

112TH CONGRESS
1ST SESSION

H. R. 367

To prohibit the knowing possession of a firearm near a venue at which a Member of Congress is performing an official and representational duty or campaigning for public office.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 20, 2011

Ms. RICHARDSON introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To prohibit the knowing possession of a firearm near a venue at which a Member of Congress is performing an official and representational duty or campaigning for public office.

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 “Freedom to Serve
5 Without Fear Act of 2011”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds the following:

1 (1) A central tenet of representative democracy
2 is that citizens enjoy the right to peaceably assemble
3 and petition their government for redress of griev-
4 ances.

5 (2) For this right to be exercised meaningfully,
6 elected representatives must be able to make them-
7 selves accessible to their constituents.

8 (3) Fear of gun violence at events where elected
9 representatives are performing their official or rep-
10 resentational duties has a chilling effect on our de-
11 mocracy in at least 2 ways:

12 (A) by discouraging citizens from engaging
13 in the public and personal dialogue with their
14 representatives that is the lifeblood of vibrant
15 democratic politics; and

16 (B) by leading elected representatives to
17 reduce the frequency and extent of personal
18 contact with their constituents as a reasonable
19 precaution against unreasonable threats to their
20 personal safety.

21 (4) During the summer of 2009, there were
22 multiple cases of persons carrying firearms outside
23 of venues at which the President of the United
24 States was holding meetings and official events. In
25 one instance, a man carried an AR-15 automatic as-

1 sault rifle and a sidearm. In another instance, occur-
2 ring hours before a presidential town hall a week
3 earlier, a man was arrested for breaching a security
4 perimeter at the location of the event, and was
5 found to be in possession of an unlicensed and load-
6 ed handgun.

7 (5) In recent months, there has been a three-
8 fold increase in the number of reported threats
9 against Members of the United States House of
10 Representatives and Members of the United States
11 Senate.

12 **SEC. 3. PROHIBITION ON KNOWINGLY POSSESSING A FIRE-**
13 **ARM NEAR A VENUE AT WHICH A MEMBER OF**
14 **CONGRESS IS PERFORMING AN OFFICIAL**
15 **AND REPRESENTATIONAL DUTY OR CAM-**
16 **PAIGNING FOR PUBLIC OFFICE.**

17 (a) PROHIBITION.—Section 922 of title 18, United
18 States Code, is amended by adding at the end the fol-
19 lowing:

20 “(aa)(1) Except as provided in paragraph (2), it shall
21 be unlawful for any person, in or affecting interstate or
22 foreign commerce, to knowingly carry a firearm—

23 “(A) in, or within 250 feet of an entrance to or
24 exit from, a building or structure where the person
25 knows that a Member of Congress is—

1 “(i) performing an official and representa-
2 tional duty of the Member;

3 “(ii) engaging in campaign activity as a
4 candidate for election for Federal office for pur-
5 poses of the Federal Election Campaign Act of
6 1971; or

7 “(iii) engaging in campaign activity as a
8 candidate for election for State or local office,
9 as determined pursuant to State law; or

10 “(B) at, or within 500 feet of, any other place
11 where the person knows that a Member of Congress
12 is performing such a duty or engaging in such a
13 campaign activity,

14 if there is visible, at each place that is at the applicable
15 distance specified in this sentence from the building, struc-
16 ture, or other place, a sign which clearly and conspicuously
17 states that a Member of Congress will be present at the
18 building, structure, or other place, and so states the time
19 interval during which the Member of Congress is sched-
20 uled to be so present.

21 “(2) Paragraph (1) shall not apply to the carrying
22 of a firearm—

23 “(A) by a law enforcement officer (whether on-
24 or off-duty) who is authorized to carry a firearm in
25 the line of duty; or

1 “(B) pursuant to the express written permis-
2 sion of—

3 “(i) any Member of Congress present at
4 the location involved, which permission has been
5 filed with the chief of police of the locality in-
6 volved; or

7 “(ii) the chief of police of the locality in-
8 volved;

9 “(C) on real property owned or rented by the
10 carrier of the firearm;

11 “(D) on the premises of a business in which the
12 carrier of the firearm is employed and authorized by
13 the employer to carry the firearm; or

14 “(E) which is in a locked container or otherwise
15 not readily accessible for use.

16 “(3) If Federal investigative or prosecutive jurisdic-
17 tion is asserted for a violation of this subsection, such as-
18 sertion shall suspend the exercise of jurisdiction by a State
19 or local authority, under any applicable State or local law,
20 until Federal action is terminated.

21 “(4) Violations of this subsection shall be investigated
22 by the Federal Bureau of Investigation. Assistance may
23 be requested from any Federal, State, or local agency, in-
24 cluding the Army, Navy, and Air Force, any statute, rule,
25 or regulation to the contrary notwithstanding.”.

1 (b) PENALTIES.—Section 924(a) of such title is
 2 amended by adding at the end the following:

3 “(8) Whoever knowingly violates section 922(aa)
 4 shall be fined under this title, imprisoned not more than
 5 10 years, or both.”.

6 **SEC. 4. ENCOURAGING STATES TO ADOPT FIREARMS PRO-**
 7 **HIBITIONS SIMILAR TO FEDERAL LAW TO**
 8 **PROTECT STATE AND LOCAL ELECTED AND**
 9 **APPOINTED OFFICIALS.**

10 (a) IN GENERAL.—For each fiscal year after the ex-
 11 piration of the period specified in subsection (b)(1) in
 12 which a State receives funds for the Edward Byrne Memo-
 13 rial Justice Assistance Grant Program under subpart 1
 14 of part E of title I of the Omnibus Crime Control and
 15 Safe Streets Act of 1968 (42 U.S.C. 3750 et seq.), the
 16 State shall have in effect throughout the State laws and
 17 policies that prohibit any person to knowingly possess a
 18 firearm near a venue at which an elected or appointed
 19 State or local official is performing an official and rep-
 20 resentational duty or campaigning for public office if such
 21 possession would constitute an offense under subsection
 22 (aa) of section 922 of title 18, United States Code, if such
 23 official were a Member of Congress.

24 (b) COMPLIANCE AND INELIGIBILITY.—

1 (1) COMPLIANCE DATE.—Each State shall have
2 not more than 1 year from the date of enactment of
3 this Act to comply with subsection (a), except that—

4 (A) the Attorney General may grant an ad-
5 ditional 1 year to a State that is making good
6 faith efforts to comply with such subsection;
7 and

8 (B) the Attorney General shall waive the
9 requirements of subsection (a) if compliance
10 with such subsection by a State would be un-
11 constitutional under the constitution of such
12 State.

13 (2) INELIGIBILITY FOR FUNDS.—For any fiscal
14 year after the expiration of the period specified in
15 paragraph (1), a State that fails to comply with sub-
16 section (a) shall not receive 10 percent of the funds
17 that would otherwise be allocated for that fiscal year
18 to the State for the Edward Byrne Memorial Justice
19 Assistance Grant Program under subpart 1 of part
20 E of title I of the Omnibus Crime Control and Safe
21 Streets Act of 1968 (42 U.S.C. 3750 et seq.).

22 (c) REALLOCATION.—Amounts not allocated under
23 such Edward Byrne Memorial Justice Assistance Grant
24 Program to a State for failure to fully comply with sub-

- 1 section (a) shall be reallocated under that program to
- 2 States that have not failed to comply with such subsection.

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