

AMENDMENT TO H.R. 8
OFFERED BY MR. BROOKS OF ALABAMA

At the end of the bill, add the following:

1 **SEC. __. INTERSTATE TRANSPORTATION OF FIREARMS OR**
2 **AMMUNITION.**

3 (a) IN GENERAL.—Section 926A of title 18, United
4 States Code, is amended to read as follows:

5 **“§ 926A. Interstate transportation of firearms or am-**
6 **munication**

7 “(a) Notwithstanding any provision of any law, rule,
8 or regulation of a State or any political subdivision there-
9 of:

10 “(1) A person who is not prohibited by this
11 chapter from possessing, transporting, shipping, or
12 receiving a firearm or ammunition shall be entitled
13 to transport a firearm for any lawful purpose from
14 any place where the person may lawfully possess,
15 carry, or transport the firearm to any other such
16 place if, during the transportation, the firearm is
17 unloaded, and—

18 “(A) if the transportation is by motor vehi-
19 cle, the firearm is not directly accessible from
20 the passenger compartment of the vehicle, and,

1 if the vehicle is without a compartment separate
2 from the passenger compartment, the firearm is
3 in a locked container other than the glove com-
4 partment or console, or is secured by a secure
5 gun storage or safety device; or

6 “(B) if the transportation is by other
7 means, the firearm is in a locked container or
8 secured by a secure gun storage or safety de-
9 vice.

10 “(2) A person who is not prohibited by this
11 chapter from possessing, transporting, shipping, or
12 receiving a firearm or ammunition shall be entitled
13 to transport ammunition, or any detachable maga-
14 zine or feeding device for ammunition, for any lawful
15 purpose from any place where the person may law-
16 fully possess, carry, or transport the ammunition,
17 magazine, or feeding device to any other such place
18 if, during the transportation, the ammunition, maga-
19 zine, or feeding device is not loaded into a firearm,
20 and—

21 “(A) if the transportation is by motor vehi-
22 cle, the ammunition, magazine, or feeding de-
23 vice is not directly accessible from the pas-
24 senger compartment of the vehicle, and, if the
25 vehicle is without a compartment separate from

1 the passenger compartment, the ammunition,
2 magazine, or feeding device is in a locked con-
3 tainer other than the glove compartment or
4 console; or

5 “(B) if the transportation is by other
6 means, the ammunition, magazine, or feeding
7 device is in a locked container.

8 “(b) In subsection (a), the term ‘transport’ includes
9 staying in temporary lodging, stopping for food, fuel, vehi-
10 cle maintenance, an emergency, medical treatment, or any
11 other activity incidental to the transport.

12 “(c)(1) A person who is transporting a firearm, am-
13 munition, magazine, or feeding device may not be arrested
14 or otherwise detained for violation of any law or any rule
15 or regulation of a State or any political subdivision thereof
16 related to the possession, transportation, or carrying of
17 firearms, ammunition, magazine, or feeding device un-
18 less—

19 “(A) there is probable cause to believe that the
20 person is doing so in a manner not provided for in
21 subsection (a); and

22 “(B) there is probable cause to believe that the
23 person has committed a crime other than the viola-
24 tion.

1 “(2) When a person asserts this section as a defense
2 in a criminal proceeding, the prosecution shall bear the
3 burden of proving, beyond a reasonable doubt, that the
4 conduct of the person did not satisfy the conditions set
5 forth in subsection (a).

6 “(3) When a person successfully asserts this section
7 as a defense in a criminal proceeding, the court shall
8 award the prevailing defendant a reasonable attorney’s
9 fee.

10 “(d)(1) A person who is deprived of any right, privi-
11 lege, or immunity secured by this section, section 926B
12 or 926C, under color of any statute, ordinance, regulation,
13 custom, or usage of any State or any political subdivision
14 thereof, may bring an action in any appropriate court
15 against any other person, including a State or political
16 subdivision thereof, who causes the person to be subject
17 to the deprivation, for damages and other appropriate re-
18 lief.

19 “(2) The court shall award a plaintiff prevailing in
20 an action brought under paragraph (1) damages and such
21 other relief as the court deems appropriate, including a
22 reasonable attorney’s fee.”.

23 (b) CLERICAL AMENDMENT.—The table of sections
24 for chapter 44 of title 18, United States Code, is amended

- 1 by striking the item relating to section 926A and inserting
- 2 the following:

“926A. Interstate transportation of firearms or ammunition.”

