

112TH CONGRESS
1ST SESSION

H. R. 126

To require the Bureau of Alcohol, Tobacco, Firearms, and Explosives to make video recordings of the examination and testing of firearms and ammunition, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 5, 2011

Mr. GINGREY of Georgia (for himself, Mrs. BACHMANN, Mr. BARTLETT, Mr. BISHOP of Georgia, Mrs. BLACKBURN, Mr. BURTON of Indiana, Mr. CARTER, Mr. CONAWAY, Mr. FRANKS of Arizona, Mr. GOHMERT, Mr. SAM JOHNSON of Texas, Mr. KLINE, Mr. MARCHANT, Mr. PAUL, Mr. ROE of Tennessee, Mr. ROGERS of Alabama, Mr. ROSS of Arkansas, Mr. WESTMORELAND, and Mr. YOUNG of Alaska) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To require the Bureau of Alcohol, Tobacco, Firearms, and Explosives to make video recordings of the examination and testing of firearms and ammunition, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Fairness in Firearm
3 Testing Act”.

4 **SEC. 2. VIDEO RECORDING OF EXAMINATION AND TESTING**
5 **OF FIREARMS AND AMMUNITION BY THE BU-**
6 **REAU OF ALCOHOL, TOBACCO, FIREARMS,**
7 **AND EXPLOSIVES.**

8 Section 1111 of the Homeland Security Act of 2002
9 (6 U.S.C. 531) is amended by adding at the end the fol-
10 lowing:

11 “(e) **ADDITIONAL RESPONSIBILITIES REGARDING**
12 **EXAMINATION AND TESTING OF FIREARMS AND AMMUNI-**
13 **TION.—**

14 “(1) **VIDEO RECORDING REQUIRED.—**The Bu-
15 reau shall make a video recording of the entire proc-
16 ess of the examination and testing by the Bureau of
17 an item for the purpose of determining, pursuant to
18 section 921(a)(3), 922(o), 922(p), or subsection
19 (a)(3), (a)(4), (d), or (e) of section 925 of title 18,
20 United States Code, or section 5845(a) of the Inter-
21 nal Revenue Code of 1986, whether the item is a
22 firearm and if so, the type of firearm, or of deter-
23 mining pursuant to section 921(a)(17) of title 18,
24 United States Code, whether the item is ammuni-
25 tion, and shall not edit or erase any recording made
26 pursuant to this paragraph.

1 “(2) AVAILABILITY.—

2 “(A) TO OWNERS.—On request of a person
3 who claims an ownership interest in an item
4 with respect to which a recording is made under
5 paragraph (1), the Bureau shall make available
6 to the person, without charge, a digital video
7 disc that contains a copy of the recording.

8 “(B) TO DEFENDANTS.—The Bureau shall
9 make available to a defendant in a criminal pro-
10 ceeding involving an item with respect to which
11 a recording is made under paragraph (1) a dig-
12 ital video disc that contains a copy of the re-
13 cording.

14 “(3) ADMISSIBILITY AS EVIDENCE.—An item
15 which the Bureau has determined is a firearm or a
16 type of firearm or ammunition pursuant to any pro-
17 vision of law specified in paragraph (1) shall not be
18 admissible as evidence in any judicial or administra-
19 tive proceeding unless—

20 “(A) the Bureau has complied with para-
21 graph (2) with respect to the item; or

22 “(B) such compliance has been waived, in
23 writing, by the person against whom the item is
24 offered as evidence.”.

○