

111TH CONGRESS
2^D SESSION

H. R. 5667

To provide for the conduct of a study on the effectiveness of firearms micro-stamping technology and an evaluation of its effectiveness as a law enforcement tool.

IN THE HOUSE OF REPRESENTATIVES

JULY 1, 2010

Mr. BOREN (for himself, Mr. BROUN of Georgia, Mr. BISHOP of Utah, Mr. ROSS, Ms. HERSETH SANDLIN, Mr. ALTMIRE, Mr. MILLER of Florida, and Mr. BOOZMAN) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To provide for the conduct of a study on the effectiveness of firearms microstamping technology and an evaluation of its effectiveness as a law enforcement tool.

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 “Firearms Micro-
5 stamping Evaluation and Study Act of 2010”.

6 **SEC. 2. PURPOSES.**

7 The purposes of this Act are the following:

1 (1) To conduct a comprehensive study of fire-
2 arms microstamping technology that can be incor-
3 porated into a firearm during the manufacturing
4 process in order to determine whether the technology
5 is workable and could be a cost-effective law enforce-
6 ment tool for use in criminal investigations.

7 (2) To determine the cost to manufacturers,
8 firearm owners, and State governments of man-
9 dating the incorporation of microstamping tech-
10 nology into a firearm.

11 (3) To determine what happens to the reli-
12 ability of firearms microstamping if non-metallic ma-
13 terials are used to manufacture cartridge cases.

14 **SEC. 3. STUDY.**

15 (a) IN GENERAL.—Not later than 12 months after
16 the date of the enactment of this Act, the Attorney Gen-
17 eral shall enter into an arrangement with the National Re-
18 search Council of the National Academy of Sciences, which
19 shall have sole responsibility for conducting under the ar-
20 rangement a study to examine:

21 (1) The design parameters for an effective and
22 uniform system of microstamping firearms and car-
23 tridge cases and how this information will be stored
24 and retrieved.

1 (2) To determine the cost to taxpayers of incor-
2 porating microstamping technology into a firearm,
3 including the cost of any new or additional equip-
4 ment for law enforcement, and additional training
5 forensic crime laboratories would need in order to
6 read the presence of a microstamp on ballistic crime
7 scene evidence.

8 (3) To identify whether there are domestic or
9 international patents applicable to any technology
10 capable of being applied in the manufacturing of a
11 firearm, capable of placing a microscopic array of
12 characters that identify the make, model, and serial
13 number of the firearm, etched or otherwise im-
14 printed in two or more places on the interior surface
15 or internal working parts of a semiautomatic pistol
16 firearm are transferred by imprinting on each car-
17 tridge casing when the firearm is discharged.

18 (4) To determine whether the normal operation
19 of a firearm over time and repeated firing adversely
20 affects the quality, reproducibility, and legibility of
21 the firearms microstamping impressions on a car-
22 tridge case, whether metallic or non-metallic, fired in
23 a microstamped firearm.

24 (5) To determine if, utilizing a broad and di-
25 verse spectrum of pistols and handgun ammunition

1 (both imported and domestically produced) that is
2 commercially available for sale in the United States,
3 a casing will be imprinted with a legible microstamp.

4 (6) To determine the extra cost to manufacture
5 firearms incorporating firearms microstamping tech-
6 nology on a mass production basis using manufac-
7 turing techniques and equipment commonly in use in
8 the firearms industry.

9 (7) The most effective method for casing recov-
10 ery that can be used to collect fired cases for entry
11 into a microstamping reading system and the cost of
12 such recovery equipment.

13 (8) Which countries, if any, require the sale of
14 microstamped firearms and how effective micro-
15 stamping has been in investigating crimes committed
16 with microstamped firearms.

17 (9) How many revolvers, manually operated
18 handguns, semiautomatic handguns, manually oper-
19 ated rifles, and semiautomatic rifles are sold in the
20 United States each year, the percentage of crimes
21 committed with revolvers, other manually operated
22 handguns, and manually operated rifles as compared
23 with semiautomatic handguns and semiautomatic ri-
24 fles, and the percentage of cases where spent shell
25 casings are recovered at a crime scene.

1 (10) Determine if, when implemented, micro-
2 stamping would encourage a shift to the use of fire-
3 arms that do not automatically eject spent casings,
4 to neutralize microstamping identification.

5 (11) A comprehensive list of environmental and
6 nonenvironmental factors, including modifications to
7 a firearm with common tools and interchangeable
8 parts, that can remove or change the identifying
9 marks on a cartridge case so as to preclude a sci-
10 entifically reliable identification of a firearm that
11 has been microstamped, and whether these factors
12 would preclude the specimen from being admissible
13 as evidence in a court of law. This would also in-
14 clude leaving spent shell casings from another fire-
15 arm at a crime scene.

16 (12) The technical improvements in database
17 management that will be necessary to keep pace as
18 the number of microstamped firearms increases, and
19 the estimated cost of any improvements.

20 (13) Legal issues that need to be addressed at
21 the Federal and State levels to obtain the type of in-
22 formation that would be captured and stored as part
23 of a national microstamping identification program
24 and the sharing of the information between any

1 State firearm identification systems and the Federal
2 firearm identification system.

3 (14) What storage and retrieval procedures
4 guarantee the integrity of information concerning a
5 microstamped firearm for an indefinite period of
6 time and ensure proper chain of custody and admis-
7 sibility of microstamped evidence or images in a
8 court of law.

9 (15) The time, cost, and resources necessary to
10 enter microstamping information into a database
11 listing all new handguns sold in the United States
12 and those possessed lawfully by firearms owners.

13 (16) The time, cost, and resources necessary to
14 retrofit all firearms in the United States with micro-
15 stamped parts and the cost of entering that informa-
16 tion into a database.

17 (17) The impediments to mandating the retro-
18 fitting of firearms in private hands with micro-
19 stamping technology, and the potential cost to fire-
20 arm owners of doing so.

21 (18) The cost to Federal and State law enforce-
22 ment of retrofitting firearms in their possession with
23 microstamping technology.

1 (19) Whether the cost of firearms micro-
2 stamping technology outweighs the investigative ben-
3 efit to law enforcement.

4 (20) Whether State-based microstamping sys-
5 tems, or a combination of State and Federal micro-
6 stamping systems can be used to create a centralized
7 list of firearms owners.

8 (21) The cost-effectiveness of systems currently
9 in use by Federal and State law enforcement with
10 regard to the forensic identification of spent projec-
11 tiles, and whether an approach based on the Na-
12 tional Integrated Ballistic Information Network
13 (NIBIN) supported by the Bureau of Alcohol, To-
14 bacco, Firearms, and Explosives is superior to using
15 State-based microstamping initiatives.

16 **SEC. 4. CONSULTATION.**

17 In carrying out this Act, the National Research
18 Council of the National Academy of Sciences shall consult
19 with—

20 (1) Federal, State, and local officials with ex-
21 pertise in budgeting, administering, and using a bal-
22 listic imaging system, including the Bureau of Alco-
23 hol, Tobacco, Firearms, and Explosives, and the
24 Federal Bureau of Investigation;

1 (2) law enforcement officials who use ballistic
2 imaging systems;

3 (3) entities affected by the actual and proposed
4 uses of microstamping technology, including manu-
5 facturers, distributors, importers, and retailers of
6 firearms and ammunition, firearms purchasers and
7 owners and their organized representatives, the
8 Sporting Arms and Ammunition Manufacturers' In-
9 stitute, Inc., the National Shooting Sports Founda-
10 tion, Inc., and National Rifle Association; and

11 (4) experts in ballistics imaging, micro-
12 stamping, and related fields, such as the Association
13 of Firearm and Tool Mark Examiners, projectile re-
14 covery system manufacturers, and universities that
15 have conducted studies on microstamping including
16 the University of California at Davis.

17 **SEC. 5. REPORT.**

18 Not later than 30 days after the National Research
19 Council of the National Academy of Sciences completes
20 the study conducted under section 3, the National Re-
21 search Council shall submit to the Attorney General a re-
22 port on the results of the study, and the Attorney General
23 shall submit to the Congress a report, which shall be made
24 public, that contains the results of the study.

1 **SEC. 6. SUSPENSION OF USE OF FEDERAL FUNDS FOR**
2 **MICROSTAMPING TECHNOLOGY.**

3 (a) **IN GENERAL.**—Notwithstanding any other provi-
4 sion of law, a State shall not use Federal funds for micro-
5 stamping technology until the report referred to in section
6 5 is completed and transmitted to the Congress.

7 (b) **WAIVER AUTHORITY.**—On request of a State, the
8 Attorney General may waive the application of subsection
9 (a) to a use of Federal funds upon a showing that the
10 use would be in the national interest.

11 **SEC. 7. DEFINITIONS.**

12 In this Act:

13 (1) The term “microstamping technology”
14 means the process or technology of etching, engrav-
15 ing or otherwise imprinting on the interior surface
16 or internal working parts of a firearm in a micro-
17 scopic array of alpha numeric characters, bar, gear,
18 or other code or symbol, that identifies the make,
19 model, and serial number of the firearm or other
20 unique distinguishing identification mark, code, or
21 number associated with the firearm, that is intended
22 to be transferred by imprinting or embossing on to
23 the primer or other part of a cartridge case from a
24 cartridge discharged in that firearm.

1 (2) The term “handgun” has the meaning given
2 the term in section 921(a)(29) of title 18, United
3 States Code.

4 (3) The term “rifle” has the meaning given the
5 term in section 921(a)(7) of title 18, United States
6 Code.

7 (4) The term “cartridge case” means the main
8 body of a single round of ammunition into which
9 other components are inserted to form a cartridge.

10 (5) The terms “manually operated handgun”
11 and “manually operated rifle” mean any handgun or
12 rifle, as the case may be, in which all loading, un-
13 loading, and reloading of the firing chamber is ac-
14 complished through manipulation by the user.

15 (6) The term “semiautomatic handgun” means
16 any repeating handgun which utilizes a portion of
17 the energy of a firing cartridge to extract the fired
18 cartridge case and chamber the next round, which
19 requires a separate pull of the trigger to fire each
20 cartridge.

21 (7) The term “semiautomatic rifle” has the
22 meaning given the term in section 921(a)(28) of title
23 18, United States Code.

1 (8) The term “projectile” means that part of
2 ammunition that is, by means of an explosive, ex-
3 pelled through the barrel of a firearm.

4 (9) The term “revolver” means a firearm with
5 a cylinder having several chambers so arranged as to
6 rotate around an axis and be discharged successively
7 by the same firing mechanism through a common
8 barrel.

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