

113TH CONGRESS
1ST SESSION

H. R. 868

To authorize the Director of the Bureau of Justice Assistance to make grants to States, units of local government, and gun dealers to conduct gun buyback programs.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 27, 2013

Mr. PAYNE (for himself, Ms. NORTON, and Mr. CLAY) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To authorize the Director of the Bureau of Justice Assistance to make grants to States, units of local government, and gun dealers to conduct gun buyback programs.

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 “Safer Neighborhoods
5 Gun Buyback Act of 2013”.

6 **SEC. 2. PROGRAM AUTHORIZED.**

7 (a) IN GENERAL.—The Director of the Bureau of
8 Justice Assistance (referred to in this Act as the “Direc-

1 tor”) may make grants to eligible entities to conduct gun
2 buyback programs.

3 (b) ELIGIBLE ENTITY DEFINED.—In this Act, the
4 term “eligible entity” means—

5 (1) a State;

6 (2) a unit of local government; or

7 (3) a gun dealer if neither the unit of local gov-
8 ernment nor the State where such dealer is located
9 receives a grant under this Act.

10 **SEC. 3. APPLICATIONS.**

11 (a) GRANTS.—The chief executive of an eligible entity
12 seeking a grant under this Act shall submit an application
13 to the Director at such time and containing such informa-
14 tion as the Director may reasonably require.

15 (b) SUBGRANTS.—A gun dealer located in a unit of
16 local government or State that does receive a grant under
17 this Act seeking a subgrant shall submit an application
18 to the chief executive of such unit of local government or
19 State at such time and containing such information as the
20 chief executive may reasonably require, including proof of
21 such dealer’s license under section 923 of title 18, United
22 States Code.

23 **SEC. 4. TERM OF GRANT.**

24 (a) TERM.—The term of a grant awarded under this
25 Act shall be two years.

1 (b) AVAILABILITY OF GRANT FUNDS.—

2 (1) GUN DEALERS.—A gun dealer that receives
3 a grant or subgrant under this Act shall return to
4 the Director any remaining smart prepaid cards and
5 any unused portion of such grant or subgrant that
6 was allocated to be used to buy back guns—

7 (A) in the case of a gun dealer receiving a
8 grant, at the end of the two-year period begin-
9 ning on the date that the grant was awarded;
10 or

11 (B) in the case of a gun dealer receiving
12 a subgrant, at the end of the two-year period
13 beginning on the date that the grant was
14 awarded to the State or unit of local govern-
15 ment from which the gun dealer received a
16 subgrant.

17 (2) STATES OR UNITS OF LOCAL GOVERN-
18 MENT.—A State or unit of local government that re-
19 ceives a grant under this Act shall return to the Di-
20 rector any unused portion of such grant at the end
21 of the two-year and 270-day period beginning on the
22 date that the grant was awarded.

23 (c) AMOUNTS RETURNED.—The Director shall re-
24 turn to the general fund of the Treasury any amounts re-
25 turned under subsection (b).

1 **SEC. 5. SMART PREPAID CARDS.**

2 (a) IN GENERAL.—In conducting the grant program
3 authorized under section 2, the Director may reserve such
4 funds as may be necessary to acquire and distribute smart
5 prepaid cards to eligible entities that receive grants under
6 this Act. The Director shall distribute the smart prepaid
7 cards without any funds loaded onto the cards.

8 (b) MARKET VALUE OF GUNS.—The Director shall
9 determine the market value of each gun listed in section
10 7(2) and make such information publicly available.

11 (c) PROHIBITION ON USE OF CARDS TO BUY
12 GUNS.—

13 (1) IN GENERAL.—A person may not use a
14 smart prepaid card to buy a gun or ammunition,
15 and a merchant may not accept a smart prepaid
16 card to sell a gun or ammunition.

17 (2) PENALTY.—A merchant that violates para-
18 graph (1) shall pay to the Director an amount that
19 is equal to the value of the prohibited sale.

20 **SEC. 6. USES OF FUNDS.**

21 (a) STATES AND UNITS OF LOCAL GOVERNMENT.—
22 A State or unit of local government receiving a grant
23 under this Act shall use such funds to do the following:

24 (1) SUBGRANTS TO GUN DEALERS.—Distribute
25 not less than 80 percent of such funds in the form

1 of subgrants to gun dealers in such State or unit of
2 local government to conduct gun buyback programs.

3 (2) DISTRIBUTE SMART PREPAID CARDS.—Dis-
4 tribute the smart prepaid cards such State or unit
5 of local government receives to gun dealers receiving
6 subgrants.

7 (3) GUN RECYCLING PROGRAM.—Use 10 per-
8 cent of such funds to recycle the guns that such
9 State or unit of local government receives from gun
10 dealers to make street signs, energy efficient wash-
11 ing machines, car parts, energy efficient refrig-
12 erators, or other steel parts such as railroad or
13 metro tracks.

14 (4) ADMINISTRATIVE COSTS.—Use not more
15 than 10 percent of such funds for the administrative
16 costs of carrying out the grant program under this
17 Act.

18 (b) GUN DEALERS.—

19 (1) IN GENERAL.—A gun dealer receiving a
20 grant or subgrant under this Act shall use such
21 funds to conduct a gun buyback program.

22 (2) SMART PREPAID CARD AMOUNTS.—

23 (A) In order to purchase a gun through a
24 gun buyback program, a gun dealer shall load
25 onto a smart prepaid card 125 percent of the

1 market value of the gun that the individual
2 wishes to dispose of (as determined by the Di-
3 rector under section 5(b)).

4 (B) A gun dealer may increase the pur-
5 chase price of a gun and load an amount onto
6 a smart prepaid card that is greater than 125
7 percent of the market value of the gun if the
8 gun dealer determines that the gun has been al-
9 tered in a way that would increase the market
10 value of the gun (such as an altered grip, or the
11 addition of a scope).

12 (3) GUNS RECEIVED.—

13 (A) In the case of a gun dealer receiving
14 a grant under this Act, the gun dealer shall de-
15 liver a gun the dealer receives under the gun
16 buyback program to the closest office of the
17 Bureau of Alcohol, Tobacco, Firearms and Ex-
18 plosives not later than 60 days after receiving
19 such gun.

20 (B) In the case of a gun dealer receiving
21 a subgrant under this Act, the gun dealer shall
22 deliver a gun the dealer receives under the gun
23 buyback program to the State or unit of local
24 government from which it receives the subgrant
25 not later than 60 days after receiving such gun.

1 (c) INCENTIVES FOR GUN DEALER PARTICIPA-
2 TION.—To the extent that the Director determines nec-
3 essary to facilitate participation of gun dealers in the gun
4 buyback program, grant funds may be used to provide
5 monetary or other incentives to gun dealers to participate
6 in such program. For purposes of subsection (a), any such
7 incentives shall be treated as part of the subgrant to the
8 gun dealer described in paragraph (1) thereof.

9 **SEC. 7. DEFINITIONS.**

10 In this Act:

11 (1) GUN.—The term “gun” means “firearm”
12 as defined in section 921(a)(3) of title 18, United
13 States Code.

14 (2) GUN BUYBACK PROGRAM.—The term “gun
15 buyback program” means a program under which a
16 gun dealer, using smart prepaid cards as described
17 in section 6(b)(2), purchases back from individuals
18 wishing to dispose of them, the following guns:

19 (A) Smith and Wesson .38 revolver.

20 (B) Smith and Wesson .40 semiautomatic
21 pistol.

22 (C) Haskell Hi-Point JHP 45 semiauto-
23 matic pistol.

24 (D) Iberia Firearm JCP40 pistol.

25 (E) Ruger 9 mm semiautomatic pistol.

1 (F) Hi-Point CF380 .380 semiautomatic
2 pistol.

3 (G) Raven Arms .25 semiautomatic pistol.

4 (H) Mossberg 12 gauge shotgun.

5 (I) Smith and Wesson 9mm semiautomatic
6 pistol.

7 (J) Smith and Wesson .357 revolver.

8 (K) Bryco Arms 9mm semiautomatic pis-
9 tol.

10 (L) Bryco Arms .380 semiautomatic pistol.

11 (M) Davis Industries .380 semiautomatic
12 pistol.

13 (N) Cobra FS380 .38 semiautomatic pis-
14 tol.

15 (3) GUN DEALER.—The term “gun dealer”
16 means a dealer of firearms licensed under section
17 923 of title 18, United States Code.

18 (4) SMART PREPAID CARD.—The term “smart
19 prepaid card” means a card issued by the Director
20 that—

21 (A) is redeemable at multiple, unaffiliated
22 merchants or service providers;

23 (B) contains a mechanism, for the purpose
24 of preventing the card-holder from using it to
25 purchase a gun or ammunition, that recognizes

1 the merchant category code of a merchant and
2 prohibits the use of such card at gun stores and
3 pawn shops;

4 (C) is honored, upon presentation, by mer-
5 chants for goods or services, except for mer-
6 chants described in subparagraph (B);

7 (D) is loaded on a prepaid basis by a gun
8 dealer for use in a gun buyback program; and

9 (E) clearly and conspicuously bears the
10 words “THIS CARD MAY NOT BE USED
11 TO PURCHASE A GUN OR AMMUNITION”
12 in capital and raised letters on the card.

13 (5) STATE.—The term “State” means each of
14 the 50 States and the District of Columbia.

15 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

16 There is authorized to be appropriated \$360,000,000
17 for each of fiscal years 2014 through 2016 to carry out
18 this Act.

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