

114TH CONGRESS
1ST SESSION

H. R. 377

To amend chapter 44 of title 18, United States Code, to require homemade firearms to have serial numbers, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 14, 2015

Mr. HONDA (for himself, Mr. HASTINGS, Ms. KELLY of Illinois, Mr. DANNY K. DAVIS of Illinois, Mr. CONYERS, Mr. LOWENTHAL, Ms. SCHAKOWSKY, and Mr. SWALWELL of California) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend chapter 44 of title 18, United States Code, to require homemade firearms to have serial numbers, 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 “Homemade Firearms
5 Accountability Act of 2015”.

1 **SEC. 2. REQUIREMENT THAT HOMEMADE FIREARMS HAVE**
2 **SERIAL NUMBERS.**

3 (a) IN GENERAL.—Chapter 44 of title 18, United
4 States Code, is amended by inserting after section 923 the
5 following:

6 **“§ 923A. Serial numbers for homemade firearms**

7 “(a) REQUEST.—A person who has attained 18 years
8 of age and desires to make a firearm, or obtain a unique
9 serial number or other identifying mark for a firearm
10 made by the person after 1968, may request a licensed
11 dealer to issue a unique serial number or other identifying
12 mark for the firearm, which request shall describe the fire-
13 arm involved, and state whether the firearm will be (or
14 is) a handgun.

15 “(b) CONSIDERATION.—

16 “(1) TREATMENT OF REQUEST AS TRANSFER
17 PROPOSAL.—A request made of a licensed dealer
18 pursuant to subsection (a) with respect to firearm
19 shall be treated as a proposed transfer of the fire-
20 arm from the licensed dealer to the applicant, for
21 purposes of section 922(t) of this title and section
22 103 of the Brady Handgun Violence Prevention Act.

23 “(2) ISSUANCE OF SERIAL NUMBER.—A li-
24 censed dealer may issue to an applicant a unique se-
25 rial number and identifying mark for a firearm pur-
26 suant to such a request if, applying paragraph (1)

1 of this subsection to the request, section 922(t) or
2 other law would not prohibit the licensed dealer from
3 transferring the firearm to the applicant.

4 “(3) FEE AUTHORITY.—A licensed dealer may
5 charge an applicant a fee for each serial number and
6 identifying mark assigned and issued under this sec-
7 tion, in an amount that is not more than the actual
8 costs associated with assigning and issuing the serial
9 number and identifying mark, and a fee for con-
10 tacting the national instant criminal background
11 check system with respect to the applicant.

12 “(c) PROHIBITIONS; REQUIREMENTS.—

13 “(1) BAN ON MAKING FIREARM BEFORE OB-
14 TAINING SERIAL NUMBER.—It shall be unlawful for
15 any person, in or affecting interstate or foreign com-
16 merce, to make a firearm, unless the person has ob-
17 tained a serial number and identifying mark for the
18 firearm under this section.

19 “(2) BAN ON POSSESSION OR TRANSFER OF
20 FIREARM WITHOUT SERIAL NUMBER.—It shall be
21 unlawful for any person, in or affecting interstate or
22 foreign commerce, to possess or transfer a firearm
23 made by the person after 1968, unless—

1 “(A) a serial number and identifying mark
2 for the firearm has been issued under this sec-
3 tion;

4 “(B) within 10 days after the issuance, the
5 serial number and identifying mark is stamped
6 on or otherwise permanently affixed to the fire-
7 arm; and

8 “(C) if the firearm is made from polymer
9 plastic, 3.7 ounces of material type 17-4 PH
10 stainless steel, on which the unique serial num-
11 ber or identifying mark is stamped or otherwise
12 permanently affixed, are embedded within the
13 plastic.

14 “(3) EXCEPTIONS.—This subsection shall not
15 apply to—

16 “(A) a firearm to which a serial number
17 has been assigned pursuant to section 923 of
18 this title or chapter 53 of the Internal Revenue
19 Code of 1986; or

20 “(B) a licensed manufacturer.

21 “(d) ADMINISTRATIVE PROVISION.—The Attorney
22 General shall maintain, and make available on request, in-
23 formation on—

24 “(1) the number of serial numbers and identi-
25 fying marks issued under this section; and

1 “(2) the number of arrests for violations of this
2 section.”.

3 (b) PENALTIES.—Section 924(a) of such title is
4 amended—

5 (1) in paragraph (5), by adding at the end the
6 following: “For purposes of this paragraph, the
7 issuance of a serial number and identifying mark for
8 a firearm in violation of section 923A shall be con-
9 sidered a transfer of the firearm in violation of sec-
10 tion 922(t).”; and

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

12 “(8) Whoever knowingly violates section 923A(c)
13 shall be fined under this title, imprisoned not more than
14 6 months (or, if the firearm involved in the violation is
15 a handgun, 1 year), or both.”.

16 (c) CLERICAL AMENDMENT.—The table of sections
17 for chapter 44 of such title is amended by inserting after
18 the item relating to section 923 the following:

“923A. Serial number requirement for homemade firearms.”.

19 (d) EFFECTIVE DATE.—The amendments made by
20 this section shall take effect on January 1, 2016.

○