—FIREARMS LICENSING**

2 **“SEC. 3061. 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 ‘domestic violence protection
8 order’ means a protection order, as defined in sec-
9 tion 2266 of title 18, United States Code;

10 “(3) the term ‘extreme risk protection order’—

11 “(A) means a written order, issued by a
12 State court or signed by a magistrate that, for
13 a period not to exceed a time frame established
14 by the State—

15 “(i) prohibits the individual named in
16 the order from having under the custody or
17 control of the individual, purchasing, pos-
18 sessing, or receiving a firearm or ammuni-
19 tion; and

20 “(ii) requires that any firearm or am-
21 munition under the custody or control of
22 the individual be removed; and

23 “(B) does not include a domestic violence
24 protection order;

1 “(4) the term ‘prohibited individual’ means an
2 individual who is categorically ineligible to receive a
3 covered license;

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

6 “(6) the term ‘thorough background check’
7 means a Federal and State background check, which
8 may include a fingerprint-based background check.

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

11 “(1) shall establish standards for categorizing
12 an individual as a prohibited individual for purposes
13 of receiving a covered license; and

14 “(2) in establishing standards with respect to a
15 covered license under paragraph (1), shall take into
16 consideration whether limitations may be warranted
17 based on—

18 “(A) criminal history;

19 “(B) whether an individual has been—

20 “(i) deemed a danger to himself or
21 herself or other individuals by a court or
22 authorized administrative body; or

23 “(ii) committed to a hospital or insti-
24 tution as a danger to himself or herself or
25 other individuals;

1 “(C) age;

2 “(D) legal residency;

3 “(E) military dishonorable discharges;

4 “(F) whether an individual—

5 “(i) is subject to a permanent or tem-
6 porary protection order; or

7 “(ii) has been convicted of a mis-
8 demeanor crime of domestic violence (as
9 defined in section 921 of title 18, United
10 States Code);

11 “(G) outstanding arrest warrants;

12 “(H) status as a fugitive;

13 “(I) renunciation of United States citizen-
14 ship; and

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

17 **“SEC. 3062. GRANTS AND CONDITIONS.**

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

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

23 “(c) USE OF FUNDS FOR FIREARMS AND FIREARMS
24 DEALER LICENSING.—

1 “(1) ACTIVITIES.—Amounts received under a
 2 grant under subsection (a) shall be used for the im-
 3 plementation or maintenance of firearms and fire-
 4 arms dealer licensing requirements, which shall in-
 5 corporate and implement the elements described in
 6 paragraph (2) of this subsection.

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

9 “(A) an individual shall have a firearms li-
 10 cense—

11 “(i) at the time of the purchase, rent-
 12 al, or lease of a firearm or purchase of am-
 13 munition; and

14 “(ii) during the entire period of own-
 15 ership or possession of a firearm or ammu-
 16 nition;

17 “(B)(i) an individual who (including the
 18 owner or operator of a business that) sells,
 19 rents, or leases a minimum number of firearms,
 20 or sells ammunition, during a calendar year
 21 shall obtain a firearms dealer license; and

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

1 “(C) the chief of police or the board or of-
2 ficer having control of the police department of
3 a local government, or a designee within the
4 same department, shall function as the licensing
5 authority;

6 “(D) for an application for issuance or re-
7 newal of a firearms license, the licensing au-
8 thority shall—

9 “(i) conduct a thorough background
10 check, which may include—

11 “(I) conducting an interview with
12 the applicant;

13 “(II) requiring the submission of
14 letters of reference stating that the
15 applicant is of sound mind and char-
16 acter; and

17 “(III) any other requirements the
18 State determines relevant; and

19 “(ii) make a determination of suit-
20 ability;

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

23 “(F) for an application for issuance or re-
24 newal of a firearms dealer license, the licensing
25 authority shall conduct an investigation into the

1 criminal history of the applicant, which may in-
2 clude—

3 “(i) an interview with the applicant;

4 “(ii) a thorough background check;

5 and

6 “(iii) any other requirements the
7 State determines relevant;

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

11 “(H) the State shall establish standards
12 and processes by which licensing authorities can
13 revoke, suspend, or deny the issuance or re-
14 newal of a covered license;

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

19 “(J) the State shall establish judicial re-
20 view processes by which any applicant for or
21 holder of a covered license may, within a rea-
22 sonable time period, petition to obtain judicial
23 review of a revocation, suspension, or denial of
24 the issuance or renewal of a covered license;

25 “(K) the State shall establish—

1 “(i) standards and a process under
 2 which a family member of an individual
 3 who the family member fears is a danger
 4 to himself, herself, or others may petition
 5 for an extreme risk protection order; and

6 “(ii) standards for the termination or
 7 extension of an order described in clause
 8 (i);

9 “(L) the State shall establish processes
 10 under which—

11 “(i) an individual whose covered li-
 12 cense is revoked or suspended, or whose
 13 application for issuance or renewal of a
 14 covered license is denied, shall surrender or
 15 transfer all firearms and ammunition that
 16 are or would have been covered by the li-
 17 cense; and

18 “(ii) an individual who is subject to
 19 an extreme risk protection order or domes-
 20 tic violence protection order shall surrender
 21 or transfer all firearms and ammunition in
 22 the possession of the individual;

23 “(M) the State shall establish requirements
 24 with which a firearms dealer licensee must com-
 25 ply, which—

1 “(i) shall include requirements relat-
2 ing to—

3 “(I) the location at which the li-
4 censee conducts firearm or ammuni-
5 tion transactions;

6 “(II) the manner in which the li-
7 censee records firearm or ammunition
8 transactions;

9 “(III) background checks for em-
10 ployees of the licensee; and

11 “(IV) any other matter that the
12 State determines appropriate; and

13 “(ii) may include requirements that a
14 licensee—

15 “(I) maintain a permanent place
16 of business—

17 “(aa) that is not a resi-
18 dence; and

19 “(bb) at which the licensee
20 conducts all firearms or ammuni-
21 tion transactions;

22 “(II) submit to mandatory record
23 and inventory inspections by a licens-
24 ing authority;

1 “(III) maintain a sales record
2 book at the permanent place of busi-
3 ness described in subclause (I) in ac-
4 cordance with standards established
5 by the State;

6 “(IV) conduct a pre-employment
7 background check on each potential
8 employee to determine the suitability
9 of any potential employee who may
10 have direct and unmonitored contact
11 with a firearm or ammunition; and

12 “(V) take any other action that
13 the State determines appropriate;

14 “(N) the State shall promulgate rules and
15 regulations to ensure the prompt collection, ex-
16 change, dissemination, and distribution of infor-
17 mation pertaining to the issuance, renewal, ex-
18 piration, suspension, or revocation of a covered
19 license;

20 “(O) the State shall establish standards
21 that are consistent with Federal and State
22 law—

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

1 “(ii) for identifying a prohibited indi-
2 vidual, in accordance with section 3061(b);

3 “(P) the State shall promulgate rules and
4 regulations that require a dealer or private sell-
5 er of firearms or ammunition to verify the va-
6 lidity of a firearms license before the sale, rent-
7 al, or lease of any firearm or the sale of any
8 ammunition;

9 “(Q) a dealer or private seller of firearms
10 or ammunition shall report all sales, rentals,
11 and leases of firearms, and sales of ammuni-
12 tion, to State authorities;

13 “(R) a dealers of firearms or ammunition
14 shall notify the licensing authority when pre-
15 sented with an invalid or expired firearms li-
16 cense;

17 “(S) any firearms licensee whose firearm
18 or ammunition is lost or stolen shall report the
19 loss or theft to the licensing authority and
20 State authorities within a reasonable time
21 frame and in a manner established by the
22 State;

23 “(T) an individual holding a firearms li-
24 cense or firearms dealer license shall renew the

1 license on a time frame established by the
2 State;

3 “(U) an individual may not use the fire-
4 arms license of the individual to purchase a
5 firearm or ammunition for—

6 “(i) the unlawful use of the firearm or
7 ammunition by another individual; or

8 “(ii) the resale or other transfer of
9 the firearm or ammunition to an unli-
10 censed individual; and

11 “(V)(i) it shall be unlawful to store or keep
12 a firearm in any place unless the firearm is se-
13 cured in a locked container or equipped with a
14 tamper-resistant mechanical lock or other safety
15 device, properly engaged so as to render the
16 firearm inoperable by any individual other than
17 the owner or other lawfully authorized user; and

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

22 “(3) SEPARATE AMMUNITION DEALER LICENSE
23 PERMITTED.—A State that requires a license for dealing
24 ammunition that is separate from a license for dealing
25 firearms shall be deemed to have satisfied the require-

1 ments under paragraph (2) relating to a firearms dealer
2 license, as that license relates to the dealing of ammuni-
3 tion, if the State imposes the same requirements for an
4 ammunition dealer license as are mandated under para-
5 graph (2) for a firearms dealer license, as that license re-
6 lates to the dealing of ammunition.

7 “(d) APPLICATION.—To be eligible to receive a grant
8 under subsection (a), a State shall submit to the Assistant
9 Attorney General an application at such time, in such
10 manner, and containing such information as the Assistant
11 Attorney General may require, including a description of
12 how the State will use the grant to implement or maintain
13 firearms and firearms dealer licensing requirements that
14 include the elements described in subsection (c)(2).

15 “(e) ANNUAL REPORT.—Each State receiving a
16 grant under subsection (a) shall submit to the Assistant
17 Attorney General, for each fiscal year during which the
18 State expends amounts received under the grant, a report,
19 at such time and in such manner as the Assistant Attor-
20 ney General may reasonably require, that contains—

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

23 “(2) an assessment of whether the activities are
24 achieving the elements described in subsection
25 (c)(2); and

1 “(3) such other information as the Assistant
2 Attorney General may require.

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

8 “(g) REALLOCATION OF APPROPRIATIONS.—A recipi-
9 ent of a grant under subsection (a) shall return to the
10 Assistant Attorney General any amounts received under
11 the grant that are not expended for a purpose described
12 in this section.”.

13 (b) AUTHORIZATION OF APPROPRIATIONS.—Section
14 1001(a) of title I of the Omnibus Crime Control and Safe
15 Streets Act of 1968 (34 U.S.C. 10261(a)) is amended by
16 adding at the end the following:

17 “(29) There are authorized to be appropriated such
18 sums as may be necessary to carry out part PP.”.

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